

WAR IN SOUTH SUDAN: THE CIVILIAN TOLL **Africa Watch Condemns Abuses by All Sides** **in the Conflict in South Sudan**

Africa Watch conducted field research in south Sudan in June and July 1993 to gather information about rules of war violations in the conflict. The following is a preliminary report of findings and recommendations to the United Nations, the United States, the international community and all sides to the conflict for ending abuses.

The 10-year-old conflict in south Sudan continues to bring famine, pestilence and death to southerners. The US Committee for Refugees estimates that 1.3 million southerners have died as a direct or indirect result of this war. This suffering is caused by gross abuses of human rights by all parties to the conflict, the government and its Sudan Popular Armed Forces (SPAF) and the two factions of the rebel Sudan People's Liberation Army (SPLA), the SPLA-Torit faction commanded by John Garang and the 1991 breakaway SPLA-Nasir/United faction led by Riak Machar.

The government is in the control of General and President Omer al Bashir and the National Islamic Front (NIF), a militant Islamic political party which in the 1986 elections won less than 20 percent of the vote and came to power only after a military coup in 1989. Its radical agenda is to impose Shari'a law and turn Sudan into an Islamic state. Sudan's 30 million citizens would be ranked according to religion, sect, political affiliation and sex, and granted or deprived rights accordingly.

This discriminatory agenda completely fails to respect the diversity of over 600 ethnic groups. None is in the majority although those calling themselves Sudanese Arabs are over 40 percent, Dinka 11 percent, and Nuba eight percent. Only 73 percent of the population is Sunni Muslim (mostly followers of Sufi sects) followed by traditional African religions (16 percent) and Christians (9 percent). Ethnic, regional and religious differences have all contributed to the civil wars of 1956-72 and 1983 to the present in the south.

The war-related abuses in the rebel south include scorched earth practices: indiscriminate attacks on the civilian population, looting of cattle and food, and burning of villages. All parties are guilty. The ferocity of the attacks on civilians has been heightened since 1991 by tribal revenge-taking between the Dinka aligned with SPLA-Torit and their traditional Nilotic cousins and rivals, the Nuer, aligned with SPLA-Nasir/United.

South Sudan had, at best, only a subsistence economy intermittently disrupted by floods, droughts and disease. The precarious balance with the environment in which its people lived has been upset by war. Civilians have difficulty planting and harvesting because they have been, more than once, displaced by the conflict. Fighting also impedes their search for work or food, and seasonal migration with their cattle. Armies have engaged in burning villages and widespread looting of cattle, thus depriving civilians of another means of coping with grain shortages and rendering them vulnerable to disease and death.

Pockets of famine have resulted. In three southern areas of food shortages surveyed by the Center for Disease Control in March 1993 (including a displaced persons camp then receiving relief food), half the deaths in the preceding 12 months were attributed to starvation, with diarrhoeal disease the second most frequent cause of death. The team found that 40-44 percent of the children surveyed were "critically undernourished" and the rates of severe under-nutrition were "among the highest ever documented," including in Somalia.

While emergency imported food is never the only answer to such a situation, it is an important input at this time. The UN estimates that approximately 800,000 people are in need of international food relief while another 700,000 need such non-food assistance as seeds, farming tools, fishing implements, and mosquito nets.

Such implements, lost or destroyed in the war, are needed to restore self-sufficiency and reduce dependency on expensive imported food. Not only personal tools but most infrastructure, electricity and communications have been destroyed. The few roads are impassible during the rainy season, sprinkled with landmines and targets for ambush at all times. Commerce has been reduced to barter in most areas. The rebel-controlled countryside and the government-controlled towns do not trade with each other; the government towns are besieged garrisons surviving on relief food, captive markets for army profiteering.

Included in the food dependent are some 250,000 residents of Juba, under SPLA-Torit siege for years. SPLA-Torit has indiscriminately shelled the government-held town, which continues to be ringed by landmines by both sides, making escape from the government's iron-fisted repression of civil society and non-Muslims almost impossible.

Indiscriminate government aerial bombardment has produced tens if not hundreds of thousands of displaced persons and refugees. Earlier in 1993, the government bombed the towns of Kayo Keiji, Mundri, Lotukei and Chikudum, causing numerous civilian victims. But the most damage was done in August 1993 by indiscriminate government bombing which preceded a major military offensive from the garrison town of Yei in Western Equatoria. This generated over 100,000 new Equatorian refugees; tens of thousands of already-displaced Dinkas fled further north into Sudan.

Before the August 1993 government offensive, Western Equatoria had regained a semblance of economic normalcy and crops had been planted. Now the economy is disrupted and the towns of Kaya and Yondu deserted and looted. Relief officials predict that several hundred thousand more are at risk of starvation.

The conflict also spelled the deterioration of already inadequate health services and the spread of disease. People displaced by war and village burning in Upper Nile have spread kala azar, a highly infectious disease that is now an epidemic. Periodic military incursions frighten civilians into hiding in swampy areas where, lacking mosquito netting and medicine, they die from malaria, a leading cause of death; some three million cases of malaria are expected throughout Sudan in 1993. Many wells have been deliberately destroyed by all sides during the war; thus in 1991 only 10 percent of the southern population in SPLA areas had access to clean water, and 40 percent of all deaths under age five are caused by diarrhoeal disease.

The devastating impact of the prolonged war is illustrated by the decline in population for the three southern provinces from 5.2 million in the 1983 census to a UN estimate of 3.5 million in 1993. In addition to the 1.3 million people that have died in 10 years of war, there is a current southern Sudanese refugee population of 200,000 in Uganda, 135,000 in Zaire, 42,000 in Ethiopia, and 26,000 in Kenya. There are 600,000 war- and famine-displaced southerners living in the transition zone (between north and south) and perhaps one million in the greater Khartoum area.

The damage done by the war is not limited to life and health and displacement. In rebel-controlled areas, there are few functioning schools and a whole generation is destined for illiteracy. In government-held southern towns, schooling has a strong cast of Islamization and Arabization, although the southerners are Africans practicing traditional or Christian religions. Student strikes in Juba in protest of forced Arabization and Islamization have brought severe

repression to Juba teenagers, many of whom have been tortured by the government.

Despite the shocking need for all kinds of assistance to the civilian population, the government callously has obstructed relief efforts at every turn, as part of its strategy of punishing civilians living in rebel areas and strangling rebel forces. It permitted the UN's relief effort, Operation Lifeline Sudan (OLS), to reach only six locations in south Sudan in 1992. In December 1992, however, the government agreed to facilitate delivery of humanitarian relief. This change was due to international pressure and to the government's fear of invasion, triggered by the sudden appearance of nearly 30,000 US troops under the UN flag to protect delivery of humanitarian assistance in nearby Somalia that month. OLS then was permitted to expand its deliveries to 40 locations in south Sudan in 1993, but constant struggle is required to maintain the assistance. In mid-1993 the government refused entry to the Special Envoy for Humanitarian Affairs for the Sudan appointed by the UN Secretary General, and only relented under pressure.

Disgracefully, the rebel armies also have contributed to food shortages. They seek to live off the famine-stricken civilian population, admittedly taking "taxes" in the form of food, including relief food.

Relief efforts have been complicated by killings of relief workers. In July 1992 two Sudanese US AID relief workers in Juba were killed by the government and two others disappeared. (The Sudan government has admitted executing one of the dead as a "spy.") The disappeared almost certainly died at government hands. In September 1992, a UN driver and a Norwegian journalist were killed and a Filipino woman UN relief worker and Burmese UN doctor were captured when they passed the site of an SPLA-Torit ambush of a defecting SPLA commander. The captured were shot in the head two days later while in unacknowledged SPLA-Torit custody. In March 1993, a French UN World Food Program monitor caught in Kongor during a SPLA-Torit attack was brutalized by the attackers, shot at eight times and left for dead.

A cease-fire designed to facilitate delivery of relief was brokered between the SPLA factions on May 28 by the US Ambassador to Sudan, Donald Petterson. The factions agreed to a military pull-out from the "Hunger Triangle," a pocket of famine created by faction fighting along the territorial divide between Nuer and Dinka in swampy Upper Nile, including the towns of Ayod, Waat, Yuai, and Kongor. The cease-fire was broken a few weeks later. Although it is not clear which side struck first, both factions advanced on the territory of the other, killing civilians and burning villages.

Some 5,000 severely malnourished children are served by feeding centers in eight southern areas. They are at highest risk from military attacks. In 1993 many civilians died not only from bullets and pangas (spears) but also as a result of the looting of relief supplies and the burning of feeding centers or the disruption for days or weeks of their feeding programs, as occurred in Ayod, Yuai, and Kongor.

Finally, in the Nuba Mountains in South Kordofan, the "transition zone" north of the three southern provinces, the government army adopted a counterinsurgency campaign that is tantamount to ethnic cleansing: forced relocation of villagers and burning of their villages, forcible conscription, and killing of resisters. The relocated were sent outside of the Nuba Mountains, although some were returned to work on "peace villages" serving as labor pools for large agricultural estates. The estates often are on land formerly owned by the displaced and recently acquired by government supporters. Much of the Nuba civic urban leadership was eliminated through arrest and disappearance.

This counterinsurgency strategy was adopted after the SPLA-Torit opened a new front in the Nuba Mountains in 1987 with the local population, non-Arab tribesmen of Muslim, Christian and animist faiths. The government responded by arming tribal militias and incorporating them into government Popular Defense Forces which raid the Nuba population with impunity. Finally, consistent with its cleansing operation, the government has barred international nongovernment relief agencies from assisting the needy war-afflicted population.

I. Sudan Government Abuses

Among the most glaring war-related abuses committed by the government was the summary execution and

disappearance of several hundred civilians, government soldiers and others as the government regained control of Juba following SPLA attacks in mid-1992.

A. Civil and Political Rights

Internal repression in the north is efficient. The capital of the country, Khartoum, still lives under a nightly curfew, imposed under the state of emergency on the first day of the 1989 military coup that overthrew the elected government.

General and President Omer al Bashir and the National Islamic Front (NIF) continue to consolidate their power. The government carried out a campaign against Islamic groups other than the NIF in mid-1993, seizing several traditional Islamic holy centers. The two largest political parties in pre-coup Sudan had roots in the traditional Islamic sects of Al-Khatmiya and Ansar. The government confiscated an important Khartoum mosque belonging to Al-Khatmiya in May, 1993. That same month, police troops in Omdurman took control of the most important Ansar shrine and religious site in the country, the tomb of Mohammed Ahmed Al-mahdi, who led the revolt against Turco-Egyptian colonial rule in the 1880s.

All institutions, from the army to the courts to the schools, have been steadily purged of independent civil servants and staffed by NIF party loyalists, and all forms of civil liberties have been suppressed. Political parties are banned, religious intolerance is the order of the day, and arbitrary arrests and torture prevail. More than 20 alleged coup plotters were detained. Some were paraded on television in chains and bore marks of torture. Although the government announced the accused will be fairly tried, no trial has yet taken place.

Typical of the government campaign to close down civil society was the destruction of the independence of the legal profession; attorneys had turned to the courts to respond to human rights abuses. The Sudan Bar Association was banned on June 30, 1989 and replaced in September 1989 by a government-appointed "Steering Committee" for the Bar Association. This committee defended the government's abuses. A presidential decree of January 1993, amending the Advocate's Act of 1983, abolished the chapter used to organize the bar association, so that the bar association fell under the jurisdiction of the general law of trade unions (1992 Trade Unions Act). The legal profession thus fell under the supervision, for the first time in Sudan's history, of a nonjudicial government official, the Registrar of Trade Unions. This formally destroyed the independence of the legal profession.

Government supporters then created the General Union of Sudanese Lawyers (GUSL) to serve as a new Bar Association. They approached the Registrar of Trade Unions to call an election of officers for their organization. Obliging them and guaranteeing their electoral victory, the Registrar called an election among attorneys on one day's notice.

The government continued to subject southern displaced persons who fled north to Khartoum and other cities to discrimination and harassment. About 150,000 displaced remain outside Khartoum proper in unsuitable sites called "peace camps," far from any job possibilities; their possessions were destroyed when some 700,000 squatters as well as displaced were forcibly relocated from Khartoum starting in early 1992. Relief and development assistance by international non-governmental organizations has been obstructed by the government, while access is wide open to Islamic nongovernmental organizations which use relief to proselytize.

B. Human Rights Monitors

The Sudan Human Rights Organization (SHRO) is banned in Sudan. The government's human rights organization, of the same name, serves solely to defend the government from criticism of its human rights record. The original SHRO was relaunched in the United Kingdom in January 1992. It is now active abroad in the UK, Egypt, Holland, former Czechoslovakia, Hungary, Canada, Sweden and the U.S.

An Africa Watch representative was granted a visa to conduct a human rights fact-finding mission in Sudan in mid-June 1993. At the last minute, the government postponed the visit until mid-July. In July, also at the last minute, the

government reneged on that invitation. It has since abstained from contact with Africa Watch while maintaining a public posture of "openness" to foreign human rights visitors and others. The government also failed to answer an April 1993 letter from Africa Watch regarding human rights.

II. SPLA-Torit

A. Indiscriminate Attacks

Equatorians turned increasingly against SPLA-Torit after it burned to the ground the seven villages of Lafon in Eastern Equatoria in early 1993. Scores of Pari tribesmen were killed and thousands displaced in retaliation for Lafon's alleged siding with Commander William Nyuon, who defected from SPLA-Torit in late 1992 and retreated through Lafon to join forces with the Nasir faction.

On March 27, SPLA-Nasir convened a meeting in Kongor to unite all SPLA dissidents. That meeting was attacked by SPLA-Torit. Among the dead was a prominent Equatorian political leader, Joseph Oduho, only released from long-term detention by SPLA-Torit the year before. Amnesty International documented the killing of several civilians in the attack, deliberately burned to death in a hut.

The SPLA-Torit forces then swept north into Ayod and Yuai in Upper Nile in April, burning those two Nuer population centers to the ground, looting cattle, and causing many civilian casualties.

Three Didinga villages in eastern Equatoria were burned by SPLA-Torit troops based in Chikudum and Lotukei for allegedly siding with the other faction. Several Didinga men were summarily executed after capture by SPLA-Torit. Hundreds of fearful villagers fled to Kenya.

B. Long-term Political Prisoners

Many higher-ranking SPLA officers have been arrested since the mid-1980s by the SPLA for alleged plotting against Commander-in-Chief John Garang. They have never been tried but have been held in harsh jail conditions first in Ethiopia then Sudan, and tortured, denied food and medical treatment. Many were released after late 1991 negotiations between the factions but some of the highest-ranking were still held; five of them escaped from their confinement in 1992.

Other lower-ranking prisoners suspected of spying have been held without trial and tortured. There are also credible reports of summary executions and executions after court martial.

C. Food Manipulation

The SPLA has a long history, according to civilians, of confiscating food from civilians. Many support the SPLA voluntarily. Where there are tribal differences between the SPLA troops and the residents of an area, however, residents have complained of the SPLA-Torit behaving like occupying troops and taking food by coercion, without paying.

D. Unaccompanied Minors

The SPLA-Torit has warehoused tens of thousands of male minors in segregated living conditions in Ethiopian refugee camps, then in Sudan, since the mid-1980s. Some boys are orphans but many were persuaded to leave their families by the SPLA with the promise of an education. They were given military training and on occasion they were incorporated into the SPLA as combatants. In 1991 they fought, under SPLA command, on the side of their Ethiopian government allies against Ethiopian rebels inside Ethiopia. When they lost and fled to Sudan these and other unaccompanied minors were still not reunited with their families. Some 10,000 fled to Kenya as refugees. Several thousand boys are in non-functioning schools run by the relief wing of SPLA-Torit in south Sudan, having lost all contact with their families, the flotsam and jetsam of war.

SPLA-Torit gave no response to a April 1993 Africa Watch letter on human rights, but placed no obstacles to the free movement of Africa Watch in the south.

III. SPLA-Nasir/United

A. Indiscriminate Attacks

Although the Nasir faction cited human rights abuses by John Garang as an important reason for breaking with him in August 1991, their conduct belied their commitment to human rights. The first military campaign that faction undertook in September-November 1991, against Dinka towns of Kongor and Bor, resulted in thousands of dead civilians and hundreds of thousands of cattle looted. The Nasir faction has never properly investigated nor punished anyone for these massacres, and the spiral of retaliatory violence continues.

In late 1992 the Nasir faction occupied Kongor, a Dinka town in Upper Nile. Dinka civilians later complained of mistreatment, including beatings, summary executions and theft of relief food, by the occupying Nasir forces.

SPLA-Nasir/United was driven out of Kongor in March 1993 and in late July, it again attacked Kongor. This was the sixth time the town had been attacked by the factions in the last two years. The Dinka population fled and, as of August 1993, had not returned.

B. Prisoners

SPLA-Nasir/United said in July 1993 that it held only four prisoners in an inaccessible location. But one man, a prisoner in 1992, told Africa Watch he was held with 40 other non-Nuers in a thorn-enclosed open space, "like cattle," and tortured.

C. Food Manipulation

SPLA-Nasir/United has manipulated relief food for military purposes. Recognizing that relief agencies will attempt to deliver food to the starving, and that the hungry will walk for days to reach a food source, the faction summoned desperate civilians to Yuai (south of Waat and north of Kongor, in the "Hunger Triangle") in early 1993, creating a town of several thousand where shortly before less than 100 had lived. Relief food followed, from which the rebel army's new forward Yuai base, close to the Dinka/Nuer front line, could be illegally provisioned. Yuai was twice attacked and burned down by the SPLA-Torit faction, and scores of civilians were killed in those attacks in the three months before Yuai was abandoned by the civilians.

D. Unaccompanied Minors

Some 1,500 "unaccompanied minors" remaining in Nasir were in the process of family reunification sponsored by UNICEF when SPLA-Nasir/United put a stop to the program, on the pretext that there were no schools in the areas where the families lived and there was a school up through sixth grade in Nasir. The faction later maintained that it vetoed family reunification to pressure UNICEF to reopen schools in rebel-controlled areas. This illustrates again the inability of the guerrilla armies to provide basic government services to civilians under their jurisdiction.

The international community's ability to run a school system in such a vast area is questionable. Even if such a project were affordable, holding voluntary family reunification hostage to achieve it is an inappropriate tactic. The very parties whose war has destroyed the school system have no standing to complain about the lack of schools.

IV. UN Role

The UN is playing a unique role in south Sudan: it has a large cross-border relief operation to assist the internally

displaced and war victims. Because of the fighting and insecure conditions in some areas, and because of poor or nonexistent roads, much of the relief must be airlifted, at great expense. The Sudan relief effort nevertheless has been more successful than the one in nearby Somalia.

However, the Sudan relief operation has no protection or human rights monitoring component attached to it, despite the massive human rights and humanitarian abuses that have been the root cause of civilian suffering, food shortages, and death.

After a December 1992 General Assembly resolution condemning human rights abuses by the government of Sudan, on March 10, 1993 the UN Commission on Human Rights appointed a Special Rapporteur to investigate human rights in Sudan. This upgraded the status of Gaspar Biro, the UN Independent Expert on human rights, appointed by the Commission in early 1992. In his capacity as Special Rapporteur he is mandated to make a public report to the General Assembly and the Commission.

The needs of Sudan for constant human rights protection are so great, however, that a Special Rapporteur alone in twice yearly visits can never meet them. The crisis requires a large team of UN human rights monitors stationed throughout Sudan, especially in the south and the Nuba Mountains, to promptly document and denounce violations of human rights and humanitarian law and persuade the parties to abandon their abusive practices.

V. Recommendations

A. United Nations

Africa Watch recommends that the UN Security Council

- institute an arms embargo on the warring parties in Sudan, with special attention to bombs and airplanes used to deliver them**
- authorize a contingent of full-time UN human rights monitors based in south Sudan and the Nuba Mountains to observe, investigate, bring to the attention of the responsible authorities, and make public violations of humanitarian and human rights laws.**

B. United States and Other Concerned Countries

Africa Watch recommends that the US and other concerned countries

- keep up their pressure on the Sudan government to respect human rights and humanitarian law**
- support an arms embargo**
- support the creation of a full-time UN human rights team based in the country**
- pressure the SPLA factions to improve their human rights performance by 1) instituting legal due process, 2) abolishing political detention, torture and summary executions, 3) halting indiscriminate attacks on civilians under enemy jurisdiction, and 4) ceasing to take food from civilians without paying for it.**

Until the human rights performance of the SPLA factions is improved, there should be no consideration given to any assistance to the SPLA factions by any government.

C. Nongovernmental Organizations

Non-governmental organizations play a vital role in the delivery of food and non-food relief to the needy in south Sudan. They, too, should use their influence to pressure the parties to conform their conduct to international standards of humanitarian law and human rights. In particular, they should not accept government obstructionism nor the SPLA factions' schemes of "taxation" of the famine-stricken.

D. Sudan Government

Africa Watch calls on the Sudan government to

- respect international humanitarian and human rights law, particularly the prohibitions on targeting civilians, indiscriminate bombardment, and destruction or looting of civilian property**
- cease using aerial bombardment in south Sudan except where the bombs can be precisely aimed at military objectives**
- abolish political detention, torture and summary executions**
- grant access to the Nuba Mountains and the south for human rights monitors and relief workers**
- disarm and disband tribal militias and Popular Defense Forces created from them**

E. SPLA-Torit and SPLA-Nasir/United

Africa Watch calls on SPLA-Torit and SPLA-Nasir/United to

- respect international humanitarian and human rights law, particularly the prohibitions on targeting civilians, indiscriminate attacks on civilians, and destruction or looting of civilian property**
- institute legal due process**
- abolish political detention, torture and summary executions**
- pay for food taken from civilians for use by military personnel**
- facilitate voluntary family reunification.**

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