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SUDAN

**CIVILIANS UNDER ATTACK
IN SOUTHERN KORDOFAN**

**AMNESTY
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CONTENTS

Introduction4

Indiscriminate attacks on civilian areas5

Humanitarian situation: a protracted crisis9

Negotiations at a deadlock11

Conclusion and Recommendations.....12

ENDNOTES13

INTRODUCTION

Three years since conflict broke out in Sudan's South Kordofan state, Amnesty International remains deeply concerned by the relentless indiscriminate attacks against civilians and civilian objects by the Sudanese Armed Forces, which has resulted in tens of thousands displaced, and scores of civilians killed and injured. The organization is particularly concerned by reports of an increase in violations of international human rights and humanitarian laws, including attacks against hospitals, under the Government's 'Decisive Summer' military operation.

On 14 April 2014, the Sudanese government publically launched its "Decisive Summer" military operation to "end all rebellion in South Kordofan, Blue Nile and Darfur."¹ Since then, Amnesty International has received reports of indiscriminate aerial bombardments and other attacks on civilian areas in and around Kauda, and in Um Dorein and Delami counties.² The organization has also received disturbing reports of attacks against civilian structures, including two hospitals, and the office of a local NGO.

The fighting, which began on 5 June 2011, between the Sudan People's Liberation Army-North (SPLA-N) and the Sudanese Armed Forces (SAF) has had a devastating impact on civilians in Southern Kordofan. The conflict has been characterised by indiscriminate attacks by both parties, including aerial bombardments by the SAF. Scores of men, women and children have been injured and killed; homes, schools, clinics, and other civilian structures have been destroyed. The attacks have generated widespread fear among the civilian population. The government has prevented access to humanitarian assistance and, combined with the severely disrupted daily activities such as farming and education, this has left thousands of civilians in a precarious situation.

This briefing focuses on the human rights and international humanitarian law (IHL) violations committed by the SAF in the context of intensified fighting in Southern Kordofan under 'Operation Decisive Summer'. Amnesty International has previously documented violations perpetrated during the conflict by Sudanese forces, including indiscriminate aerial bombardments and indiscriminate shelling in civilian areas.³

INDISCRIMINATE ATTACKS ON CIVILIAN AREAS

Amnesty International has documented indiscriminate attacks on civilian areas since the conflict began three years ago. All available information indicates that there were no military targets at or near the sites of these attacks. Even had these attacks been aimed at military targets, the repeated use of indiscriminate weapons in civilian areas over the last three years, without differentiation or precautions to prevent civilian casualties, has meant that civilians were unlawfully killed or injured, and civilian objects needlessly destroyed or damaged. Sudanese forces have employed indiscriminate aerial bombardment, indiscriminate shelling on civilian villages, and proxy forces in ground assaults who have additionally perpetrated violations, including more recently the Rapid Support Forces.⁴

Since the onset of the 'Decisive Summer' operation, the SAF has been carrying out sustained aerial bombardments in and around Kauda, a major town in Heiban County, as well as aerial bombardments and shelling in Um Dorein and Delami counties.⁵

The aerial attacks often use unguided munitions dropped from aircraft at high altitudes. The SAF has continued to use unguided munitions such as barrel bombs, which are rolled out manually from Antonov cargo planes or other aircrafts flying at high altitudes, and do not allow for accurate delivery.⁶ In these latest offensives, national human rights groups have additionally documented the use of parachute-retarded bombs launched from Sukhoi jets at high altitudes, causing extensive damage in civilian areas and to civilian objects. The weapons used are indiscriminate in nature, and their use may constitute a war crime.

Amnesty International received reports of heavy aerial bombardments in several areas of South Kordofan including Um Dorein and Delami counties in April and May.⁷ National human rights monitors recorded at least nine incidents of aerial bombardments between 3 and 14 May, which injured two people, damaged seven homes and a church, and destroyed four grain stores. Between 15 and 22 May, monitors also documented over 200 bombs dropped over Tangal, in Um Dorein County.⁸

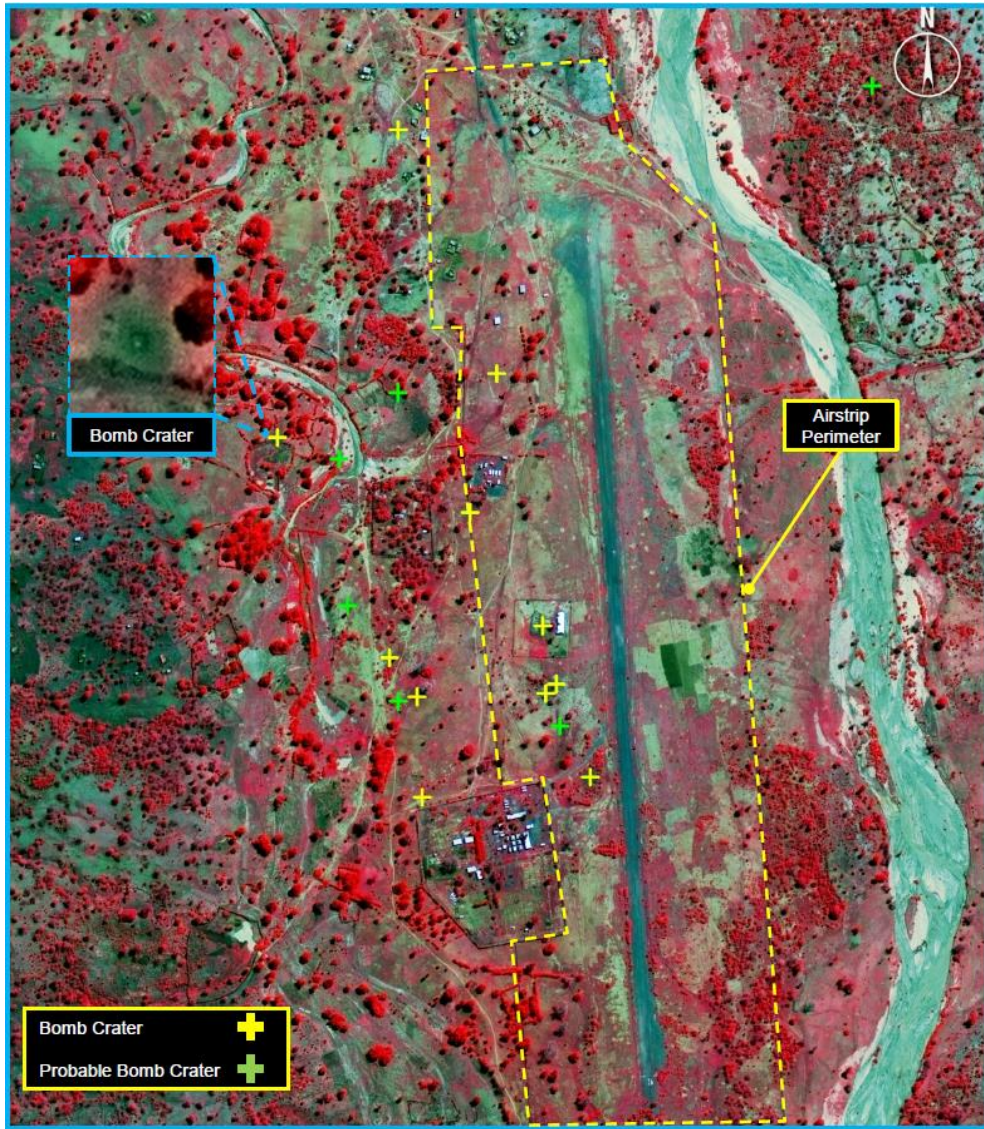
Additionally, SAF has employed indiscriminate shelling in civilian areas. For example, over 200 artillery and rocket shells were found in villages in Delami County between 12 and 27 April. At least four civilians, three of whom were children, were killed in the shelling and 15 injured.⁹ The villages that were attacked are said to be away from the frontline and there were no military targets or SPLA-N combatants present at the time of the attacks.

A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”¹⁰ A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental “principle of distinction.”¹¹ Intentionally directing attacks against civilians not taking part in hostilities, or against civilian objects, is a war crime.¹²

During the last week of May, 59 bombs were dropped in and around Kauda, a major town under SPLA-N control.¹³ The aerial bombardments destroyed a number of civilian structures.¹⁴ On 26 May, an Antonov aircraft did several passes over Kauda and dropped eight bombs, one of which hit and destroyed a local NGO office. Five people were reportedly injured, and several offices were destroyed. On 28 May, another 25 bombs were dropped in the Kauda area, damaging homes and killing livestock. Gidel, a nearby settlement, was also attacked the same day. A primary school was damaged, and two children injured as a result.¹⁵

Although Kauda is a Sudan People’s Liberation Movement-North (SPLM-N)¹⁶ stronghold, there is no military presence in the town, which is far from the frontline. Over the years Kauda has been subjected to intense aerial bombardments, but national human rights monitors say that the recent bombings are unprecedented in their scale and impact.¹⁷

Satellite imagery secured by Amnesty International from Kauda on 20 and 31 May shows significant increases in aerial bombardments over the time period, with no armed opposition presence observable. Analysis of bombing impacts indicates craters and burn scars measuring up to 20 meters in diameter, many times larger than the average dwelling. In the most populous southern portion of Kauda, as many as 17 such craters were created over the 11 day observation period, in an area comprised largely of small dwellings and small-scale farms adjacent to a disused airstrip. (See Figure 1).



DigitalGlobe False-Color Infrared Imagery, May 31, 2014, 11.089218°, 30.565081°

Figure 1: Bombardment of southern Kauda as indicated by bomb craters created between 20 and 31 May 2014. © DigitalGlobe 2014

ATTACKS ON HOSPITALS

On 1 May at around 10 am, the Mother of Mercy Hospital in Gidel, Southern Kordofan, was damaged after six bombs were dropped in the hospital compound from a Sukhoi-24 attack jet. Amnesty International delegates visited this hospital in 2013. It was the only tertiary hospital in SPLA-N controlled areas of South Kordofan. The hospital is run by the Diocese of El Obeid and treats, on average, 150,000 people every year. An unmanned aerial vehicle (UAV – drone) apparently circled the hospital a few days before the attack. Amnesty International is particularly concerned about these reports, which, if confirmed, would mean that the attack on the hospital was deliberate. On 16 June, another hospital run by *Médecins Sans Frontières* (MSF) in Farandalla, Buram County, was hit by two bombs. According to MSF “the bombs destroyed the emergency room, a dressing room, the pharmacy, and the hospital kitchen”.¹⁸ The hospital is clearly identified with a cross on its roof and a flag. Deliberate attacks on hospitals, are flagrant violations of International Humanitarian Law and constitute war crimes.

The deliberate destruction of civilian buildings such as markets, health clinics, and schools is a gross violation of international human rights law. Attacking, destroying, removing or rendering useless, objects indispensable to the survival of the civilian population is prohibited under International Humanitarian Law. Such objects include agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies, and irrigation works.¹⁹

Such attacks also violate the right to an adequate standard of living, which Sudan is obliged to respect under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICCPR).²⁰

HUMANITARIAN SITUATION: A PROTRACTED CRISIS

The Sudan government's on-going refusal to allow humanitarian assistance to opposition-held areas affected by the conflict has led to a protracted humanitarian crisis.²¹ In May, the UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported that the humanitarian situation in South Kordofan is now "potentially catastrophic".²²

Since the start of the conflict, civilian populations in South Kordofan have been living in desperate conditions, fleeing from the bombs and seeking refuge inside foxholes and caves, with limited access to food and water, and no access to medical care. Since the fighting intensified this year, civilians have again either been displaced within SPLA-N controlled areas or fled to government-controlled areas. According to OCHA, 13,400 civilians from SPLA-N areas of South Kordofan arrived in government-controlled areas in May.²³ The SPLM-N reported that 90,000 people were displaced within Southern Kordofan due to the recent upsurge of violence during the month of May, adding to the reported 800,000 people displaced or otherwise affected by the conflict in SPLA-N areas since the start of the conflict.²⁴

The months of May to August are key planting periods for sorghum, millet and other staple crops grown in Southern Kordofan.²⁵ Internal displacement during the planting season is hindering people's ability to prepare and cultivate their fields, which in turn contributes to the already acute food insecurity. Similarly, many farmers have been unable to plant their crops during this planting season for fear of being bombed. For example, heavy battles between the SAF and SPLA-N have taken place in the major agricultural areas in Delami country. Additionally, SAF dropped almost 200 bombs on Tangal in Um Durein – another agricultural district – damaging 11 farms and severely disrupting the planting season.

Boreholes have been destroyed during attacks, severely impeding civilians' access to water. Amnesty International has also received worrying reports that the Rapid Support Forces have been burning and destroying properties and civilian objects such as water holes and grain stores.²⁶

The Famine Early Warning Systems Network (FEWS NET) reported that the SPLA-N areas in Southern Kordofan have the highest levels of food insecurity in Sudan which they the group predicts will persist through September 2014.²⁷ National human rights monitors also expect increased food insecurity in the coming months due to the start of the rainy season. Amnesty International has previously documented intensified bombardments during this period, which severely disrupts planting.²⁸

Monthly distributions of SAF attacks including aerial bombardments over the last three years in Southern Kordofan as well as Blue Nile indicate significant increases in attacks during key farming and subsistence months (See Fig.2)

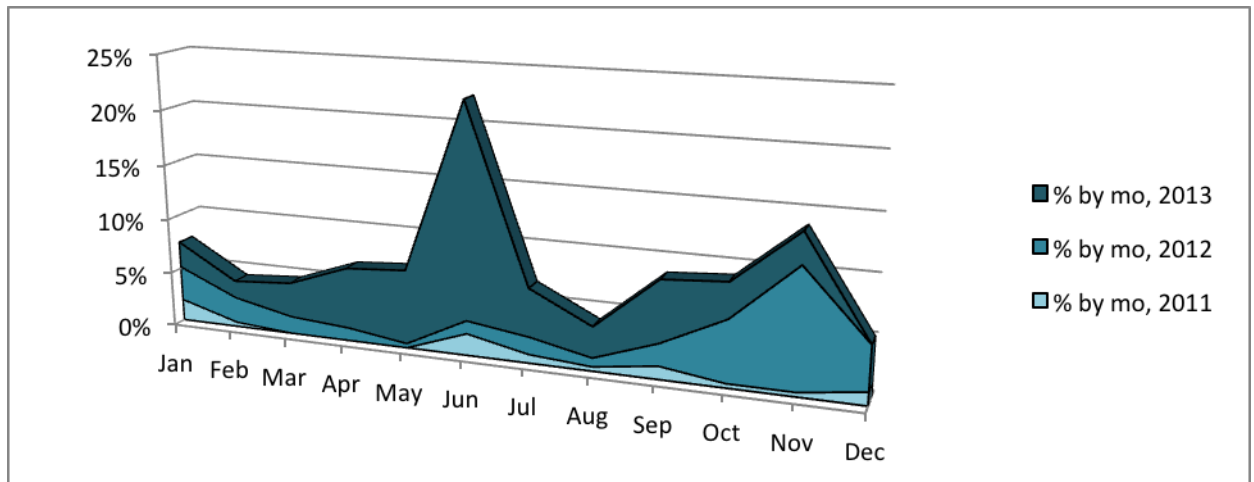


Figure 2: Monthly distribution of attacks including aerial bombardment incidents 2011-2013. Available data indicates a disproportionate increase in attacks during key farming months for planting (Jun) and harvest (Nov). Data sourced from national human rights monitors, and is not exhaustive.

Amnesty International believes that the Sudanese authorities are aware of the planting season; therefore the intensification of bombings reported in the last two months may indicate that SAF are intentionally attempting to disrupt planting season. The combined effect of the interference with planting and harvesting in Southern Kordofan with the refusal by the Sudanese government to allow humanitarian assistance may demonstrate a deliberate use of starvation as a method of warfare, which constitutes a war crime.

The conflict in South Sudan has also had an impact on civilians living in Southern Kordofan. Many previously sought refuge in Yida camp in South Sudan but with the ongoing conflict and the obstruction of major roads, displaced civilians remain trapped in Southern Kordofan. In addition, civilians who previously went to major towns in Unity State, South Sudan, to replenish with goods before the start of the rainy season, were unable to do so this year due to the destruction of those towns.

The Government of Sudan continues to obstruct humanitarian access to areas controlled by the SPLA-N leaving thousands of civilians in dire need of support. Both parties to the conflict have the obligation under international law to facilitate humanitarian access, and civilians' rights to access basic goods and services.

NEGOTIATIONS AT A DEADLOCK

Efforts by the international community, in particular the UN Security Council and the African Union Peace and Security Council, to convince the Government of Sudan and the SPLM-N to reach an agreement, which inter alia would allow for independent and impartial humanitarian access to SPLA-N controlled areas have been ineffective.

Shortly after the start of the conflict in June 2011, the Sudanese government explicitly pegged the delivery of humanitarian assistance to areas held by the SPLA-N, to a ceasefire with the SPLA-N. They insisted that the government “will not accept that the rebels benefit from humanitarian assistance to the civilians.”²⁹ A ‘Tripartite Proposal’ on humanitarian access was put forward by the African Union (AU), the United Nations (UN) and the League of Arab States in February 2012, and accepted by the SPLM-N.³⁰ On 4 and 5 August 2012, the Sudanese government and the SPLM-N signed separate memoranda of understanding with the tripartite partners, thus formalizing their adhesion to the agreement.³¹ The agreement expired in November 2012. At the time of writing, despite several rounds of negotiations between both parties, further agreement on the modalities of humanitarian assistance between the Government of Sudan and the SPLM-N has not been reached.

Several rounds of negotiations took place in February, March and April of this year under the auspices of the African Union High-Level Implementation Panel (AUHIP) but were met with several obstacles. In particular, the SPLM-N has insisted on using a comprehensive approach and address the root causes of the conflict while the Government of Sudan has wanted to limit the scope of the negotiations to the “Two Areas” –Southern Kordofan and Blue Nile states. In the latest round of negotiations in April 2014, former South African President and Head of the AUHIP Thabo Mbeki announced that he will visit the conflict-affected areas of Southern Kordofan and Blue Nile. Amnesty International welcomes the decision of Thabo Mbeki to visit the Two Areas and assess the situation first-hand, including the impact of the conflict on civilians and the absence of humanitarian access to SPLA-N controlled areas.

CONCLUSION AND RECOMMENDATIONS

With a deadlock in negotiations between the Government of Sudan and the SPLM-N, prospects for resolving the conflict in Southern Kordofan are at an impasse. At the same time, the fighting continues as operation 'Decisive Summer' is implemented, with new violations of international human rights and humanitarian law perpetrated every day. Amnesty International is concerned that three years since the start of the conflict the situation has not improved. The Government of Sudan continues to blatantly disregard its obligations under international human rights and humanitarian law by bombing civilians and civilian objects, and denying access to international humanitarian organizations, leaving hundreds of thousands on the verge of a catastrophic humanitarian situation.

Amnesty international reiterates its calls:

TO THE GOVERNMENT OF SUDAN:

- Immediately cease all violations of international humanitarian and human rights law in Southern Kordofan and Blue Nile including indiscriminate aerial bombardments and ground attacks in civilian areas, and deliberate attacks against civilians and civilian objects.
- Take all necessary precautions in all attacks in order to protect civilians, including by warning civilians of impending attacks on military objectives;
- Grant immediate and unhindered access to UN agencies and international humanitarian organizations to all areas of Southern Kordofan and Blue Nile to facilitate the urgent provision of all necessary assistance to civilians affected by the conflict, including food, shelter and medical care;
- Initiate prompt, effective and impartial investigations into violations of international human rights and humanitarian law and bring those suspected of criminal responsibility to justice before ordinary civilian courts in fair trials, without the death penalty.

TO THE UN SECURITY COUNCIL AND AU PEACE AND SECURITY COUNCIL:

- Demand an immediate end to indiscriminate aerial bombardments and other violations of international humanitarian law by the Government of Sudan in Southern Kordofan and Blue Nile;
- Urgently press the Government of Sudan to allow humanitarian organizations and independent human rights monitors immediate and unhindered access to both Southern Kordofan and Blue Nile;
- Establish an independent commission of inquiry to investigate the serious violations of international humanitarian and human rights law committed in the territory of Southern Kordofan and Blue Nile states since June 2011.

ENDNOTES

¹ Sudan Vision, “Defence Minister declares Start of Decisive Summer Operation to End Rebellion”, 14 April 2014. Available at <http://news.sudanvisiondaily.com/details.html?rsnpid=234529>.

² Other areas of South Kordofan have continued to be affected by the conflict but Amnesty International was unable to obtain information on the situation on the ground.

³ See Amnesty International, Sudan: Civilians caught in unending crisis in Southern Kordofan, 17 April 2013. Available at: <http://www.amnesty.org/en/library/info/AFR54/009/2013/en>; “We can run away from bombs, but not from hunger,” Sudan’s refugees in South Sudan (AFR 65/001/2012). Available at: <http://www.amnesty.org/en/library/asset/AFR65/001/2012/en/107d41a750c94eb99fe759afb3ec63ff/afr650012012en.pdf><http://www.amnesty.org/en/library/info/AFR54/009/2013/en>; Sudan’s civilians in crisis: Indiscriminate attacks and arbitrary arrests pervade Southern Kordofan, 11 December 2012, available at: <http://www.amnesty.org/en/library/asset/AFR54/051/2012/en/d84e4390-2032-4def-b39e-b379cf247d08/afr540512012en.pdf>; and Sudan: Southern Kordofan Civilians Tell of Air Strike Horror, Amnesty International and Human Rights Watch, August 30 2011, available at: <http://www.amnesty.org/en/library/asset/AFR54/028/2011/en/6c8b872b-50a5-4ee3-8e3e-4a324d702814/afr540282011en.pdf>

⁴ The RSF is a militia formed in 2013, predominantly composed of former Janjaweed under the command of the National Intelligence and Security Service (NISS).

⁵ Reports from national human rights monitors.

⁶ The use of Antonov aircraft by Sudan in Southern Kordofan has been well documented, including by Amnesty International through witness testimony and weapons experts in 2011, 2012 and 2013.

⁷ Reports from national human rights monitors in the region.

⁸ The number of deaths and injuries is low due to a number of community ‘warning’ systems which have been put in place, as well as more foxholes dug closer to people’s homes and other civilian areas to ensure that civilians are able to hide from the bombings as quickly as possible. For more information also see: Sudan Consortium, Human Rights Update: Concern over Protection of Civilians in Southern Kordofan, May 2014. Available at: http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/SudanConsortiumUpdateMay%202014_FINAL.pdf

⁹ Reports from national human rights monitors. Also see: the Sudan Consortium, The impact of Sudanese military operations on civilian population of Southern Kordofan, April 2014, p.3. Available at: http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/Sudan%20Consortium%20K-BN%20Update%20Apr_%202014%20FINAL.pdf

¹⁰ ICRC Customary IHL Study, Rule 1; see also the 1977 Protocols Additional to the Geneva Convention: Protocol I, article 48 and Protocol II, article 12(2).

¹¹ For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises anyone who is not a combatant, namely not taking active part in the hostilities. Civilian objects are all objects (that is, buildings, structures, places and other physical property or environments) which are not “military objectives”. Military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution

to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage". For more information see: ICRC Customary IHL Study, Rules 8 and 9; Protocol I, article 52

¹² ICRC Customary IHL Study, Rule 156, pages 591,593,595-598. See also Rome Statute of the International Criminal Court, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii); discussion in ICRC Customary IHL Study, page 27.

¹³ Reports from national human rights monitors. Also see: The South Kordofan and Blue Nile Coordination Unit, Ongoing Sudan Armed Forces Bombing Campaign Targeting Civilians in South Kordofan, 30 May 2014. On file with Amnesty International.

¹⁴ Amnesty International has previously documented the destruction of civilian objects in South Kordofan in 2011, 2012, and 2013. For example, see: Sudan: Civilians caught in unending crisis in Southern Kordofan, 17 April 2013. Available at: <http://www.amnesty.org/en/library/info/AFR54/009/2013/en>, pp 12-13; "We can run away from bombs, but not from hunger," Sudan's refugees in South Sudan (AFR 65/001/2012), pp 10 available at: <http://www.amnesty.org/en/library/asset/AFR65/001/2012/en/107d41a7-50c9-4eb99fe759afb3ec63ff/afr650012012en.pdf>.

¹⁵ Reports and interviews with national human rights monitors. Also see: Sudan Consortium, Human Rights Update: Concern over Protection of Civilians in Southern Kordofan, May 2014. Available at: http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/SudanConsortiumUpdateMay%202014_FINAL.pdf

¹⁶ The SPLM-N is the political wing of the SPLA-N

¹⁷ Interviews with national human rights monitors. Also see: Sudan Consortium, International community must act to end unprecedented and intense bombing of civilians, 10 June 2014. Available at: http://www.sudanconsortium.org/darfur_consortium_actions/pressreleases/2014/PRESS%20RELEASE%20Sudan%20bombing%20June%2010th%202014.pdf

¹⁸ MSF, MSF hospital bombed in Sudan, 17 June 2014. Available at: <http://www.msf.org/article/msf-hospital-bombed-sudan>

¹⁹ ICRC Customary IHL Study, Rule 54; Protocol I, article 54(2); Protocol II, article 14.

²⁰ Sudan ratified the ICCPR in 1986.

²¹ See for example: OCHA, Sudan Humanitarian Update, January to June 2013. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Humanitarian_Update_Jan_Jun_2013.pdf. Sudan Humanitarian Update, 4th Quarter 2012. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Humanitarian_Update_4th_Quarter_2012_0.pdf.

²² South Kordofan and Blue Nile, Population Movements Fact Sheet, 19 May 2014. Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Kordofan%20and%20Blue%20Nile%20Population%20Movements%20Fact%20Sheet%20-%202019%20May%202014.pdf>

²³ South Kordofan and Blue Nile, Population Movements Fact Sheet, 19 May 2014. Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Kordofan%20and%20Blue%20Nile%20Population%20Movements%20Fact%20Sheet%20-%202019%20May%202014.pdf>

²⁴ This is an estimate provided to UN OCHA by the humanitarian wing of SPLM-N. See: OCHA, Sudan: South Kordofan and Blue Nile Population Movements as of 10 June 2014. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/SK_BN_Population_Movement_10Jun14_A3.pdf

²⁵ FEWS NET, SUDAN Food Security Outlook October 2013 to March 2014, Available at:

<http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan%20Food%20Security%20Outlook%20Oct%202013.pdf>

²⁶ Reports from National human rights monitors. Also see:

²⁷ See: FEWS NET : <http://www.fews.net/east-africa/sud%C3%A1n/food-security-outlook-update/thu-2014-05-29>

²⁸ Amnesty International, Sudan: Civilians caught in an unending crisis in Southern Kordofan. Available at: <http://www.amnesty.org/en/library/info/AFR54/009/2013/en> , P.14

²⁹ Sudan Tribune, 'Only ceasefire can allow return of aid groups to Blue Nile and Kordofan – Sudan's FM,' 29 September 2011

³⁰ Joint AU/LAS/UN Proposal for Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in Blue Nile and South Kordofan States, 9 February 2012. Available at: <https://groups.google.com/forum/#!msg/sudan-john-ashworth/ahafKC5-Cw4/eu-6HPcPvT8J>

³¹ See Memorandum of Understanding between the Sudan People's Liberation Movement/North and the African Union/League of Arab States/United Nations Tripartite on Humanitarian Assistance to war-affected civilians in Blue Nile and South Kordofan States, 4 August 2012. Since that time, the Sudanese government has allowed the World Food Programme, local NGOs and government humanitarian actors to carry out limited food distribution in government-controlled areas. UN News Centre, "Sudan: UN expands aid to conflict-ravaged Blue Nile state after first delivery in 19 months," 11 April 2013. Available at: http://www.un.org/apps/news/story.asp?NewsID=44630#.UZuQ2OS_jz8

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