

## Sudan

With war continuing in the west and a fragile peace in the south, the dynamics of respect for human rights remain complex and the challenges severe. In Darfur hundreds of thousands remain internally displaced as the Sudanese government uses indiscriminate bombings and attacks on civilians by ground forces and allied Janjaweed militias in counterinsurgency. Throughout Sudan delay in implementing the Comprehensive Peace Agreement (CPA), signed in 2005 by the National Congress Party (NCP) government and the Sudan Peoples' Liberation Movement (SPLM), is straining relations between the parties, threatening the CPA itself.

On January 1, 2008, the hybrid United Nations-African Union Mission in Darfur, (UNAMID), formally took over peacekeeping in Darfur. However, in large part due to obstruction by the government, by late 2008 barely 10,000 of the authorized 26,000 peacekeepers were on the ground, and UNAMID was unable to provide effective protection for civilians or humanitarian operations.

In May 2008 rebels from the Justice and Equality Movement (JEM) attacked Khartoum. Government security forces arbitrarily detained hundreds of suspected rebels, severely mistreating many.

In July the International Criminal Court (ICC) prosecutor requested an arrest warrant for President Omar al-Bashir on 10 counts of war crimes, crimes against humanity, and genocide relating to Darfur. Khartoum threatened that this would lead to violence in Darfur; and, according to many observers, aiming to secure diplomatic support for suspension of the ICC investigation, Khartoum made minor concessions to UNAMID and ostensible overtures towards peace. Meanwhile, Sudan continued to refuse to hand over Ahmed Haroun, minister of state for humanitarian affairs, and Ali Kosheib, who have been subject to ICC warrants since 2007.

A national census, an important milestone in the CPA, was conducted in April, but not in much of Darfur, and it was marred by violence in parts of the south where in the weeks beforehand armed militias affiliated with the central government attacked civilians near the north-south boundary.

Also in the border area, the inability of northern and southern leaders to resolve differences over the status of oil-rich Abyei led to violent clashes between northern and southern forces in May. National elections are scheduled for 2009, but the Government of National Unity (GNU)—created under the terms of the CPA—has yet to establish an elections commission or enact critical reforms, including revised national security and press acts that would facilitate free and fair elections.

Sudan continues to sentence children to death. Sudan's 2005 Interim Constitution allows for persons under age 18 at the time of the crime to be executed for *hadd* and *qisas* (categories of crimes under Sharia law). One child was sentenced to death in 2008 and at least two other child cases are under appeal.

## **Darfur**

Government and government-backed militias continue to attack civilian populations ethnically associated with rebel movements, both deliberately and in the course of indiscriminate bombings. Rebel factions have proliferated and criminal banditry has increased. The 2006 Darfur Peace Agreement is now widely acknowledged to be defunct.

In February, following an offensive by JEM in West Darfur, the government conducted some of the worst attacks on civilians since 2003-2005. Government forces and Janjaweed carried out a series of attacks on villages, killing and injuring hundreds of civilians, and carrying out widespread looting in violation of international humanitarian law. An estimated 40,000 people fled, 13,000 of them to Chad.

The ICC prosecutor's request for an arrest warrant for President Bashir did not, despite Khartoum's threats, appear to increase violence on the ground, but neither did it decrease. Continuing its pattern of attacks on rebel-held areas, in July government forces bombed 21 civilian locations, killing at least two civilians. In

August and September government forces and militia attacked rebel positions and villages in North and West Darfur, killing an unknown number of civilians, looting property, and displacing thousands. In October militia supported by government forces attacked villages in South Darfur, killing scores of civilians, destroying homes, and looting animals.

In other incidents it was not clear who was responsible. Armed elements targeted both peacekeepers and humanitarian operations, usually to steal vehicles, supplies, and weapons. On July 8, armed men attacked a UNAMID convoy in North Darfur, killing five peacekeepers and two police. In September gunmen shot at UNAMID helicopters on three occasions, killing four passengers in one incident in South Darfur. A Nigerian peacekeeper was killed in an ambush in October. From January to August 2008, armed assailants hijacked 224 vehicles, attacked 139 humanitarian facilities, and killed 11 humanitarian workers. The continued insecurity has limited humanitarian operations in many areas and prompted UNAMID to tighten security restrictions.

Internally displaced populations were vulnerable to violence and attacks by a host of actors, including rebels, former rebels, and government forces. In South Darfur, government security forces conducted a raid on Kalma camp, reportedly to disarm civilians, killing 33 civilians including women and children. In September government forces entered Zamzam camp and shot indiscriminately at civilians, and looted buildings and structures, causing civilians to flee. Internally displaced women and girls were victims of sexual violence by government forces, allied militia, rebels, and criminals. The majority of victims did not seek redress or were prevented from doing so by legal and practical obstacles in the justice system.

The Darfur conflict reached the capital for the first time on May 10-12 when JEM forces attacked Omdurman, a western suburb of Khartoum. Following the attack, Sudanese National Intelligence and Security Services (NISS) arrested at least 300 individuals, including children, in public places and house-to-house searches targeting those who appeared Darfuri. Released detainees reported torture, mistreatment, and inhumane conditions in prisons and secret detention centers. Many of those arrested remain unaccounted for.

In June the government established special courts under Sudan's 2001 Anti-Terrorism Law to try those accused of participating in the attack. In trials that fell below international standards, the courts tried and sentenced to death 50 people in July and August. Their appeal is pending.

Following the ICC prosecutor's request for an arrest warrant for President Bashir in July, Khartoum responded with a dual strategy of threats of further violence and promises of progress on the ground. The government made a series of minor concessions to UNAMID and ostensible overtures towards peace, aimed at securing diplomatic support for suspension of the investigation. In August President Bashir announced a "Sudan People's Initiative" to draw up a proposal for resolving the conflict, and in October expressed willingness to attend talks slated to take place in Qatar at the end of the year. On November 12, Khartoum also announced a unilateral ceasefire in advance of those talks. However, rebels refused to engage in either the People's Initiative or the Qatar talks, arguing that the government is not serious about either the peace process or the ceasefire, but only interested in securing a deferral of the ICC investigation.

Also in response to the threat of a warrant, Khartoum appointed another special prosecutor to try crimes committed in Darfur. However, at the time of writing, Sudan has made no significant progress toward domestic accountability for serious crimes.

## **Press Freedom**

The government resumed pre-print censorship on newspapers in 2008, in the wake of a Chadian rebel coup attempt at N'Djamena on February 2-3—which the Chad government said was supported by Khartoum—and again after the JEM attack on Omdurman. Between May and September, NISS media censors removed or partly removed more than 150 articles, 50 of which covered the Darfur conflict.

## **Southern Sudan**

Delays in implementation of the Comprehensive Peace Agreement continued to strain relations between the NCP and the SPLM. In October 2007, the SPLM temporarily suspended participation in the Government of National Unity, accusing

the NCP of failing to share oil revenues, not withdrawing its troops from the south, failing to take steps to demarcate the North-South border, and, crucially, failing to implement the Abyei Protocol, an accord to resolve the status of oil-rich Abyei.

The SPLM rejoined the GNU in late 2007, but the parties did not resolve the dispute over Abyei, which led to fighting in May 2008, in which scores of civilians were killed and at least 60,000 fled their homes. The parties reached agreement to restore security to Abyei, enabling displaced residents to return. However, the underlying dispute over Abyei and other issues, including withdrawal of troops and border demarcation, continued to threaten the CPA.

In southern Sudan, the proliferation of small arms among the civilians contributed to violent communal disputes over land, cattle and resources. The semi-autonomous Government of Southern Sudan (GOSS) conducted civilian disarmament, involving human rights violations by poorly trained and sometimes undisciplined soldiers. Weak rule of law institutions were not able to provide civilian security and contributed to an environment of impunity. Human rights violations in the administration of justice—the responsibility of GOSS in the south—included arbitrary arrests and detentions, prolonged pretrial detention, and poor conditions in detention facilities.

### **Key International Actors**

In 2008 international attention mainly focused on two issues: the deployment of UNAMID and the ICC arrest warrant request for President Bashir.

Diplomatic support for UNAMID, including at the UN Security Council, did not translate into effective pressure on Khartoum to facilitate deployment, nor the provision of critical equipment, including helicopters that the force still seeks. In early 2008 a group of governments, including the United States and Canada, formed “Friends of UNAMID,” which provided additional resources to troop-contributing countries, but by late 2008 the force remained severely understaffed and ill-equipped.

In July international focus shifted when the ICC prosecutor applied for a warrant for the arrest of President Bashir, and Khartoum and its allies launched their diplomatic campaign to secure the suspension of the investigation, (which the UN Security Council can order under article 16 of the Rome Statute.)

Although both the African Union and the League of Arab States supported calls for suspending the warrant, the Security Council remains divided. Several countries, including the US, United Kingdom and France, have rejected suspension. The ICC pretrial chamber is expected to consider the prosecutor's request in early 2009.