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HUMAN RIGHTS DEVELOPMENTS

The Sudan government and the rebel Sudan People's Liberation Movement/Army (SPLM/A) made great strides in 2002, on paper, toward respect for human rights and settlement of the nineteen-year civil war. The war, however, heated up as the parties fought over oilfields and key garrisons; it was not brought to a halt until the parties agreed on October 15 to a standstill during peace negotiations. On October 30, Talisman Energy Inc., the Canadian oil company leading the development of the only concession producing oil for export in Sudan, announced that it would sell off its Sudan assets, thus bringing to a successful close a major campaign against the company by nongovernmental organizations in Canada, the United States (U.S.), and Europe.



The first agreements between the warring parties took place between January and March—these were four agreements proposed by U.S. Special Presidential Envoy for Peace in Sudan John Danforth. On July 20 the parties signed initial peace protocols in Machakos, Kenya, agreeing to a referendum in which the south would be able to choose between unity or independence, following a six-month pre-interim and six-year interim period after the signing of a final peace agreement.

The four Danforth agreements were: (1) an internationally monitored cease-fire in the Nuba Mountains for humanitarian access purposes; (2) "zones of tranquility" for polio, rinderpest, and guinea worm health programs; (3) an international commission to investigate slavery; and (4) an internationally monitored end to attacks on civilians and civilian objects.

The Nuba Mountains agreement, concluded first and signed in Switzerland on January 19, resulted in a six-month cease-fire in the Nuba Mountains, extended in July, allowing food drops to neglected areas and permitting free access by civilians to all areas of the Nuba Mountains—access that, however, the government did not provide. This and other human rights aspects of the cease-fire agreement did not receive sufficient attention from the Joint Verification Mission, composed under the agreement of military personnel seconded by various European countries and the U.S. under Norwegian leadership—and chronically understaffed and underfunded.

The government army strikingly lacked captured combatants, leading to a conclusion it had a forbidden "take no prisoners" order. The government continued to deny access by the International Committee of the Red Cross (ICRC) to anyone detained in connection with the conflict, despite an explicit provision in the Nuba Mountains agreement for ICRC access to those persons.

More positively, a series of new mine action projects were initiated in the Nuba Mountains, with a number of assessments on both sides. The U.S. deployed part of its quick reaction demining force to conduct an assessment on both sides. Operation Save Innocent Lives, a southern Sudanese NGO, cleared a total of 526 kilometers of road and 263,093 square meters of land between April 2001 and March 2002. Both the government and the SPLM/A renewed pledges not to use antipersonnel mines anywhere in Sudan, although there were still

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unconfirmed allegations of use by both sides. Evidence that landmines were used by the Sudanese government emerged with the death on June 11 of six agricultural aid workers in a project on the SPLM/A side of the Nuba Mountains, close to government lines. The SPLA apparently mined a road in the oilfields of Sudan north of Ler, Western Upper Nile/Unity State, in September, killing four or five road construction workers in a military convoy.

The Danforth-proposed slavery commission, composed of eminent international persons and field workers, conducted its research and wrote a well-received report on slavery and abductions in Sudan issued in May, with many recommendations. Most had yet to be realized as of this writing. Negotiations on zones of tranquility were more difficult than envisioned, and enforcement consumed much diplomatic time.

The Sudan government originally balked at the fourth Danforth agreement, for no targeted attacks on civilians. On February 20 its helicopter gunships attacked Bieh, a food distribution site in Western Upper Nile/Unity State oilfield region, and killed twenty-four civilians, injuring many more. The attack was witnessed by United Nations (U.N.) food monitors, and condemned worldwide. The Sudan government later apologized for the "accident," and in March it and the SPLM/A signed the agreement not to attack civilians or civilian objects.

In June-July, the U.S., United Kingdom, and Norway took a role as lead mediators at the Intergovernmental Authority on Development (IGAD, a regional organization comprising Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda) peace talks between the Sudanese government and the SPLM/A, hosted and led by the Kenyan government. The protocol signed at Machakos on July 20 referred in the preamble to human rights and the parties' desire to establish a "framework for governance through which human rights would be guaranteed," and stated their desire to find "a comprehensive solution that respected the fundamental human and political rights of all Sudanese peoples, including agreement to establish a democratic system of governance."

Meanwhile, the government of Sudan built several arms plants to become self-sufficient in weapons and ammunition. In August 2002 Russia confirmed the export to Sudan in 2001 of twenty-two armored combat vehicles and twelve attack helicopters. Under a defense cooperation agreement with Russia, first discussed in December 2001, Sudan negotiated to buy some twelve MiG-29 fighter planes said to be worth U.S.\$120 million. The contract was to be finalized in May 2002, according to media reports citing Russian defense industry sources. In September 2002, the U.S. government imposed sanctions on three state-owned Russian companies (though not the Russian government) for arms supplies to Sudan, which was still on the U.S. list of countries it considered sponsors of terrorism. A Bulgarian company lost its arms trading license in May 2002 pending a criminal investigation into alleged illegal arms transfers (reportedly dismantled tanks) to the Sudanese government. The company maintained its innocence, saying it was making final deliveries under a mid-1990s contract to help build an arms factory. Bulgarian officials acknowledged such a contract had been approved, but said new shipments to Sudan had not been authorized.

In December 2001, the National Assembly, dominated by the ruling (Islamist) National Congress (N.C.), approved the extension for another year of the state of emergency in effect since December 1999. It amended the constitution in May 2002, granting President Omar El Bashir greater executive powers and allowing for his indefinite rule, and additional powers to the security forces and police.

Repression of opposition political activity remained the norm. The opposition Popular National Congress (PNC)—founded by President Bashir's erstwhile Islamist ally, Dr. Hassan Turabi—suffered a series of arrests and rearrests; by September some 150 activists throughout the country were in detention. Dr. Turabi continued in prolonged arbitrary detention, mandated by presidential decree, contrary to a court decision in October 2000 ordering his release. One wing of the Umma Party joined the government in 2002, but the main faction under Sadiq al Mahdi remained outside the government and its followers continued to suffer arrests; in late May security forces arrested at least twenty-five student Umma members for attempting to form a students' union.

Moderate students' protests at mass arrests and security and police attacks against them during October demonstrations led to Islamist student militia attacks against them, injuring many, and subsequent torture after the hospitalized were taken to security detention. Five of the University of Khartoum's twelve faculties remained closed as of this writing.

The press was faced with intermittent increased repression: journalists and editors were detained and questioned about the publications' content; newspapers were fined heavily; and editions of many papers were confiscated because of articles the censors did not like, although all papers were subjected to prior censorship. While outside support arrived for the English-language Khartoum Monitor, there was less support for equally harassed

colleagues in the Arabic-language press. Al Ayam was punished by one day's closure for an article discussing the health hazards of female genital cutting, although official government policy opposes the practice.

Another instrument of repression were "emergency tribunals" established under the 1998 State of Emergency Act. These courts, composed of one civilian and two military judges, handed down stringent sentences summarily, without any respect for the right to a fair trial. By July 1, 2002, at least nineteen people had been executed in the Darfur region after sentencing by these tribunals. The emergency tribunals summarily sentenced eighty-eight people to death in Darfur, allegedly in response to lethal raids by the Riziegat Baggara ethnic group on the smaller Ma'alia tribe.

Other courts also imposed draconian penalties without fair trial, as in the Darfur region where six men were sentenced to amputations and cross amputations (one hand and the opposite foot amputated) for crimes such as robbery and the unlicensed possession of weapons in December 2001. In that month, a court in Southern Darfur sentenced an eighteen-year-old Dinka woman to death by stoning under *shari'a* (Islamic law) for the crime of adultery; she did not have legal representation or an interpreter. After international protest the sentence was overturned on appeal, but the trial court imposed forty lashes, administered on the spot, without counsel or right of appeal.

The war continued to lead to pervasive human rights abuses. The Sudanese government continued to displace and kill civilian populations, the most active theatre of war being the oilfield areas of Western Upper Nile/Unity State. There, the government brought in Islamist militia and Arab Baggara militia troops (*muraheleen*) to supplement its regular troops in attacking the civilian population and occasionally the rebels.

In early 2002 the pro-government Nuer (southern) militia of Gen. Paulino Matiep joined forces with the *muraheleen* and conducted scorched earth campaigns to drive tens of thousands of Nuer residents from their homes. The horsebacked *muraheleen* crossed rivers to Nuer areas (inaccessible before the oil companies built bridges). Women and children in Western Upper Nile/Unity State were abducted and raped by the *muraheleen*, this Nuer militia, and government army forces in early 2002; it was feared that the *muraheleen* enslaved those abducted. The World Food Program (WFP) and Operation Lifeline Sudan in March 2002 conservatively estimated that 174,200 individuals remained displaced due to the oilfields war.

In January 2002, Cmdr. Riek Machar (who in 1991 led a breakaway faction from the SPLM/A and in 1997 signed a peace agreement with the government) and the SPLM/A announced their forces were merging, and a local Nuer commander in Block 5A switched loyalties to the SPLM/A. The oil consortium operating south of Bentiu in Block 5A led by Swedish company Lundin then announced its operations were suspended due to insecurity, and until a negotiated peace was reached. At this writing, only the consortium led by Talisman continued to produce oil for export, at 230,000 barrels per day, from one concession. Oil revenue was at least 20 percent of government income in 2001, and the military budget consumed about 60 percent of oil revenue in that year.

The *muraheleen* who with the government army "protected" the rail line from Babanusa to Wau in Bahr El Ghazal used this role also to carry out several slave raids in 2002. The government's Committee for the Eradication of Abduction of Women and Children (CEAWC) continued to exist but failed to alleviate the slavery problem as local administrations in Baggara areas refused to cooperate in turning over enslaved persons.

The government relied more heavily in 2002 on its growing air force to bomb locations throughout the rebel areas and to reinforce garrison towns. Numerous well-documented incidents of intentional aerial bombing of civilian targets (with no military significance) occurred during 2001-2002, as in Bieh, above. According to the church, in June government aircraft bombed the compound of the Roman Catholic bishop of Torit in Ikotos, Eastern Equatoria, injuring at least four construction workers. On September 21, the government bombed a cattle camp near Lui, Bahr El Ghazal, and killed thirteen Dinka cattle herders (four of them children) and more than fifty cattle.

The government continued to require high school students ages sixteen and older to serve in the Popular Defense Force (PDF, an Islamist government militia), often sending them—with inadequate training—as child soldiers to the front lines. Its militias continued to forcibly recruit southerners residing in Khartoum as well as those living in the south, among them many underage boys.

The SPLA, which took the garrison town of Kapoeta earlier in 2002, on August 31 captured Torit, 100 kilometers east of the largest southern town, Juba (under government control since the beginning of the war). Reportedly

government casualties, many by SPLA summary execution of captured or wounded combatants, were high.

The day after the SPLA took Torit, the government announced that it was withdrawing from the peace negotiations on the pretext that the SPLA had broken a non-existent "cease-fire." The government then bombed Torit and areas untouched for years, such as the Samaritan's Purse hospital in Lui, Bahr El Ghazal.

After retaking Torit in October, the government returned to the peace negotiations and on October 15 it and the SPLM/A reached an agreement on a military standstill, extended until March 31, 2003. On October 26, the parties agreed with the U.N. that they would permit full humanitarian access to all parts of Sudan, through December 31.

The agreement to full humanitarian access was a reprieve from prior government bans: it had maintained a two-year-plus ban on relief flights in many areas, including Eastern Equatoria and most of Western Upper Nile/Unity State. The most draconian ban to date was a September 27-October 6 ban effectively blocking all humanitarian assistance to the non-government areas of the south.

When instances of rape and other abuses by SPLA soldiers against persons displaced from Raga, Western Bahr El Ghazal, were reported, the SPLA authorities singled out those thought responsible and summarily executed several soldiers, on the basis of summary courts martial not subject to appeal. Reports of summary executions of captured non-southern enemy soldiers ordered by SPLA Cmdr. Peter Gatdet circulated, but the SPLA seemingly took no action to rein in this commander.

According to local sources, on March 13, 2002, SPLA forces attacked the village of Tuhubak, already under SPL control east of Torit. Some 200 forces burned all the 173 homes in this village, population 970, and killed at least twenty-five civilians, mostly elderly, women, and children. North of Abyei, on September 21, an SPLA pre-dawn attack on the village of Todaj captured some forty-five civilians, including many children under the age of fifteen, for conscription. The SPLA forces reportedly tortured and humiliated the chief, and looted the village and all the cattle. The forty-five captives were taken to SPLA territory and held for two weeks, then released. Human Rights Watch written inquiries to the SPLM/A regarding these attacks went unanswered.

In a positive move, a settlement was reached in the Eastern Equatoria area around Chukudum in August between the Didinga and the SPLA army and their Bor Dinka relatives living as displaced persons in the area. The reconciliation conference, sponsored by the New Sudan Council of Churches, came after years of low-level warfare with many civilian casualties between the Didinga and SPLA. The area remained heavily mined (mostly by the SPLA).

The SPLA continued to recruit underage soldiers in or near battlefields, while at the same time it demobilized thousands of underage soldiers elsewhere. Child soldiers were still common: Human Rights Watch in August interviewed SPLA soldiers aged fifteen and sixteen (recruited two years earlier) from small tribes of Southern Blue Nile.

The SPLM/A permitted ICRC access in five or six locations to its "prisoners of war," mostly non-southerners.

The Sudanese government had for years provided bases and other military support for the abusive Ugandan rebel forces of the Lord's Resistance Movement (LRA), in retaliation for the Ugandan government's backing of the SPLA. After September 11, 2001, the U.S. put the LRA on its list of terrorist organizations, and the Sudanese government hastened its promised withdrawal of support from the LRA. The Sudanese government had provided bases for the LRA south of Juba, but after it began to withdraw its support the LRA began raiding and looting Sudanese villages for food, and killing Sudanese civilians. The Sudanese government gave the Ugandan government permission to pursue the LRA inside Sudan, starting in March 2002. As a result of the campaign, LRA forces returned to Uganda, where they carried out further abuses. (See Uganda.) The Sudanese government clashed several times with units of LRA remaining in the Imatong Mountains and elsewhere in southern Sudan, but did not offer much protection to the thousands the LRA displaced.

DEFENDING HUMAN RIGHTS

Fledgling human rights organizations and monitors in the capital Khartoum (the only place in government areas

they could exist) continued to be at risk of arbitrary arrest and harassment. They were subjected to harassment and arrest of their leaders by security forces; Toby Madut, head of one southern human rights group in Khartoum, was briefly jailed in 2002.

In SPLA-controlled southern and Nuba areas, small steps were taken in building a civil administration, funded by foreign governments. Although SPLA relations with the New Sudan Council of Churches improved in 2001, there was still little space for the establishment and growth of an independent human rights entity, albeit several indigenous nongovernmental organizations, including women's groups, said they were attempting to play that role informally.

THE ROLE OF THE INTERNATIONAL COMMUNITY

One effect of the U.S. government "war on terror" was continued engagement with Sudan, which had already been cooperating since 2000 in some intelligence and counterterrorism matters.

United Nations

Special Rapporteur on Human Rights in Sudan Gerhart Baum delivered a report critical of the government and the SPLA to the U.N. Commission on Human Rights in April, noting that the "overall human rights situation remains a matter of concern" and that the "human rights situation has not yet changed and no tangible improvement can yet be appreciated."

The commission passed by one vote the resolution to reauthorize the rapporteur's mandate. Baum subsequently expressed cautious optimism about the Machakos process, but called for a more comprehensive agreement, one that would incorporate a role for human rights, democracy, and civil society in the ongoing peace negotiations. The commission resolved that the Sudan government should consider how to expand the office of the commission's adviser in Sudan to include monitoring, but the government did not respond.

When the special rapporteur called on the government in August to provide transparency in accounting for its oil revenues, the government refused to permit him to enter Sudan for his regular visit in the latter half of 2002, although through the intervention of the German government, he was finally invited to visit in October.

United States

As noted above, the U.S. vigorously supported the IGAD peace negotiations. At the same time, the Bush administration prolonged to November 2003 existing extensive U.S. economic sanctions on U.S. citizens and corporations doing business with Sudan.

The U.S. Congress increased pressure on the Sudanese government in October 2002 with passage of the Sudan Peace Act. The law would impose greater sanctions on the Sudan government should it walk away from talks or not negotiate in good faith with the SPLM/A. It separately provided that U.S.\$100 million would go to the areas controlled by the opposition political and military umbrella group National Democratic Alliance (NDA), of which the SPLA was the largest member. Although the Danforth-negotiated agreement to halt targeted attacks on civilians and civilian objects was signed by both parties in March 2002, as of this writing the U.S. State Department, which undertook to enforce this agreement, had not seen its contractor, PAE Government Services, Inc., conduct the first investigation.

In September, a New York federal court declined to strike down a lawsuit, commenced in November 2001, against Talisman for harm to the Sudanese plaintiffs including displacement and destruction of personal property, on account of Talisman's oil activities.

European Union

The E.U. in late 2001 agreed to continue its "critical engagement" with the government of Sudan for another year envisioning resumption of E.U. development aid to Sudan by the end of 2002 if certain benchmarks (in human rights) were met. As the peace talks under IGAD got underway, however, with E.U. members playing a leading role, the goal shifted to one of encouraging Sudan and the SPLM/A to take serious steps on the road to peace through the IGAD process, and maintaining a common donor/international front on the peace issue.

As the year progressed, the E.U. expressed public concern about ongoing abuses (such as the February bombing of the Bieh relief site). The E.U. demanded unrestricted access for aid agencies to reach civilians affected by the civil war, which was eventually accomplished in the context of the IGAD peace talks at Machakos.

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