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Sudan

The January 9, 2005 Comprehensive Peace Agreement ending the twenty-one-year civil war between the Sudanese government and southern rebels has brought little significant improvement to Sudan in the area of human rights. Implementation of the agreement was delayed by several factors, including the sudden death of southern rebel leader Dr. John Garang. As part of the agreement, the Sudanese government lifted the state of emergency throughout Sudan (with the exception of Darfur and the east) but attacks on villages in Darfur continued, and killings, rape, torture, looting of civilian livestock and other property took place on a regular basis. Arbitrary arrests and detentions, executions without fair trials, and harassment of human rights defenders and other activists remained a feature of Sudanese policy in both Darfur and other areas of Sudan. For the first time, however, the U.N. Security Council made use of its power to refer the situation of Darfur to the International Criminal Court (ICC) in March 2005. .

The Crisis in Darfur

In 2005, indiscriminate and targeted killings, rape, forced displacement, and looting of civilians of the same ethnicity as the rebel groups in Darfur continued to occur at the hands of government-backed militias or “Janjaweed” although on a lesser scale than in 2003-2004. An upsurge of attacks occurred in September and October 2005, including targeted attacks on international aid workers and members of the African Union Mission in Sudan (AMIS), tasked to monitor the April 2004 ceasefire agreement and protect civilians under imminent threat. Government-supported militias also attacked civilian villages and an internally displaced persons camp in Aro Sharow, West Darfur.

This violence contributed to the inability of the two million internally displaced people, living precariously in camps, to return home. Subject to attack when leaving the camps, displaced person remained confined in them, dependent on international humanitarian aid. Women and girls particularly were victims of sexual attacks in any remote area when going for water, firewood or fodder, or to take their wares to market.

Sudanese government policy towards the displaced communities continued to be marked by suspicion and abusive policies such as frequent arbitrary arrests, detentions of displaced leaders on an ethnic basis and increasing harassment and intimidation of humanitarian aid agencies assisting the displaced persons. In some areas, women who complained about rape to the police were humiliated and threatened; some unmarried women and girls were accused of adultery solely on the basis of their unwanted pregnancy and unwed status.

The Sudanese government took no concrete steps to implement a 2004 Security Council resolution demand to disarm and disband its allies, the Janjaweed. Government militia allies, to whose abuses civil servants turned a blind eye, and army troops committed abuses with impunity, encouraging further lawlessness. In June 2005, the Sudanese government set up a tribunal, the “Special Criminal Court on Events in Darfur,” purportedly to try individuals guilty of abuses. However, as of October 2005, of six cases tried by the new tribunal, none concerned major crimes associated with the conflict. No medium or high-level government officials or militia leaders were suspended from duty, investigated, or prosecuted for serious crimes in Darfur.

The two main rebel movements—the Sudan Liberation Army (SLA) and the Justice and Equality Movement—were responsible for numerous abuses, including attacks on civilians, commercial vehicles and aid workers, abductions of civilians, looting of livestock and the use of child soldiers. A splinter faction of the JEM captured more than thirty ceasefire monitors from the African Union Mission in Sudan in October then released them after a few days.

As the year wore on, the rebel movements were increasingly plagued by internal splits, partly on an ethnic basis, and with increasing fragmentation. Reports of abuses by certain rebel factions grew, particularly by those factions controlling the Jebel Marra region.

Southern Sudan

A long-awaited peace agreement, the result of almost three years of negotiations, was signed between the Sudanese government and the southern-based Sudan People’s Liberation Movement (SPLM) on January 9, 2005, allowing autonomy for the southern region for six and a half years, followed by a referendum on self-determination for the south. The agreement also provided for elections at national, regional, state and local levels after four years. It also provided that half the government revenues of oil produced in southern Sudan be allocated to the southern regional government.

The north-south peace agreement, however, had major human rights defects, including the absence of any mechanism to ensure accountability for abuses committed during the twenty-one year war waged mostly in southern Sudan.

John Garang’s death in a helicopter accident on July 30 provoked a massive response among southerners in Khartoum, Malakal, and Juba. Khartoum saw the worst of the communal violence that followed: three days of ethnically-motivated attacks by southerners and northerners resulted in more than 130 deaths and more than 800 wounded. The Sudanese government reportedly arrested more than 1,500 people, most of whom were almost immediately released.

While it is too early to judge his potential for bringing democratic changes to the southern Sudan, Garang’s successor and long-time deputy, Gen. Salva Kiir, had been a low-profile leader within the Sudan People’s Liberation Army (SPLA) for reforms to promote accountability within the movement.

One early indication is favorable: Gen. Salva Kiir instructed that the selection process for legislators to both the regional and national assemblies be opened up to public participation, as there was no time to organize elections. Southerners rushed to take part. While many obstacles exist to the creation of a southern government that is transparent and accountable and enforces human rights, this early willingness to let people choose their representatives is a good sign. They already enjoy more human rights than do their northern fellow citizens, in that the presence of security forces in the southern garrison towns is lessened and there has been more free speech, free press and free assembly in the south than for decades. The national army, however, has not withdrawn from the south but under the peace agreement it has about two years to complete this process.

Attacks on Human Rights Defenders

Human rights defenders and other activists remained under serious threat of arbitrary arrest and detention in 2005. A prominent human rights defender based in Khartoum, Dr. Mudawi Ibrahim Adam, the chairperson of the Sudan Social Development Organization (SUDO), was arrested twice—in January and May 2005—and charged with “crimes against the state.” Articles 51, 52, 53, and 58 of the Sudanese Criminal Code, which include “crimes against the state” and espionage, were often used to intimidate individuals speaking out about abuses, including international humanitarian aid workers working in Darfur. More than twenty international or national aid workers were arbitrarily arrested, detained, or threatened by Sudanese police and security forces in Darfur in the first six months of the year alone.

Key International Actors

Throughout 2005, international policy towards Sudan vacillated between condemnation and appeasement. This reflected the varying interests at stake, such as the implementation of the north-southern peace agreement, ending the atrocities in Darfur, and even regional counterterrorism efforts. The U.S. government was a prime example of this policy schizophrenia. U.S. officials vociferously condemn the continuing attacks, but the U.S. Central Intelligence Agency invited Sudanese security chief Salah Ghosh, a likely indictee before the ICC for war crimes committed in Darfur, to Washington in April 2005 to discuss Sudanese-U.S. counterterrorism interests.

Divided interests regarding Sudan were prevalent not just bilaterally among western governments, but also within the United Nations Security Council. The single most important achievement of the Security Council was the historic referral of Darfur to the ICC on March 31, 2005. In June the ICC announced that it would investigate the crimes in Darfur. In a second March 2005 resolution, the Security Council established a sanctions committee to identify individuals who violated an arms embargo on Darfur and who committed abuses; the sanctions would not apply retroactively. Despite the continuing abuses in Darfur throughout 2005, however, the Security Council was prevented from enacting stiffer sanctions due to resistance from China and Russia, two of its five permanent members. In November Sudanese authorities roughed up two visiting members of the sanctions committees’ panel of experts.

The African Union played an increasingly prominent role in Darfur. In April 2005 the AU requested, and the Sudanese government agreed, to a further deployment to total 7,700 military and police for AMIS' expanded mission. Donors pledged U.S. \$291 million for the project, including logistical assistance for this deployment from NATO, the E.U., the U.N., the U.K., the U.S., Canada, France and others. AMIS' peace support efforts in Darfur had mixed results. Although AMIS troops contributed to some measure of improved security and civilian protection in those areas where they were deployed, the mission was plagued by continuing logistical and financial problems. The AU's efforts at mediating peace talks on Darfur were not as successful; sharp leadership clashes within the SLA, which had the most forces in the field of all the rebel groups, left the group unable to make decisions at the negotiating table.