

Human Rights Watch

Discrimination, Detention, and Deportation: Immigration & Refugees

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Human Rights Watch World Report 1998

SUDAN

Human Rights Developments

Sudan, once promoted as the bridge between the Arab and African worlds, was distinguished by human rights abuses arising from the government's determination to create an Arab Islamic state, including discrimination against Sudanese non-Arabs and non-Muslims. Non-Arabs made up 60 percent of the 26.7 million population and non-Muslims about 40 percent.

Government forces committed gross abuses of international humanitarian law in the fourteenth year of the civil war against the rebel Sudan People's Liberation Movement/Army (SPLM/A), fighting in the south and the central Nuba Mountains. The war widened as a new eastern front was opened by the National Democratic Alliance, a broad coalition including northern Muslims as well as southerners and marginalized peoples in the SPLA, other armed opposition groups, and traditional political parties.

The government defended itself against massive international criticism and tried to garner international support, by claiming to be the victim of a Western Christian conspiracy to destroy an Islamic state. But the ruling National Islamic Front (NIF) represented a politicized form of Islam and repressed even Muslim leaders and sects that challenged its hegemony. In April, police even dispersed a simple protest by the Khatmiyyah (one of Sudan's largest Muslim sects) of the government's postponement of the commemoration of their religious leader's death.

Political parties remained banned and expression restricted, except in debate by NIF members: in the press, some NIF members advocated a return to a multiparty state. In another slight opening, the government permitted a faction of the Democratic Unionist Party to establish offices and allowed its leader to engage in public debate, without having the status of a political party. The editor of Alwan, a nongovernment daily, did not have such latitude, however, and went on trial in September because of an article reporting on fighting in the south.

Sudan contains nineteen major ethnic groups (with almost 600 subgroups), speaking more than 115 tribal languages. Arabic is the official language. The government's strategy in the war zones (where African non-Arab populations predominate) was to turn African peoples against one another. It fomented hatred against the Dinka, the most numerous southern, African people; the majority of the SPLA leadership is Dinka. The government consolidated its military relations with former SPLA factions including Riak Machar's rebel force (the second largest rebel force in Sudan and the one with the allegiance of most Nuer, cousins of the Dinka). It moved Machar's troops into Juba to fortify it against SPLA attack, thus positioning troops for a war of southerner versus southerner-part of its divide and rule strategy.

In March 1997, the SPLA retook the government garrison towns of Yei and Kajo Keiji in Eastern Equatoria. The government, withdrawing from these areas, left landmines which injured many civilians, while at an international conference it took the important step of indicating its willingness to ratify an international treaty banning the manufacture and use of antipersonnel landmines.

The government reacted sharply to the opening of the eastern front (which appeared to threaten any oil pipeline that might be built to Port Sudan and possibly the water supply for the capital), the SPLA's advances in the south, and the December 1996 flight into exile of former prime minister and head of the Umma Party Sadiq al Mahdi. It stepped up forced recruitment, arbitrary arrests, and trials in military tribunals. It signed a "peace accord" with former rebel groups (with whom it had already been at peace for years). The oil resources of Sudan lie largely in Machar's Nuer territory, where an international consortium including Malaysian and Chinese investors led by Canadian-chartered Arakis Oil Company is drilling. The peace accord, not negotiated with or signed by the SPLA, the main rebel force, would permit a referendum among southerners (but not Nubas, Beja or other marginalized peoples) on the issue of self-determination in an undetermined period of time.

The government suspended all university classes but those of a women's college in late 1996 and ordered college students to "volunteer" for the Popular Defense Forces (PDF), the government's politicized Islamist militia, and to go to the southern front. Graduating high school seniors were required to go to PDF camps for a two-month PDF training course before they could receive their certificate of graduation (necessary for university attendance and employment).

In June some 65,000 unmarried males not in school were conscripted into the army for twelve to eighteen months. Many tried to dodge conscription, and the army began to round up young men at public events and checkpoints. The government, however, showed no interest in its soldiers and militia once captured by the SPLA; it even refused to permit an exchange of letters with their families.

A group of military officers and civilians was detained in Port Sudan and tried in 1997, continuing a trend of trying all political suspects—where they were tried at all-in secret military courts where fair trial protections were absent. Two were jailed and five officers received lesser penalties, with acquittals of five others. Another military court, convened in August 1996, completed the trial of another group of alleged coup plotters in mid-1997. The convicted coup leader ultimately received a fifteen-year prison sentence; nine defendants were acquitted and the remaining defendants received sentences ranging up to five years.

As is by now customary, the government released political prisoners during Al Eid religious holidays. The government continued to detain lesser-known persons suspected of subversion after that date, however, with dozens remaining in prison without charges or trial. Alleged members of the banned Sudan Communist Party continued to be singled out for long-term arbitrary detention. Several hundred women inmates of Omdurman Women's prison were released on grounds of overcrowding. Arrests of women peddlers continued, however, and the number of female inmates rose again.

Pressures brought on women to conform to a vague "Islamic woman" code continued. In late 1996 the Khartoum State government tried to impose sex segregation in public buses.

Sudan has the largest population of internally displaced in the world—some four million, largely the product of the prolonged war. Many lost homes, assets such as cattle and crops, and family members, and were forced to move.

The government remained intent on pushing internally displaced persons in the capital, disproportionately southerners and Nubas, back to their home areas, treating them as second class citizens and violating their right to freedom of movement. It suppressed their community organizations and self-help efforts by arbitrarily arresting community leaders, destroying homes without notice or compensation, and uprooting families to desert areas remote from water and jobs. It banned all but Islamic relief organizations from working outside these "official" displaced persons camps.

Those relocated to these camps generally had no right of tenure even there and were constantly threatened with removal to even more remote areas. In 1997, the government bowed somewhat to international pressure and issued some tenure permits in a minority of cases. Its basic policy remained unchanged.

Churches, schools and community centers built by the displaced in Khartoum's shanty towns also were razed by government bulldozers, with the pretext of "urban renewal." The government denied any religious discrimination but admittedly refused to grant any permits to build churches in Khartoum for the last twenty-five years, while routinely issuing permits for the construction of new mosques.

The government destroyed one church in the Omdurman slums during Easter week, in the face of parishioners' protests.

Humanitarian and even commercial access to the SPLA-controlled areas of the Nuba Mountains remained barred by government fiat, causing hundreds of thousands of civilians extreme hardship. This stringent blockade deliberately created a situation of desperate poverty, while in government areas international relief was conditionally provided to lure people from the SPLA. Those who resist were subjected to government bombing, looting (particularly of foodstuffs), and raids forcibly relocating Nuba from SPLA zones, destroying their communities, churches and mosques, and placing them into misnamed "peace camps" under tight government control, where the African cultures of the Nuba were subjected to destruction by forced separation of families, sexual abuse, and forced Arabization and Islamization.

In the south, the government also denied humanitarian access to areas of assessed civilian need for military strategic reasons without regard to human deprivation. According to the U.N. secretary-general's special envoy for humanitarian affairs for Sudan, the government ban on the use of C-130 aircraft, the only one capable of airdropping food in remote regions, from September 1995 to July 1996 caused more than 500,000 people in Bahr El Ghazal and 200,000 in other areas to suffer from serious hunger and related problems; the C-130 was banned again from late March 1997 to mid-June 1997 with similar effect. The government further significantly delayed barge convoys carrying food along the Nile corridor. Nevertheless the government complained that the U.N. was not responding to calls for relief when some 8,300 civilians fled into government-controlled Juba after the fall of Yei and Kajo Keiji.

In northern Bahr El Ghazal, frequently placed off limits to the U.N. by the government, civilian villages were subjected to military raids by government troops, in which the raiders took cattle, grain, and women and children as slaves or war booty. The government denied allegations of slavery as the evidence continued to surface of these continued slave-taking raids. The raiders enjoyed complete immunity from investigation or prosecution for this universally-outlawed practice. A long-awaited government report to the U.N. on slavery did not contribute to the analysis or solution of the problem.

The government denied accountability for former rebel forces whom it supplied and quartered. In a bizarre incident at the end of 1996, Cmdr. Kerubino Kuanyin Bol (a former SPLA commander supplied and paid by the government) took an International Committee of the Red Cross (ICRC) plane, crew, and five patients hostage, absurdly demanding millions of dollars in ransom. After protracted negotiations, the plane and crew were released in exchange for relief food and trucks, leading other relief agencies to fear becoming extortion targets. The five patients, SPLA former combatants, were never released, and the government maintained that they had joined the Sudan army, refusing to permit the ICRC to visit them. The ICRC refused to return to Sudan until the five were accounted for.

The government's conspicuous lack of captured SPLA combatant prisoners, during the fourteen-year course of the war, led to the conclusion that there was a government policy, forbidden in international law, of executing captured SPLA combatants. The only exception (which tended to prove the rule) was the government's acknowledged capture and detention of Eritrean and Ugandan prisoners (combatants) captured inside southern Sudan; their presence served to support the government's allegations that troops from neighboring Ethiopia, Eritrea and Uganda were fighting inside Sudan alongside the SPLA. As in prior years, these three governments claimed in turn that the Sudanese government was sponsoring, quartering and supplying rebel groups attacking them.

The SPLA released the Ugandans it captured in Yei, claiming that half the 3,000 killed and captured there were from the West Nile Bank Front, a Ugandan rebel group allegedly sponsored by the Sudan government and based in Sudan. The SPLA acknowledged holding about 1,600 captured in clashes with government forces, some 300 of whom had been held since 1985, inside Sudan. The ICRC was permitted to visit but conducted no activities inside Sudan after its December 1996 problems with the government.

The Sudan government's sponsorship of the Ugandan Lord's Resistance Army (LRA), a rebel group with an appalling human rights record of abducting, killing, torturing, and sexually abusing Ugandan children, was visible when it permitted relatives of some kidnapped children to visit an LRA camp inside Sudan. In a report on the LRA, Human Rights Watch called on the Sudan government to use its influence to release the children and to cease military and other aid to the LRA until the LRA's abuses stop.

LRA activity in northern Uganda also affected the Sudanese internally displaced. In one of many incidents, relief trucks carrying food to southern Sudan were ambushed in June by the LRA in Uganda, killing eight.

Government aerial bombardment by high-flying Antonov planes increased as towns fell to the SPLA; Yei was bombed four times in the weeks after the SPLA captured it. The government's bombs fell on towns behind the frontline, such as Maridi, killing one and injuring thirteen while destroying eighteen civilian homes there in March; in June another twelve bombs killed one woman and injured eight. Labone, where an estimated 32,500 internally displaced lived on the Ugandan border, was bombed by the government in July with fourteen civilian casualties, and again in October with additional casualties. Government helicopter gunships attacked civilians in the Nuba Mountains and around Juba. In September the government even dropped cluster bombs on a prisoner of war camp in Yei which held government soldiers and militia, killing three.

When former U.S. president Jimmy Carter's advance team was in Yei to prepare for Carter's meeting with SPLA leader John Garang to discuss the peace accords, the government bombed that town. As a result the meeting did not take place.

The SPLA remained largely unaccountable to the civilian population it governs, although efforts have been made, by the U.N. and others, to assist the SPLA's civilian administration in the south. Institutions are not yet firm, there is no clear avenue for redress, and the style of governance appears to depend largely on the personality of the local commander. After the SPLA took Yei, for example, its soldiers committed a series of gross abuses against civilians, including murder, looting, and rape. This pattern was followed in several other captured towns. The lawlessness in Yei persisted until a new commander was brought in. He restored order by imposing military discipline, including use of a firing squad. In the Nuba Mountains, the SPLA was more respectful of the civilian population, in part because of political leadership of the Nuba commander and the emphasis on Nuba solidarity; this was accomplished without any U.N. assistance.

In too many cases, justice is never done and impunity rules, as in the case of Paul Anade Othow, who was in the SPLA, then in Riak Machar's faction of the SPLA, and then went to work with the government. The SPLA recaptured Pochalla (an Anuak area and Anade's place of origin) in 1996, and detained Anade, but then he "disappeared." Efforts by the family and Human Rights Watch to receive an answer from the SPLA on his whereabouts have come to naught, as have inquiries on other "disappearance" cases.

The SPLA continued forced recruitment of underage boys, including those in schools, even in the Nuba Mountains. Civilians protested the taking of their sons. Since 1996 the SPLA permitted UNICEF to engage in family reunification in its territory, including a group of 306 in late 1996. Many children so reunited were originally separated from their families by the SPLA for recruitment purposes.

Six missionaries who complained to the SPLA about forced recruitment of schoolchildren as young as twelve, and their teachers, in Mapourdit were detained in August 1996 and the priest beaten by a local SPLA military intelligence officer. They were not released until the church publicly protested, making international headlines. An investigation was ordered by the SPLA commander-in-chief. The officer responsible was said to have been detained. One year had elapsed, however, with no report and no hearing.

Looting and diversion of food continued to be a problem in several SPLA zones. Action Against Hunger, a French nongovernmental agency, claimed that it was expelled by the SPLA because it was about to investigate why a high rate of malnutrition existed in Labone despite adequate supplies of relief food for the civilian population. It was suspected that the SPLA deliberately kept some children in a thin and sickly state to justify continued high levels of relief food the SPLA could divert. The SPLA took thousands of Sudan army and militia prisoner in Yei, Rumbek and other garrison towns it captured, but was unable to provide adequate food or medical care to the prisoners.

The Right to Monitor

No nongovernmental human rights groups functioned openly inside government-controlled areas of Sudan. The Sudan Human Rights Organization (SHRO), whose members went into exile after the 1989 coup, has many branches outside Sudan but none inside; a government-organized group by the same name functions inside Sudan but is not known ever to have criticized the government.

Prior to the coup, the bar association had played an active role in defending legal rights, only to be banned and later permitted to reopen under NIF control. Individual lawyers defended those tried for politically-related crimes and some managed to have themselves named as "friends" of the conspiracy defendants in military tribunals, where their role was sharply circumscribed.

Women advocating the abolition of female genital mutilation were permitted to work on this health issue by the government, which supports the abolition of this practice.

In the Nuba Mountains, a nongovernmental human rights organization with support from abroad was created in 1995; its eleven monitors collected substantial information on government abuses, but their mandate did not include investigating SPLA abuses. Elsewhere in SPLA-controlled zones, however, no local human rights organization of any type existed; those persons most likely to form such an organization were too afraid for the physical safety of the monitors to do so. A brief Human Rights Watch visit to Yei was welcomed, however, and access to prisoners of war permitted.

The Role of the International Community

United Nations

Despite worldwide condemnation of the dire human rights situation in Sudan, efforts in the U.N. Commission on Human Rights to establish a program of U.N. human rights monitors or officers for Sudan, while approved on paper, remained stalled by the commission and the Sudan government resistance. Potential donors, including the United States and European Union countries, failed to seize the initiative to break the impasse.

Numerous U.N. human rights and other bodies condemned abuses in Sudan. They all noted persistent and serious human rights problems. Sudan remained under mild Security Council sanctions for its failure to extradite three alleged participants in the assassination attempt on Egyptian President Hosni Mubarak in Ethiopia in 1995.

The government's campaign against the U.N. special rapporteur on human rights, Gaspar Biro, continued. It bowed to pressure at the U.N. Commission on Human Rights to permit the rapporteur to visit Sudan in August 1996, after a hiatus of several years. After his return in January 1997, however, he spent less than two days before the prosecutor general informed him that the government could no longer be responsible for his safety due to the anger of "the masses" at military developments on the eastern front. The special rapporteur had no choice but to leave. Remarkably, the U.N. Resident Representative openly criticized the rapporteur's decision, and reportedly later instructed U.N. staff not to meet with him. The special rapporteur made a return visit to Khartoum in September 1997.

UNICEF, the lead agency in the southern sector of Operation Lifeline Sudan (OLS), a program to assist the war-affected inside Sudan, has had a human rights dimension in its program since 1994. The OLS entered into "humanitarian ground rules" with the main rebel groups whereby they committed themselves (bilaterally) to respect international humanitarian law, children's rights, and U.N. and nongovernmental organizations' operations. This effort substantially increased SPLM/A and civilian awareness of and familiarity with human rights and humanitarian law concepts, roles and duties in the south, leading to an improved human rights climate.

Organization of African Unity

The African Commission on Human and People's Rights sent a delegation to Sudan in December 1996 to investigate human rights. This was the first human rights mission ever undertaken by the commission.

European Union

The ACP-European Union Joint Assembly in March deplored the violations of human rights in Sudan and condemned the government's obstruction of humanitarian aid to the Nuba Mountains. The European Parliament resolved in May to maintain sanctions, including an arms embargo, on Sudan on account of human rights violations and other problems. It voiced deep concern over the proliferation of war zones in the area and abuses of human rights, for which all warring parties were held responsible. Suspension of development aid was continued until there was an improvement in human rights. Humanitarian aid continued.

United States

The U.S. sent a State Department human rights official to present U.S. concerns about human rights to the Sudan government and, separately, to the SPLA. The U.S. Embassy in Khartoum remained functioning at a low level, with no U.S. citizen diplomatic personnel residing in Sudan as a sign of security concerns and diplomatic displeasure.

The U.S. announced in late 1996 that it would provide U.S. \$20 million in surplus military equipment to Eritrea, Ethiopia and Uganda, for defensive purposes (referring to the government of Sudan's purported support for rebel forces from each of those countries). It also sent fifty elite U.S. Army Special Forces troops to Uganda to train Ugandan military forces for participation in African peacekeeping, arousing the suspicions of the Sudan government that the U.S. would train the SPLA and the Ugandans to fight in Sudan; the U.S. and Uganda denied this.

Multiple U.S. sanctions, required by U.S. law on account of the military coup that overthrew an elected government and the State Department's finding that Sudan supported terrorism, remained in force on Sudan. Humanitarian aid continued.

U.S. Treasury Department regulations created a loophole in the anti-terrorism sanctions in August 1996 permitting U.S. businesses to invest in Sudan. The loophole did not come to public attention until an article in The Washington Post in April 1997, after which bills were introduced in the U.S. Congress to close the loophole. In early November, the loophole was closed by executive order.

Legislation was proposed in the U.S. Congress in mid-1997 that would require the imposition of stiff sanctions on countries engaging in religious persecution. The government of Sudan was singled out by name in this draft legislation for engaging in religious persecution.

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