

FAMINE IN SUDAN, 1998

The Human Rights Causes

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GLOSSARY OF TERMS AND ABBREVIATIONS

- Ansar** Sudanese Sunni Muslim religious sect headed by Sadiq al Mahdi; base of the banned Umma Party
- Anyanya** the southern Sudanese rebel army of the first civil war, 1955-72; *Anyanya* is the word for a poison made in southern Sudan
- Anyanya II** southern Sudanese forces formed on a local level in the south before and after the second civil war started in 1983; some helped form the SPLA in 1983. Some defected from the SPLA later and became (mostly Nuer) militia forces in Upper Nile supported by the Sudanese government. Several Anyanya II groups were wooed back to the SPLA in 1986-87 but some, including those of Paulino Matiep, never joined the SPLA
- Arakis Energy Corporation** an oil exploration company listed on the Vancouver (Canada) Stock Exchange which lead a consortium to develop oil resources in Upper Nile region; it was acquired by Talisman Energy Inc. of Canada in 1998
- Baggara** Arabized cattle-owning nomad tribes of western Sudan, including the Misseriya of southern Kordofan and the Rizeigat of southern Darfur; their name is from the Arabic *bagara*, meaning cow (plural *bagar*)
- Belanda** an African Luo people living south of Wau in Bahr El Ghazal, related to the Jur
- DUP** Democratic Unionist Party banned in 1989; it was a junior partner in several 1986-89 coalition governments and is associated with the Khatmiyya traditional Sunni Islamic sect and its spiritual leaders, the Mirghani family
- Dawa Islamiyya** Islamic nongovernmental organization that engages in relief work in over fifteen African countries, including Sudan
- DHA** U. N. Department of Humanitarian Affairs (now OCHA)

Dinka	an African Nilotic people living in the Bahr El Ghazal and Upper Nile regions of Sudan; the largest ethnic group in Sudan. They practice the Dinka religion but many have been converted to Christianity and a few to Islam; they speak Dinka
E.U.	European Union
Fellata	the name for West Africans who settled in the Sudan, often in transit to or from Mecca
Feroge	one of the Arabized Muslim families ruling over the Fertit in western Bahr El Ghazal
Fertit	a name given the many small tribes, including the Kreish (the largest ethnic group in western Bahr El Ghazal), Banda, and Binga, all of African Bantu origin, who live in western Bahr El Ghazal, mostly non-Muslims and non-Arabic speakers
FAO	U.N. Food and Agriculture Organization
ICRC	International Committee of the Red Cross
IGAD	Inter-Governmental Authority on Development (formerly the Inter-Governmental Authority on Drought and Desertification, IGAAD), comprised of Ethiopia, Eritrea, Djibouti, Somalia, Sudan, Kenya and Uganda
jellaba	a southern term for the diaspora community of small traders of Arabic-speaking Muslims from different parts of northern Sudan; refers to their typical white robe of rough cotton
jjihad	holy war or struggle
Jur	an African Luo people living south and east of Wau, Bahr El Ghazal; they are agriculturalists and blacksmiths and mostly non-Muslims and non-Arabic speakers
Khatmiyya	Sudanese Sunni Muslim religious sect headed by Mohamed Osman al Mirghani; base of the banned Democratic Unionist Party

- LRA** Lord's Resistance Army, Ugandan rebel group noted for its gross abuses of human rights, including kidnapping of Ugandan children; the LRA is admittedly supported by the Sudan government
- MSF** Medecins Sans Frontieres, an international emergency medical nongovernmental organization often working in war zones
- Misseriya** a Baggara subgroup living in southern Kordofan
- mujahedeen** holy warriors or participants in jihad
- muraheleen** (murahiliin), the Misseriya word for "travelers," now referring to Baggara tribal militias of southern Darfur and Kordofan who have been incorporated as a government militia under army jurisdiction to fight the Dinka in Bahr El Ghazal
- NDA** National Democratic Alliance, umbrella group of political parties and armed groups opposed to the current government and headquartered in Asmara, Eritrea; members include the SPLM/A, Umma Party, DUP, SAF, Beja Congress, and others
- NGO** Nongovernmental organization
- NIF** National Islamic Front, the militant Islamist political party which came to power in 1989 after a military coup overthrew the elected government of Prime Minister Sadiq al Mahdi; formerly known as the Muslim Brotherhood, after the Egyptian Muslim Brotherhood; in 1998 renamed the National Congress
- Nuba** the African people living in South Kordofan's Nuba Mountains, comprised of fifty tribes/subtribes with over ten distinct language groups using Arabic as their lingua franca. Some are Muslims, some Christians, and some practice traditional Nuba religions
- Nuer** an African Nilotic people living in the Upper Nile region of Sudan; the second largest ethnic group in southern Sudan. They practice the Nuer religion although many have been converted to Christianity (usually the Presbyterian church) and some to Islam, and they speak Nuer

OCHA	U.N. Office for the Coordination of Humanitarian Affairs, formerly Department of Humanitarian Affairs
OFDA	Office of Foreign Disaster Assistance, part of the U.S. Agency for International Development
OLS	Operation Lifeline Sudan, a United Nations emergency relief operation for Sudan which began operations in 1989, serving territory controlled by the government and by the rebel forces. It is divided into southern and northern sectors. UNICEF is the lead agency of OLS (Southern Sector) and serves as the umbrella and coordinator for more than forty nongovernmental agencies operating in rebel-held areas of southern Sudan
PDF	Popular Defense Forces, an Islamist government-sponsored militia under the jurisdiction of the Sudan army
Rizeigat	a Baggara subgroup living in southern Darfur
SPLA-United	the name a rebel group based in the Shilluk people of Tonga, Upper Nile formed by Dr. Lam Akol after his February 1994 expulsion by Dr. Riek Machar Teny Dhurgon from SPLA-United
SPLM/A	Sudan People's Liberation Movement/Army, the political organization and army of Sudanese rebels formed in 1983, of which Dr. (Colonel) John Garang Mabior is chairman and commander in chief
SRRA	Sudan Relief and Rehabilitation Association, relief wing of the SPLM/A

SSIM/A	South Sudan Independence Movement/Army; faction of the SPLA, led by Commander Riek Machar, that broke away from the SPLM/A and Garang's leadership in August 1991. It was based in Nasir, Upper Nile, and for a time was referred to as "SPLA-Nasir." On March 27, 1993, others joined it and it was renamed "SPLA-United." In November 1994, it was renamed South Sudan Independence Movement/Army. In April 1996 it signed a political charter and in April 1997 a peace agreement with the government. After that, its forces were designated the South Sudan Defense Force whose associated political wing was the UDSF
SSDF	South Sudan Defense Force, umbrella group for former rebel factions which entered into a 1997 peace agreement with the government, headed by Dr. Riek Machar
Talisman Energy Inc.	An independent, Canadian-based international upstream oil and gas company with its headquarters in Calgary, Canada, heading an international consortium developing oil resources in Upper Nile and Blue Nile regions of Sudan. Talisman, which acquired Arakis Energy Corporation in October 1998, was formerly British Petroleum Canada and is one of Canada's largest corporations
UDSF	United Democratic Salvation Front, the political umbrella group for ex-rebels headed by Riek Machar
UNCERO	U.N. Coordinator for Emergency and Relief Operations in Sudan, based in Khartoum
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund, lead agency for OLS (Southern Sector)
USAID/FEWS	United States Agency for International Development/Famine Early Warning System

- Umma Party** the banned political party which was the senior political party in coalition governments between 1986-89, associated with the traditional Sunni Islamic sect of the Ansar and its spiritual leaders, the Mahdi family
- WFP** World Food Programme, a United Nations agency headquartered in Rome that supplies foodstuffs in the emergency relief operation in Sudan
- WHO** World Health Organization

I. SUMMARY AND RECOMMENDATIONS

No one knows how many people have died in Sudan's most recent famine or how many remain at risk—one reason the famine of 1998 was not recognized sooner as the catastrophe it was. But the United Nations estimated that as of July 1998 there were 2.6 million people at risk of starvation in Sudan, out of a total population of about 27 million. This famine was caused and is being perpetuated by human rights abuses by all parties to the civil war, now in its fifteenth year. Indeed, 2.4 million of those at risk of famine were in southern Sudan, the main arena of the war.

Southern Sudan occupies almost one third of the territory of Sudan, which at 2.5 million square kilometers is the largest country in Africa. The largest concentration of the population most vulnerable to the famine is in Bahr El Ghazal, in southwestern Sudan, where the famine of 1988 killed an estimated 250,000 people.

The failure of the international community to respond to the 1988 famine led to the creation of the United Nations' Operation Lifeline Sudan (OLS), a cross-border emergency relief program. When the 1998 famine began to take shape, critics charged that OLS failed its original mission to prevent famine. Human Rights Watch's investigation, conducted during and after an April-May 1998 visit to southern Sudan and Kenya, reveals that the fault lies primarily with Sudanese government and militias and opposition forces that precipitated the famine and deliberately diverted or looted food from the starving or blocked relief deliveries.

Systematic human rights abuses were the direct cause of the famine in Bahr El Ghazal. The famine agents are the government of Sudan, including the *muraheleen* or militia of the Baggara (Arab cattle nomads), and the rebel Sudan People's Liberation Army (SPLA). The Dinka warlord Kerubino Kuanyin Bol, who has twice changed sides in one year, provoked famine mostly as the leader of a government militia. The Bahr El Ghazal famine affected—and continues to assail—approximately one million people, a majority of them Dinka, the largest ethnic group in Sudan.

The famine thus was not caused by incomprehensible forces. There is a very straightforward story line to the famine, set forth in detail in this report describing the integral role of war-related human rights abuses in causing this famine. It is fair to conclude that, but for these human rights abuses, there would have been no famine in Sudan in 1998.

The civil war is waged by means that expressly violate human rights and humanitarian law—the laws of war. The government's counterinsurgency plan in Bahr El Ghazal, the central Nuba Mountains, and elsewhere is to attack civilians as

a means to destroy the rebels social base, displacing, killing, or capturing civilians and stripping them of the meager assets that provide the means of survival in a harsh land. An important instrument of this policy are ethnic militias armed by the government to divide southerners against each other and enable non-southerners to attack southern civilians perceived to support rebel groups. The impoverished Baggara militias who help carry out the plan in Bahr El Ghazal are motivated by the prospect of booty: Dinka cattle, grain, children, and women. The Baggara, who live north of the Bahr al Arab River (which the Dinka call the Kir River), also saw they could freely use the traditional Dinka lands in northern Bahr El Ghazal and southern Kordofan, which have good grazing land and water sources, if the Dinka were displaced from them.

The SPLA's strategy and tactics also disproportionately affect civilians. In particular, its sieges to force the surrender of government garrison towns and the "taxation" of or diversion of relief food from the starving population are abusive of civilians on both sides of the elusive front line.

The government's divide and conquer militia strategy is applied even in southern areas under control of its allies: in oil-rich Western Upper Nile a Nuer faction has waged a scorched earth campaign against the main ex-rebel army. Both forces are supplied by the government and their fighting has resulted in significant displacement of Nuer from oil areas.

At the height of the 1998 famine, the international community was paying U.S. \$ 1 million per day for famine relief, about the same amount the war is estimated to cost the Sudan government. The cost of rebel operations is not known.

Bahr El Ghazal and the Famine of 1998

The Bahr El Ghazal famine of 1998 had one natural cause: a two-year drought caused by El Niño that provided the natural conditions from which human violence and repression would generate the famine. But the famine itself was a product of human action.

The famine became inevitable when several types of human rights abuses converged. These included the government-backed murahleen militia's raiding of Bahr El Ghazal Dinka since the mid-1980s, pauperizing the rural population through the theft of cattle, looting of grain, burning of crops and homes, and seizing women and children as booty. The military train that supplied Wau and Aweil, government garrison towns in Bahr El Ghazal, also brought murahleen horsemen and troops of the Sudanese army, who rampaged through the Dinka communities along the rail line. The railway served both to bring in the raiders and their horses and to remove their booty —cattle, grain, and women and children abducted into slavery.

The rural Dinka communities were also assailed by raiding and looting by the government-backed forces of former rebel commander Kerubino Kuanyin Bol, himself a Bahr El Ghazal Dinka, from 1994 until late 1997, further reducing the population's capacity to survive. Finally, the government's persistent obstruction of relief in the region for many years and the SPLA's looting of relief goods and "taxation" of civilians greatly reduced the already slender amounts of outside assistance. The cumulative effect was that by late 1997 some 250,000 people in Bahr El Ghazal, many of them internally displaced, were predicted by the U.N. to be at risk of starvation in 1998.

Help for these 250,000 might have been manageable by the OLS had it been adequately funded. Then the unforeseen intervened: Kerubino defected to the SPLA and with the SPLA tried and failed to capture the three garrison towns on January 29, 1998. Violations of the laws of war— looting by Kerubino and SPLA forces during the assault—contributed to the rebels' defeat.

This defeat, in an ethnically polarized town, led to an exodus of tens of thousands of Dinkas and Jur, fearing persecution and pogroms, out of the towns into rural mostly Dinka areas controlled by the SPLA and already predicted to be at risk of famine.

Government forces killed many civilians as they fled Wau during the fighting, and for ten days afterwards, the feared attacks that may have generated the exodus proceeded, as government troops, militia, and what were believed to be mujahedeen not from Wau scoured the marketplaces and went from door to door in Dinka and Jur neighborhoods, killing many Dinka and Jur men, women, and children. Witnesses saw hundreds of bodies on the streets; and one source said the Red Crescent carried three lorries full of the bodies of those civilians to common graves during this period. Mass graves were reported near the Nazareth quarter, in the Marial Bai/Marial Ajith areas, and elsewhere, while other bodies were seen dumped into the Jur River. Bodies in an advanced state of decomposition were burned on the spot. Civilians sought sanctuary in several locations, including the governor's residence, the Wau hospital, and the Catholic mission, but government forces reportedly entered all but the Catholic mission, killing many people inside. Estimates of the numbers killed range from several hundred to several thousand.

As soon as the OLS announced it was making emergency deliveries of relief food to the approximately 100,000 civilians who escaped this slaughter, the government on February 4 banned all relief flights into the entire rural (rebel-held) Bahr El Ghazal; the ban lasted, in essence, until March 31, 1998. The ban could not be justified as of immediate military necessity and went far beyond the geographical area of the brief fighting, in violation of customary rules of war. It was imposed to punish Kerubino, the SPLA, and the civilians living in areas they controlled. Since

most food relief was delivered to remote Bahr El Ghazal by airdrops, and land and river travel—even where logistically feasible—was subjected to attack, the flight ban prevented the OLS from making sufficient food deliveries to head off or blunt the famine. The small exception to the ban—on February 26, permission to deliver food to four locations in rebel-held areas and two government garrison towns—exacerbated the situation by creating “aid magnets,” causing migration.

The famine did not diminish when the flight ban was lifted on March 31, however, or when the government gave permission for additional planes with the enormous capacity needed to deliver massive amounts of food to the starving. The start-up lag time, slow funding, and logistical difficulties cost weeks in getting food to those in need. But continued violations of the rules of war played probably a larger part in deepening and prolonging the famine.

The famine was further extended by Kerubino. As allies with the SPLA his forces were no longer raiding the Dinka, but Kerubino took the conflict into Baggara territory in April 1998, killing civilians and looting Baggara cattle (while claiming to recover cattle looted from the Dinka).

Continued government attacks on civilians—raids and bombings—further drove the famine. Although some murahleen raids in Bahr El Ghazal may have been conducted in part in retaliation for Kerubino raids, the large army/murahleen/Popular Defense Force (PDF) campaigns in April-July 1998 involved considerable planning and government logistical support. These raids were carried out with renewed viciousness. The government forces abducted thousands of children and women, stole tens of thousands of cattle, burned many villages to the ground, and destroyed or pillaged food supplies. The planting season (usually April to May) was also disrupted, as thousands of famine victims fled hunger and the terror of murahleen raids, migrating from their home areas to concentrate around a few relief sites. The government’s bombing of several relief sites, in turn, killed some civilians on the spot and destabilized relief efforts.

The provision of relief to famine victims was further disrupted by the SPLA and by local chiefs, who appropriated relief food from needy civilians for redistribution to constituents according to their own criteria. The displaced without local kin, widows (who are at the bottom of the social scale even in normal times), and families with one child already receiving food from a feeding center suffered most. This diversion was an additional reason why the famine gained momentum in the rural areas despite international efforts. Hunger and murahleen raiding together ultimately caused many Dinka to flee for safety and food into the garrison towns under the government’s control—where they faced the threat of renewed ethnic violence.

The actions of government and opposition forces combined to make the death rate on account of the famine shoot up, including in the largest town in Bahr El Ghazal, Wau, where 72,000 famine migrants were registered from May to August, again filling up a town where whole neighborhoods were deserted on January 29. Restrictions on movement of the displaced in Wau and other towns threatened to limit their ability to cultivate. The reported detention and torture of many adult male displaced and the harassment of others, as well as a lack of protection for the displaced from the theft of food by town residents, meant they remained at risk.

In Aweil, northern government military forces were reportedly responsible for the June 1998 massacre of thirteen southern men, mostly bodyguards of the governor. Although Riek Machar, leader of the former rebel groups who signed a peace agreement with the government, complained that justice had not been done, it appears that the abusive army forces were never punished.

After a July 15 cease-fire for humanitarian purposes took effect in Bahr El Ghazal, a joint task force of rebel, U.N. and nongovernmental organizations, the SPLA/SRRA-OLS Joint Targeting Vulnerabilities Task Force in SPLM Controlled Areas of Bahr El Ghazal (Joint Task Force), conducted an assessment of the reasons relief was not reaching the neediest people in Bahr El Ghazal. They, too, recognized the rights abuses that propelled the food crisis into a famine, while citing non-human rights factors as well. Their ranking of the complex set of factors contributing to the famine during its first three phases is attached as Appendix A to this report. The Joint Task Force recommended improvements in the system of food distribution to help protect the vulnerable.

The cease-fire was extended by the government and SPLA in Bahr El Ghazal at the behest of the international community in three-month increments, to last until April 15, 1999. This positive development was clouded by the announcement that Kerubino, after an apparent assassination attempt on SPLA leader John Garang in Nairobi in November 1998, had returned to the government town of Bentiu, Western Upper Nile, having again left the SPLA, and was negotiating with the government to return to his role as a government-sponsored warlord in Bahr El Ghazal.

Western Upper Nile: Ex-rebel Government Militias Fight Each Other

The famine afflicting the Western Upper Nile region to the immediate east of Bahr El Ghazal has related origins in that the abusive military tactics used are similar: scorched earth attacks on civilians by government-funded militias. There are an estimated 150,000 people at risk of starvation in Western Upper Nile, mostly Nuer, cousins of the Dinka.

This area of southern Sudan is nominally controlled by the government, through Riek Machar, whose former rebel forces are an important part of the government-created South Sudan Defense Forces (SSDF) he heads. The famine has spread there because Paulino Matiep, a Nuer warlord based in an oil field area of Western Upper Nile, has fought Riek's forces for more than a year.

Paulino also is armed and supported by the government of Sudan. That is what makes this different from the Bahr El Ghazal situation: the famine-producing tactics are not the product of a counterinsurgency fight against the SPLA. They are used by these two Nuer government militias against civilians for a very different objective: political and military control of strategic oil fields in Nuer lands. Regardless of who wins that fight, however, the real control at the end of 1998 remained with the government, which granted contracts to many foreign companies to extract the oil and build a pipeline to the north and a refinery there, on an accelerated basis. Revenue from the development of oil will enable the government to finance an expanded war.

The two Nuer militias raided back and forth in late 1997 and in 1998, with civilians taking the brunt of the fighting and the meager civilian infrastructure being demolished: huts, clinics, and other facilities were burned to the ground. The fighting made it difficult for the population to stay in one place, to find food, to protect their animals from capture, or to cultivate. Although there was no government ban imposed on OLS flights into this area, unlike Bahr El Ghazal, the fighters' rapid and widespread raiding created insecurity that forced the OLS to suspend service. From July to December, with one exception, no relief was distributed in Western Upper Nile because of insecurity. Several cease-fires were broken and in a dramatic move in October, Paulino's top commander and some 1,000 militia members defected to the SPLA. Riek's forces claimed in December that the war in Western Upper Nile was over, maintaining that the remainder of Paulino's forces, disgusted at the destruction of their Nuer homeland, deserted to Riek's SSDF.

Nuba Mountains: Under Siege by the Government

The Nuba Mountains, in the center of Sudan, are not contiguous to any rebel area but since 1989 the SPLA has controlled territory there. The Nubas are Africans, half Christian and half Muslim, who speak many different Nuba dialects and use Arabic as a lingua franca. The government of Sudan has never permitted access by the U.N. or any relief agency to the SPLA areas of the Nuba Mountains. While even preventing ordinary traders from doing civilian business with these rebel areas, the government has facilitated U.N. assistance to garrison towns, particularly to the "peace camps" where captured Nubas from rebel areas are

interned and are subjected to abuse. The government's strategy is to starve the estimated 400,000 civilians in SPLA areas, presumed to be the SPLA "support base," out of their traditional lands and into these "peace camps."

Because the valleys of the Nuba Mountains are fertile, there has usually not been a need for outside food assistance. After the government captured a key valley in 1997 and the whole area suffered from drought, a nongovernmental organization, conducting a clandestine survey in defiance of the Sudan government's ban on travel there, found that more than 20,000 people were at risk of famine in early 1998. With additional scorched earth campaigns and drought, that number has increased in late 1998.

Sudan's Foreign Minister promised U.N. Secretary-General Kofi Annan on May 20, 1998, that the U.N. could conduct an assessment mission in the rebel areas of the Nuba Mountains. That promise has never been kept. The governments' continued refusal of all access mocks the U.N. In the meantime, in September, twelve of Sudan's twenty-six states, in northern Sudan and far from the war, experienced the worst flooding of the Nile River in decades, leaving about 100,000 Sudanese homeless and exposed to malaria, cholera, and acute respiratory infections. The U.N. appealed for U.S. \$ 9 million to help the most vulnerable flood victims. Yet the needs of the rebel-held Nuba Mountains have never been addressed.

Ambassador Tom Eric Vraalsen has made some headway since his appointment in mid-1998 as the U. N. secretary-general's special envoy for humanitarian affairs in Sudan: he concluded an agreement on rail and road use and security for relief operations, worked out an extension until April 15, 1999 of the Bahr El Ghazal cease-fire, and secured the government's agreement in principle to a needs assessment for the rebel areas of the Nuba Mountains. Only time will tell if this marks a real turning point.

Recommendations to the Government, its Army, the SSDF, Murahleen, PDF, and Other Government Forces and Militias, including Kerubino's and Paulino's Forces; and the SPLM/A:

- cease all targeted and indiscriminate attacks on civilians and civilian objects, and without delay investigate those believed involved in such acts and promptly try them, subjecting the guilty to punishment;
- end looting and pillaging and punish the looters and pillagers, whether operating individually or under command, and punish those who buy and sell looted goods;

- punish all armed persons, whether under responsible command or not, who engage in diversion or theft of food and nonfood relief items, and those who buy and sell such items;
- permit full international monitoring of relief efforts, with unrestricted access for food monitors and nongovernmental organizations not aligned with any party;
- allow the deployment of full-time U.N. human rights officers to operate throughout Sudan, in government and rebel-held areas, with a mandate to promptly inform the world community of human rights abuses, particularly those that in the past have led to famine;
- respect freedom of movement so that anyone may move to and from rural areas to cultivate and to benefit from relief food;
- end arbitrary detentions of persons displaced by famine and the war, and protect the safety of the displaced; and
- punish all persons who engage in slavery-like practices, including capturing civilians who are not charged with any crime.

Recommendations to the Government:

- permit a U.N. assessment team (and relief if the team determines there is need) into the rebel-controlled areas of the Nuba Mountains as agreed upon in May 1998, without any further delay;
- participate with OLS agencies in a joint task force to assess the failure of relief to reach those in need in government-controlled areas, following the model of the Joint Task Force;
- establish a program to put an end to the capture and exploitation of children and other civilians by army, murahleen, and militia, and an end to their confinement in slavery-like conditions; identify and release those held in captivity; enforce the criminal laws against kidnapping, child abuse, and forced labor; establish, in consultation with experienced international agencies, a central agency responsible for assisting family members to locate their relatives missing in raids or war; ratify relevant international instruments, and cooperate with national, international, and U.N. agencies in the investigation of slavery; and
- disarm and disband all militias, both public and private..

Recommendations to the SPLM/A:

- implement the recommendations of the Joint Task Force, particularly to take measures to reestablish the neutrality of humanitarian assistance, prevent diversion from needy members of the community by anyone, and

increase the amount of attention and resources given to issues of law and order in areas where the OLS and nongovernmental organizations are operating;

- develop a program to end slavery in Sudan;
- support the dissemination of international human rights and humanitarian law and monitoring by OLS (Southern Sector); and
- disarm and disband all armed groups operating in SPLA territory which are not directly part of the SPLA nor are subjected to SPLA discipline.

Recommendations to the International Community, Particularly the Donors to OLS and the IGAD Partners Forum:

- require the government, without further ado, to live up to its promise on May 20, 1998, to U.N. Secretary-General Kofi Annan to permit a U.N. assessment team (and relief if needed) into the rebel-controlled areas of the Nuba Mountains;
- support the renewal of the mandate of the special rapporteur on human rights in Sudan at the U.N. Commission on Human Rights in 1999;
- fully support and fund the establishment by the U.N. of a contingent of full-time U.N. human rights officers with a mandate to operate throughout Sudan in government and rebel areas, and to promptly inform the world community of human rights abuses, particularly those that might lead to famine;
- support and fund the recommendations of the Joint Task Force;
- support and fund the dissemination of human rights and humanitarian law and monitoring by OLS (Southern Sector);
- refuse to finance, support, or supply spare parts or repair track for the Babanusa-Wau train, or use it to deliver relief on the grounds that the historical military use to which the track and trains have been put (raiding civilians) are human rights abuses which are root causes of the famine, and that such repairs are thus counterproductive to famine relief;
- closely monitor the relationship between repair of roads and track and the commission of human rights abuses, particularly raids and attacks on the civilian populations living in range of the roads or railway. Be prepared to switch to alternative means of delivery, even if more costly, if these modes of transportation are ultimately facilitating the commission of human rights abuses or the spread of famine;
- devise a planned response to government, rebel, or warlord forces' refusals of access to civilian populations in need and act promptly on that plan

when access is denied, to protect civilians from further displacement and rights abuses;

- develop an international program to end slavery in Sudan;
- require all parties to the conflict to:
 - cease all targeted and indiscriminate attacks on civilians and civilian objects, and without delay investigate those believed involved in such acts and promptly try them, subjecting the guilty to punishment;
 - end looting and punish the looters and those who buy and sell looted goods;
 - punish all those who engage in diversion or theft of food and nonfood relief items, and those who buy and sell such items;
 - respect freedom of movement so that anyone may move to and from rural areas to cultivate;
 - end arbitrary detentions of persons displaced by famine and war, and protect the safety of the displaced; and
 - establish a program to put an end to the capture and exploitation of children and other civilians by army and murahleen and militia forces, and an end to their confinement in slavery-like conditions; identify and release those held in captivity; enforce the criminal laws against kidnapping, child abuse, and forced labor; establish, in consultation with experienced international agencies, a central agency responsible for assisting family members to locate relatives missing in raids or war; ratify relevant international instruments, and cooperate with national, international, and U.N. agencies in the investigation of slavery.

Recommendations to the United Nations and its Agencies, including OLS, UNICEF, WFP, the Commission on Human Rights, the High Commissioner for Human Rights, and Others:

- require the Sudan government to live up to its promise on May 20, 1998 to U.N. Secretary-General Kofi Annan to permit a U.N. assessment team (and relief if needed) into the rebel-controlled areas of the Nuba Mountains;
- insist on full international monitoring of relief efforts, with unrestricted access for food monitors and nongovernmental organizations not aligned with any party;
- act urgently and firmly to deploy full-time U.N. human rights officers to operate throughout Sudan, with a mandate to promptly inform the world community of human rights abuses, particularly those that lead to famine;

- support and act according to the recommendations of the Joint Task Force, particularly to urgently request UNCERO to initiate a joint UN/NGO/government of Sudan investigation into humanitarian abuses in government-controlled areas, and to conduct more OLS workshops on humanitarian principles and humanitarian law;
- support and fund the dissemination of human rights and humanitarian law and monitoring by OLS (Southern Sudan); and
- develop a program to end slavery in Sudan.

II. INTRODUCTION

There is a longstanding war between the Islamist central government and its southern warlord and militia allies, and the rebel Sudan Peoples' Liberation Movement/Army (SPLM/A) in southern Sudan and the central Nuba Mountains. The war was extended to eastern Sudan in 1995, and is about many issues, including regional independence or autonomy, whether the central government should be a secular or Islamic state, control of valuable southern resources including oil and the waters of the Nile, political participation in government, and human rights abuses.

The government forces include the troops of its regular army, militias, and allied southern warlords. The SPLM/A rebels draw heavily on Dinka fighters, but also include other southerners and marginalized people from other regions outside the south, such as the Nuba Mountains. Bahr El Ghazal is at the center of the 1998 famine and is the heartland of the Dinka, the largest ethnic group in Sudan.

Starvation has become a promiscuous weapon of this war, as forces of both sides use hunger as a means to achieve military goals: the government, through the use of militias and soldiers, attempts to control, displace, or to annihilate the civilian population believed to support the rebels, and the SPLA attempts to starve southern garrison towns into surrender through years-long sieges and attacks on overland and river transport. Both sides divert food (relief and other) for their own commercial or survival needs as well.

In 1988, the use of starvation as a weapon of war killed thousands, estimated as high as 250,000, in Bahr El Ghazal and adjacent areas. The 1998 famine in Bahr El Ghazal by July 1998 put at risk of starvation approximately one million people.

In 1988 as in 1998, famine was a consequence of both government design and rebel tactics. The government's arming and mobilization of ethnic militia on its behalf, including defecting former rebel leaders, was instrumental in both campaigns. The government's support for militia raised from ethnic groups that had been rivals of the Dinka appeared to offer a way to win the war at minimum economic and political cost while making responsibility for abuses committed "deniable," attributing them to "ancient tribal animosities." When Dinka warlords were recruited to support the government against the Dinka population of Bahr El Ghazal, their abuses, too, would be attributed to actions and personalities beyond the government's control.

A scholar of the 1988 famine concluded that "the arming and encouragement of militia attacks, though it directly created famine, represented a solution rather than a problem for successive governments in Khartoum."¹ These governments were

¹David KEEN, *THE BENEFITS OF FAMINE: A POLITICAL ECONOMY OF FAMINE AND RELIEF IN SOUTHWESTERN*

facing several pressures. Mounting international debt and economic recession, deepened by the war, prevented access to oil deposits and the building of the Jonglei Canal to capture Nile water that would otherwise evaporate. At the same time, the war required substantial security spending. Politically, the government needed to accommodate the Baggara (well armed, discontented, and capable of becoming a dangerous anti-government force), while it faced pressures from a growing Islamist movement. The militia strategy appeared to offer a way to win the war at minimum cost, and it remains unchanged today. Because it pits southerners against each other and neighbor against neighbor, it makes the likelihood of establishing a lasting peace remote.

There are also famines in 1998 in Western Upper Nile and in the central Nuba Mountains induced by the same military tactics. In the Nuba Mountains, through local Nuba militias known as *nafir al shaabi*, the government uses starvation tactics to force the civilians living in rebel areas into “peace camps” in government garrison towns. Consequently its forces not only loot or burn animals and foodstuffs and burn houses, but also impose a strict siege or blockade of the rebel areas, preventing any relief or even ordinary commerce from reaching the approximately 400,000 civilians there.

In Western Upper Nile, the same starvation tactics are employed, but not in pursuit of victory over the rebels. In that Nuer area, two government-aligned Nuer militias are fighting each other for political and military control of the state where the valuable oil fields are located, in order to benefit from the current extraction efforts there. The government has already contracted out rights to the oil to a foreign consortium, and pumping as well as refinery and pipeline construction in the north are underway on an accelerated basis.

The preconditions for the famine in Bahr El Ghazal were established through raids on Dinka communities by regular army troops, murahleen, and other militias. They conducted sustained campaigns targeting civilian communities, robbing them of their livelihoods (cattle and grain), abducting women and children for slavery purposes, and killing the men who got in the way.

Obstruction of relief deliveries by the government exacerbated the suffering resulting from attacks on the civilian communities. Diversion of relief in Bahr El Ghazal by the SPLA and the local chiefs also played a role in prolonging the suffering.

III. THE 1998 FAMINE IN BAHR EL GHAZAL

The 1998 Bahr El Ghazal famine might not have developed had government militia forces of the murahleen and the Dinka warlord Kerubino Kuanyin Bol, a former SPLA commander, not stripped the land of cattle and grain, causing massive civilian displacement and deprivation, and had government obstruction of humanitarian relief not cut the international safety net for tens of thousands of the hungry. Kerubino's defection to the SPLA and their attempt to capture Wau and two other towns on January 29, 1998 caused the Dinka and Jur population of these towns to flee to the rural areas already suffering from a food shortage.² The fighting also caused the government to put in place a punitive flight ban on all relief into Bahr El Ghazal; all contributed significantly to the famine.

Kerubino's Background Leading up to Wau

Kerubino, a founder of the SPLA, was held by SPLA Commander-in-Chief John Garang in prolonged arbitrary detention from 1987 to 1992, for allegedly having plotted a coup against Garang.³ He, his deputy Faustino Atem Gualdit, Arok

²Southerners frequently refer with all respect to leaders by their first names, unless the first name is a Christian name, in which case the last name is used. Therefore "Kerubino" is used for Kerubino Kuanyin Bol throughout this report, and "Garang" for John Garang, although SPLA supporters will often refer to him as "Dr. John," on account of his doctoral degree in agronomics. Southerners even refer to the president of Sudan, Omar El Bashir, as "Omar."

³Human Rights Watch/Africa, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan* (New York: Human Rights Watch, June 1994), pp. 228-35.

Thon Arok,⁴ and other former SPLA commanders escaped south to Uganda in late 1992, where they eventually were recognized as refugees. They made their way to Kenya where they joined an SPLA breakaway faction formed in 1991 and headed by former SPLA Commander Riek Machar, a movement later called the South Sudan Independence Movement/Army (SSIM/A).⁵

⁴Arok Thon Arok was a Dinka Sudanese army officer who attended military school in Khartoum. He joined the SPLA in 1983, was jailed by the SPLA, escaped with Kerubino in 1992, and then joined Riek's forces in 1993.

⁵For an excellent and comprehensive assessment of the rebel movements in southern Sudan, see Peter Adwok Nyaba, *The Politics of Liberation in South Sudan* (Kampala, Uganda: Fountain Press, 1997). He reports that Kerubino made contact with Khartoum government agents while in Kampala, Uganda in 1992, after his escape from SPLA jail. *Ibid.*, p. 122.

Kerubino proceeded to recruit followers from among his own Dinka of Bahr El Ghazal (he was born in Paywayi in Bahr El Ghazal and went to school in nearby Gogrial⁶) and formed a separate fighting force based close to the government garrison town, Gogrial. His alliance with the government of Sudan dated from 1994; he was expelled by Riek Machar from his rebel force (then SSIM/A) in January 1995 for that reason.⁷ From 1994-97, he fought the SPLA, but mainly inflicted substantial damage on his own people in Twic, Abyei, and Gogrial counties, parts of Aweil East, and south into Wau County, all in Bahr El Ghazal. While the SPLA had support from local Dinka chiefs and people in Bahr El Ghazal, Kerubino, allied with the "Arabs," did not.

Riek and Kerubino were reunited in the SSIM/A upon signing the Political Charter with the government in April 1996. They were the only ones to sign for the rebels.⁸ In this charter the parties pledged to end the civil war, and to conduct a referendum, "after full establishment of peace" and at the end of an interim period, "to determine the political aspirations" of the people of southern Sudan.⁹ On April 21, 1997, that charter was incorporated into a Peace Agreement with the government, which Kerubino signed as Commander-in-Chief of SPLM/A (Bahr El Ghazal). Among the former SPLA commanders who signed the Peace Agreement, Riek and Kerubino were the ones who actually headed fighting forces. In 1997, Kerubino relocated his forces close to Wau.

Wau in 1997

⁶Charles Omondi, "Sudan: Warlord not remorseful," *Africanews*, Issue 29 (Nairobi), August 1998.

⁷Human Rights Watch, *Behind the Red Line, Political Repression in Sudan* (New York: Human Rights Watch, May 1996), pp. 318-23.

⁸SPLM/SPRA-OLS JOINT TARGETING AND VULNERABILITIES TASK FORCE IN SPLM CONTROLLED AREAS OF BAHR EL GHAZAL, FINAL REPORT ("JOINT TASK FORCE REPORT"), NAIROBI, AUGUST 27, 1998, p. 2.

⁹Kerubino signed as DEPUTY CHAIRMAN AND DEPUTY COMMANDER-IN-CHIEF, SOUTH SUDAN INDEPENDENCE MOVEMENT/ARMY (SSIM/A).

Wau, the second largest town in the south, with an estimated population of 120,000 at the end of 1997,¹⁰ was tense from the time that the SPLA, in a surprise move in May-June 1997, captured three towns on the road leading northwest to Wau: Tonj (only sixty miles to the southeast of Wau), Rumbek, and Yirol.¹¹ This campaign rolled on from a major March 1997 SPLA offensive from the Ugandan border in which Yei was captured and thousands of Sudan government troops (and their Ugandan rebel protégés, the West Nile Bank Front based in government-controlled southern Sudan) were killed or captured.¹²

One high-ranking Wau civil servant described the panic in Wau at the fall of Tonj:

When the government forces went to Tonj [to fight the SPLA in April 1997] the people in Wau thought that the government forces were so huge that none

¹⁰World Health Organization (WHO), Report of a WHO/UNICEF Joint Assessment Mission to Bahr El Ghazal, Sudan, Executive Summary of Mission Report, Rome, August 26, 1998 ("WHO/UNICEF Mission"). Juba is the largest town in the south.

¹¹"Rebel Radio Reports 'Surprise' Capture by SPLA of Rumbek Town," Voice of Sudan, Voice of the National Democratic Alliance (NDA), in Arabic, May 2, 1997, BBC Monitoring Service: Middle East, May 5, 1997; "Southern Sudan Rebels Claim Another Victory," Reuter, Nairobi, May 11, 1997; "Opposition Radio Reports SPLA Capture of Yirol," Voice of Sudan, Voice of NDA, in Arabic, June 17, 1997, BBC Monitoring Service: Middle East, June 19, 1997.

¹²See "SPLA Leader Garang on Capture of Yei, POWs, Government's Peace Moves," *Al Hayat* (London), April 23, 1997, in Arabic, BBC Monitoring Service: Middle East, April 25, 1997.

could defeat them. They were defeated by the SPLA and there was panic in Wau. We found out about the defeat when the soldiers ran back to Wau.

First to run back was the BM [multiple rocket launcher firing 122 mm rockets singly or in a salvo], mounted on a truck. Other soldiers came on swollen feet, wounded. The northerners wanted to run away. If the SPLA forces in Tonj had gone to Wau then, Wau would have fallen. The northerners took their families by air to Khartoum, even the senior officers.¹³

¹³Human Rights Watch confidential interview with former Wau civil servant, WUNROK, Bahr El Ghazal, Sudan, May 9, 1999.

In May 1997 Kerubino fought the SPLA in and around Gogrial (one hundred kilometers northeast of Wau), and succeeded in preventing the SPLA from capturing this garrison town. One Wau resident said this fighting came close enough to Wau so that those in Wau could hear the sound of heavy guns. They also heard rumors of hundreds of people killed, Dinka on both sides. In one opinion, "Kerubino certainly did a favor for the government by stopping the SPLA from taking Wau at that time. Kerubino defended the Arabs by killing his own people."¹⁴ However, the SPLA succeeded in May 1997 in capturing Wunrok to the northeast of Gogrial;¹⁵ Wunrok had been a Kerubino stronghold until then, and was the place where he held an ICRC plane and crew hostage in late 1996.¹⁶

After Tonj fell in May 1997, the governor of Western Bahr El Ghazal state, Ali Tamim Fartak, said, "All in the state are currently in a state of maximum alert. . . . The government, the national peace forces in the state and forces of Kerubino Kwanyin [sic] are (gathered) in one bunker for the defense of the nation."¹⁷ The government made it very difficult for men to leave Wau for outlying rural areas;

¹⁴Human Rights Watch confidential interview with resident of Wau, Nairobi, May 2, 1998. The government and northern Sudanese are interchangeably referred to by many southerners as "Arabs."

¹⁵Human Rights Watch interview, WUNROK RESIDENT, WUNROK, BAHR EL GHAZAL, SUDAN, MAY 7, 1998.

¹⁶Jonathan Wright, "Sudanese Militia Releases Red Cross Pilots, Nurse," Reuters, Nairobi, December 8, 1996.

¹⁷"Political and Civil Unrest: Sudan," Lloyd's Information Casualty Report, Khartoum, May 26, 1998, quoting remarks carried in the government-owned *Sudan al-Hadith* daily on May 25, 1998.

women were permitted to leave and return after a thorough search.¹⁸ The SPLA also detained some people leaving Wau; there are reports that displaced in the camps on the outskirts of Wau limited their movement due to SPLA attacks on the more venturesome.¹⁹ All these factors made it hard to cultivate beyond the perimeter of Wau. The same appeared to be true in other government villages; in the small village of Ariath on the railway north of Aweil residents feared venturing out of the narrow secure radius to cultivate because of the SPLA, limiting their economic recovery.²⁰

After May 1997, some educated Dinka who held positions as government officials defected to the SPLA from Wau, disappearing to the other side. These included two of the very few medical doctors in Wau,²¹ and Dr. Martin Marial, dean of the college of education and vice chancellor of the University of Bahr El Ghazal.²²

¹⁸Human Rights Watch interview, Martin Marial, former dean, College of Education, Wau, in Nairobi, May 3, 1998.

¹⁹Human Rights Watch interview, Nairobi, May 2, 1998.

²⁰Human Rights Watch interview with human rights researcher, Nairobi, May 1, 1998.

²¹Human Rights Watch interview, Nairobi, May 2, 1998.

²²Human Rights Watch interview, Martin Marial, May 3, 1998.

The security situation in Wau, tense since the SPLA victories in April and May 1997, worsened in October, when there was an SPLA mortar attack on Wau. Starting in November 1997 there was shooting nightly in Wau, either by nervous government forces or in exchanges of fire with the SPLA. The military supply train, so notorious and so vital to the garrison town of Wau, reached Wau in October 1997, stayed a few weeks, and moved north from Wau in late October, with six closed cars.²³

The People of Wau and Dinka-Fertit Rivalry

Wau has been an ethnically mixed town. Among the southern non-Arab groups of Wau town are the Fertit, the Dinka, and the Jur.²⁴ The Bahr El Ghazal region was populated by Dinka (From the northwest to southeast of Wau), Jur from to the south and east of Wau, and Fertit from the west, centered on the town of Raga.

The Fertit, a group of many small African tribes related to the Bantu of central Africa, traditionally have been ruled by Arabized Muslim families, including the Feroqe family of Fartak. The Fertit are agriculturalists and most follow traditional African religions.²⁵

The Dinka are Africans living mostly in Bahr El Ghazal, Upper Nile, and Lakes regions. Many live in Wau. As a result of the war and famines, many have migrated to urban areas of the north where there is no war.²⁶

²³Human Rights Watch interview, Nairobi, May 1, 1998.

²⁴ See Appendix B, The Ethnic Groups of Wau.

²⁵ See Appendix B. "Fertit" is not an ethnic group or tribe but a derogatory term for the small African ethnic groups of western Bahr El Ghazal.

²⁶ A Dinka organization in Khartoum is campaigning to return to the original name, "Jieng," which was spurned as unpronounceable by European explorers in the eighteenth century, and corrupted to the name of a chief, Deng Kak, into Dinka. The Dinka (or Jieng) make up about 12 percent of Sudan's people. Nhial Bol, "What's in a Name?" Inter-Press Service (IPS), Khartoum, December 26, 1998.

The Jur are a Luo (African) group from east and south of Wau who live in proximity to the Dinka in Bahr El Ghazal.²⁷ They were forced westward in Bahr El Ghazal in the nineteenth century by the Dinka, who were in turn being pushed westward out of Western Upper Nile into Bahr El Ghazal by the expansionist Nuer.²⁸ In the process, the Jur lost their cattle to the tsetse fly and became agriculturalists and blacksmiths.²⁹ The Jur language is close to Acholi, a Luo tribe that straddles the Sudan/Uganda border.

Wau also has a Fellata community of Muslim West Africans who migrated to Sudan following trade routes to Mecca,³⁰ many northern Sudanese Arab traders, known as *jellaba*, also live in Wau.

The Arabized Baggara cattle nomads, whose militia is the murahleen, live to the north of Bahr El Ghazal, in Darfur and Kordofan regions.³¹ They visit Wau en masse when they accompany the military train to Wau.

Wau has intermittently been the scene of fighting, often along ethnic lines. During the first civil war (1955-1972), in January 1964, the southern separatist guerrilla force called Anyanya attacked Wau. The attack failed.³² In July 1965,

²⁷Jur is the Dinka word, broadly speaking, for non-European, non-Arab foreigner. Human Rights Watch interview, Nairobi, May 1, 1998; Human Rights Watch interview, Lokichokkio, May 11, 1998.

²⁸See Raymond C. Kelly, *The Nuer Conquest* (Ann Arbor, Mich.: University of Michigan Press, 1985). For a list of other scholars who sought to isolate the critical differences between the Nuer and the Dinka that could account for the consistent military superiority of the former throughout the nineteenth century, see Sharon E. Hutchinson, *Nuer Dilemmas: Coping with Money, War, and the State* (Berkeley: University of California Press, 1996), pp. 31-32.

²⁹Stefano Santandrea, *Ethno-Geography of the Bahr El Ghazal (Sudan)* (Bologna, Italy: Gafopress, 1981), pp. 130-31.

³⁰Fellata is the name for West Africans who came through Sudan following west-east trade routes across the Sahel, many on pilgrimage to Mecca, and settled in Sudan as cultivators. Many were Fulani religious teachers. "Fellata" was a pejorative term applied by Arabic-speaking northern Sudanese to all immigrants from West Africa, who settled mostly in western Sudan. It is not a definitive ethnic category, but is associated with hard, menial, and unskilled agricultural work. Ahmad Alawad Sikainga, *Slaves into Workers: Emancipation and Labor in Colonial Sudan* (Austin, Texas: University of Texas Press, 1996), pp. 66-67.

³¹P.M. Holt and M.W. Daly, *A History of the Sudan from the Coming of Islam to the Present Day*, 4th ed. (New York: Longman Press, 1999), p. 70.

³²*Ibid.*, p. 190. Anyanya was the name of a poison made in Madi country (near Juba) in southern Sudan from snakes and rotten beans. *Ibid.*

northern troops conducted mass killings of southerners in Wau, sparking an exodus of southerners into border states.³³

The ethnic, cultural, and political polarization of western Bahr El Ghazal—including Wau—was evident in the first civil war and increased in the current war. Some Arabized, Islamized people from western Bahr El Ghazal were attracted by the NIF's militant Islam as a means of vindicating their role and presence in a sea of non-Arab non-Islamic southerners. The central government mobilized Muslim groups as well as the Fertit in Bahr El Ghazal against the SPLA—which was viewed as a Dinka army—arming the Fertit militia and exploiting historical animosities between the Fertit and the Dinka.³⁴

³³Ibid., p. 107.

³⁴See AHMAD ALAWAD SIKÄINGÄ, *THE WESTERN BAHR AL-GHAZAL UNDER BRITISH RULE: 1898-1956* (ATHENS, OHIO: CENTER FOR INTERNATIONAL STUDIES, 1991), pp. 123-24.

The Dinka were the primary victims of the 1988 famine in Bahr El Ghazal that was caused in large part by raids by government-backed *muraheleen* who stole cattle, burned huts and grain, and abducted women and children. In 1987 and 1988 Dinka famine victims streamed into Wau in search of food; their numbers reached almost 100,000. While some were able to draw on kinship ties to Dinka born in or earlier displaced to Wau, the many who were not able to do so remained at a great disadvantage. They were forced to sell their remaining assets—cattle—cheaply, work for little or no pay, and made to live in camps. In part because of the suspicion of SPLA sympathies with which rural Dinka were viewed, they were prohibited from movement out of displaced peoples camps. The prohibition on movement outside the camps to cultivate, gather firewood, or to leave to find work in the north was tantamount to a “sentence of death by starvation.”³⁵ Many did starve in Wau in 1988.³⁶ After the famine subsided, many migrated north to work or, especially after 1993 when relief began to reach the rural areas, returned there to cultivate.³⁷

The SPLA strategy was to lay siege to garrison towns, cut off all means of transport, and force them to surrender. Wau was under siege by the SPLA since about 1986. In February 1992 the government forces opened an offensive from Wau to break the SPLA siege, but did not succeed. In April 1992, those war-displaced without relatives in Wau were relocated to two camps on the East Bank of the Jur River six kilometers east of Wau, and at Marial Ajith, ten kilometers to the north of Wau. “They served to consolidate a security zone around Wau.”³⁸ The government military strategy for Wau, as for many garrison towns after 1992,

³⁵ African Rights, *Food and Power in Sudan: A Critique of Humanitarianism* (London: African Rights, May 1997), p. 95.

³⁶ Burr and Collins, J. Millard Burr and Robert O. Collins, *Requiem for the Sudan: War, Drought, and Disaster Relief on the Nile* (San Francisco: Westview Press, 1995), p. 132.

³⁷ Ataul Karim, Mark Duffield, et al., *CLS, OPERATION LIFELINE SUDAN: A REVIEW* (Nairobi: JULY 1996) (“CLS REVIEW”), p. 163.

³⁸ *Ibid.*, p. 109.

involved relocating and settling the war-displaced into peace villages, and the separation of these displaced from other kinds of populations.³⁹

³⁹Ibid., p. 100.

By 1996 many of the displaced in these camps had fled Kerubino's attacks as well as murahleen raids.⁴⁰ Some ran from the SPLA. Following a flight ban by the government from April 23-May 15, 1997, the OLS found that "the situation [in the camps] was indeed critical with little food and virtual lack of feeding center activities . . . malnutrition in the displaced camps is approaching 20 % . . . while efforts for cultivation are hampered due to insecurity."⁴¹ After food distributions, a nutritional survey in Wau town and the camps still showed moderate levels of malnutrition in under five year olds.⁴² The U.N. projected "major food deficits" for the displaced camps around Wau in 1998.⁴³

By 1998, two of three Wau camps for internally displaced were exclusively Dinka: Marial Ajith (population about 6,000) and Eastern Bank (about 6,200).⁴⁴ The third camp was Moimoi, to the south, where about 3,000 Zande (a large Sudanese African ethnic group near the Uganda/Congo border) lived. At least two neighborhoods of Wau were heavily Dinka: Hilla Jedid (Der Akok in Dinka) and Nazareth. Hilla Jedid (Der Akok) had an estimated 8,700 people and was located in the northern part of Wau—and just south of the Girinti army base—where Dinka family members of the military (and families of SPLA "defectors") also lived. Nazareth in south central Wau had an estimated 21,000 population, 75 percent of which was said to be Dinka and Jur. By 1998 some estimated that 42,000 lived in

⁴⁰Human Rights Watch confidential interview with former Wau agency employee, Lokichokio, Kenya, May 11, 1998.

⁴¹Operation Lifeline Sudan (OLS) (SOUTHERN SECTOR), EMERGENCY UPDATE No. 11 (NAIROBI), MAY 29, 1997.

⁴²World Food Programme (WFP), EMERGENCY REPORT No. 42: SUDAN, OCTOBER 17, 1997.

⁴³Office for the Coordination of Humanitarian Affairs (OCHA), "UNITED NATIONS CONSOLIDATED INTER-AGENCY APPEAL FOR SUDAN, JANUARY-DECEMBER 1998," UNITED NATIONS, NEW YORK AND GENEVA, FEBRUARY 17, 1998.

⁴⁴Human Rights Watch interview, Nairobi, May 1, 1998.

Dinka neighborhoods and displaced camps and elsewhere in Wau, although numbers are notoriously unreliable.⁴⁵

The Fertit Militia and the Dinka Police

⁴⁵Ibid.

The government formed and armed a Fertit militia in the mid-1980s.⁴⁶ The relationship of the government with the Fertit militia, called of *Jeish el-Salam* (Peace Army), and Anyanya II, both known as “friendly forces,” was regulated through a charter that the newly elected parliament of Sudan adopted in a secret session in August 1987. The charter recognized a parallel set of military ranks for these militia, who were to participate in joint operations and convoys with the army, and supply it with intelligence. The Fertit militia was officially under the jurisdiction of the army’s military intelligence department, and like Anyanya II, they received training, arms, ammunition, uniforms, and other supplies from military intelligence.⁴⁷

The Fertit militia has been described as “one of the clearest examples of a militia formed and developed as part of a deliberate [government] military strategy,”⁴⁸ by one authority. Their leader was Tom Al Nour, who as major general commanded them still in 1998.

The Fertit, like other less numerous southern peoples, feared the potential of the Dinka to dominate by virtue of their large population. In Wau the police force was predominately Dinka and the other government posts were precariously balanced between the Dinka and Fertit.⁴⁹

Initially the Fertit militia was intended to protect small Fertit towns from the SPLA. Many Fertit had been forced to flee to Wau to escape SPLA attacks around Wau in which Fertit civilians were deliberately killed by SPLA troops.⁵⁰ In 1987 the

⁴⁶Africa Watch, *Denying the Honor of Living: Sudan, A Human Rights Disaster* (New York: Human Rights Watch, 1990), pp. 100-01.

⁴⁷Human Rights Watch interview, human rights activist, January 22, 1999. For a discussion of Anyanya II, see below.

⁴⁸ALEY DE WAEL, “SOME COMMENTS ON MILITIAS IN CONTEMPORARY SUDAN,” in HERVE BLEUCHOT, CHRISTIAN DELMET, AND DEREK HOPWOOD, EDS., *SUDAN: HISTORY, IDENTITY, IDEOLOGY* (Reading, U.K.: Ithaca Press, 1991), p. 90.

⁴⁹African Rights, *Food and Power in Sudan*, p. 247.

⁵⁰Keen, *The Benefits of Famine*, p. 64.

SPLA attacked Khor Shammam (twelve kilometers from Raga), the home of the Fartak ruling family; the Fartak were considered an inveterate enemy of the SPLA.⁵¹

The Fertit were divided among themselves, and most Fertit leaders distrusted those chosen to lead the Fertit militia. They regarded the militia as a dangerous escalation of the war, according to one source.⁵² In 1987 the Fertit militia was withdrawn to Wau where it was coordinated by the army. This set the stage for ethnic clashes that claimed many civilian victims. As one report described Wau in 1987:

⁵¹Burr and Collins, *Requiem for the Sudan*, p. 79.

⁵²Dewaal, "Militias," pp. 90-91.

Three mutually antagonistic elements were prepared to loot and kill for food and vengeance: The army controlled the barracks, the railway depot, and the airport; the Fertit militia —armed by the government, made up of the hodgepodge of Sudanic peoples, and in large part Muslim and committed to oppose Dinka expansion—controlled half the city; and finally, the Dinka dominated the police force and the *suq* (market), *markaz* (administrative headquarters), and half of the residential area. In January [1987] the Fertit militia took advantage of food riots to kill their Dinka adversaries and burn their living quarters.⁵³

In July 1987, Major General Abu Gurun was appointed army commander in Wau and greatly exacerbated Fertit/Dinka tensions:⁵⁴

In summer 1987 Wau's agony continued without surcease. . . . Wau Town had fallen into a state of veritable anarchy. Civilians disappeared at night and were found dead the next morning; corpses, many riddled with bullets and showing signs of torture, were dumped along the town perimeter. Armed by the government and led by Missiriya Baqqara, the Fertit needed little excuse to attack the Dinka, particularly the Dinka police. . . . Thanks to [Major General Abu] Gurun's dispensation, the militia roamed through Wau, throwing grenades into Dinka huts and murdering Dinka civilians in the streets. In June a score of Dinka were killed and mutilated in the Lokoloko quarter; after a government [large cargo aircraft] C-130 was hit by an SPLA SAM-7 [anti-aircraft] missile over Wau airport on 3 August, General Abu Gurun supervised a search of the Dinka quarters that resulted in the deaths of more than 100 persons. . . . Later, in a single evening the Sudanese army lobbed nearly a dozen mortar shells into the Dinka quarter, creating confusion and death. . . .⁵⁵

⁵³Burr and Collins, *Requiem for the Sudan*, pp. 74–75.

⁵⁴Dewaal, "Militias," p. 91; AFRICA WATCH, *DENYING THE HONOR OF LIVING*, pp. 68–70.

⁵⁵Burr and Collins, *REQUIEM FOR THE SUDAN*, pp. 90–91 (FOOTNOTES OMITTED).

The Fertit militia, with the loan of army tanks,⁵⁶ finally attacked the police headquarters, leaving twenty-five Dinka police dead in the heart of Wau on September 6, 1987.⁵⁷ Army tanks attacked the Dinka sector of town and burned or destroyed nearly six hundred Dinka *tukuls* (huts), killing 300 civilians.⁵⁸ The Dinka police fought back for three days, defeating the Fertit militia which then retreated to the Jebel Kher area three or four miles outside of Wau ("The Dinka do not go there").⁵⁹ The transfer of Maj. Gen. Abu Gurun out of Wau at the end of 1987 eased the situation considerably, but a low level of killings continued.⁶⁰

Famine was also taking lives in Wau during the killings of 1987 and 1988. Thousands of displaced Dinka from Aweil and Gogrial, as well as Fertit and Luo from other areas, sought food and shelter at four camps the Roman Catholic Diocese created in June 1987. More than 200 people reportedly died in the camps by the end of August, in a situation that was described as increasingly desperate:

By September the markets in Wau were bare; the *jallaba* were escaping to Khartoum and those who remained sold sorghum on the black market for more than twenty times the prevailing price in Khartoum. . . .

In early October 1988, Angelo Beda, the chair of the government's hapless Council for the South, visited Wau and informed the press that '62 people die daily of hunger.'⁶¹

⁵⁶Dewaal, "Militias," p. 91.

⁵⁷Burr and Collins, *REQUIEM FOR THE SUDAN*, p. 91.

⁵⁸*Ibid.*, pp. 90-91 (FOOTNOTES OMITTED).

⁵⁹Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998; *SEE AFRICA WATCH, DENYING THE HONOR OF LIVING*, p. 69.

⁶⁰Dewaal, "Militias," p. 91.

⁶¹Burr and Collins, *REQUIEM FOR THE SUDAN*, p. 132. The authors note that the commissioner, a Zande from Tambura and a graduate of southern Sudan's only high school, Rumbek secondary school, it was a terrible admission to have to make. *Ibid.*

The International Committee of the Red Cross (ICRC) announced an airlift to Wau more than a year later, in 1989, but food conditions were not much improved, and security was also bad:

The Fertit militia was still active. It had attacked a displaced camp in January [1989] and the following month burned to the ground 300 huts in the Hay-Fellata quarter. Murder was a nightly pastime. Food relief trucks were habitually commandeered by the army, civil servants went unpaid, sugar was selling for the equivalent of \$15 a pound, the hospital was low on medicines, and corruption was rampant.⁶²

After the coup d' etat on June 30, 1989, the new NIF-military government began to impose stringent restrictions on the relief effort and on foreign eyewitnesses. Expatriates working in government garrison towns in Sudan, including religious personnel, frequently confronted the problem of travel permits. Often they would forego or delay taking leave for fear that they would not receive government permission to return, since even long residence did not and does not guarantee the right to return.

⁶²Ibid., p. 199.

Although there were an estimated 70,000 displaced persons in Wau in September 1989,⁶³ the head of military intelligence reportedly refused access to any foreigners without clearance from Khartoum.⁶⁴ A rash of violence similar to that of 1987 again broke out in mid-1989, as Fertit militia and the military attacked Dinka civilians and Dinka police seeking to protect them:

On 18 July [1989] the tenuous peace was shattered when army soldiers ran amok after one of their comrades was badly injured by an antipersonnel mine planted two kilometers north of the Wau military base.⁶⁵

The massacre was conducted by soldiers in the 311th Field Artillery Battalion who rushed to the Zagalona neighborhood of Wau and there began an indiscriminate attack on the Dinka. They seemed to target the displaced, including women and children living in camps set up by the ICRC.

The Dinka police tried to intervene to stop the killing but the military stopped them and the police, outgunned, retreated. When the slaughter was over, one hundred Dinka civilians were dead and scores were badly injured. The soldiers collected the dead and the mortally wounded and dumped them down a well located northwest of the military post.⁶⁶

Justice was never done in this case; the authorities acted as if the massacre had never happened. Although its details were widely known inside Wau, neither the military nor the local government bothered to investigate or punish the guilty.⁶⁷

In 1991 the Fertit militia together with the murahleen attacked Dinka civilians and police in Wau, according to one source. The Dinka police defeated them and captured murahleen cattle. The Fertit then sought peace negotiations, mediated by then Governor (Major General) George Kongor Arop, a Dinka army

⁶³The same number of displaced famine migrants were in Wau nine years later, in August 1998.

⁶⁴Burr and Collins, *REQUIEM FOR THE SUDAN*, p. 223.

⁶⁵Ibid.

⁶⁶Ibid.

⁶⁷Ibid., pp. 223–24.

officer who is now second vice president of Sudan. The agreement was signed by the Dinka police and the Fertit militia. There was no more fighting inside Wau until January 1998.⁶⁸

The economy of the garrison town of Wau was skewed by the war and dominated by a military/merchant cartel, according to a 1996 review of the OLS:

⁶⁸Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

The formal economy of the region has collapsed, although the government has managed to keep some resources flowing into the town [of Wau] to support civilian and military administrations. . . . [Land has been set aside for agricultural production but] the ability to derive a subsistence income from this production is undermined . . . by a cartel of traders and military officers who have combined to control the food market. With a monopoly on trucks and military protection, the cartel has been able to regulate the import of food to Wau Seasonally, food prices are subject to the manipulation of the cartel, and since 1989 they have consistently been among the highest in Sudan.⁶⁹

When the south was administratively divided from three states to ten in 1994, Wau became the capital of Western Bahr El Ghazal, considered a Fertit area. The rest of Bahr El Ghazal was divided among Northern Bahr El Ghazal (Aweil), Warab (Tonj and Gogrial), and Lakes (Yirol), all considered to be Dinka. Some Fertit were said to believe that the Dinka should move out of “their” town, Wau, into the Dinka areas.⁷⁰ This did not happen until January 1998, and within months, about one-third of the Dinka who fled Wau returned, in desperate condition.

Dinka and Baggara Rivalry in Bahr El Ghazal

The Dinka/Baggara rivalry has escalated from tribal animosity to a government counterinsurgency strategy whereby the Baggara have become government proxies against the Dinka, perceived as the backbone of the SPLA. This role for the Baggara was forged under the government of President Nimeiri (1969-85) and applied by the Umma Party when it was in power in a series of coalition governments from 1986-89. Although the Umma Party coalition was an elected government, the elections were not entirely satisfactory because the civil war that restarted in 1983 prevented most living in the south from participating.

⁶⁹ *CLS REVIEW*, p. 201.

⁷⁰ Human Rights Watch interview, Biel Torkech Rambang, U.S. Representative of the United Democratic Salvation Front (UDSF), Washington, DC, December 14, 1998.

The armed horsemen of the Baggara militia, known as the murahleen, played a crucial role in the generation of the famines of 1988 and 1998. Their government-sanctioned raids transferred Dinka cattle wealth to the Baggara, enslaved Dinka women and children, and played a major role in causing the Bahr El Ghazal famine of 1988, as has been abundantly illustrated in numerous studies.⁷¹ Murahleen raids of the 1990s contributed to the 1998 famine through the same process.⁷²

The Baggara Militia—the Murahleen

The Baggara are Arabized cattle nomads (*bagara* is the Arabic word for cow) living in the southern parts of Kordofan and Darfur, in western Sudan. The Baggara include subgroups such as the Rizeigat of Darfur and the Misseriya of Kordofan. Most Baggara today still belong to the Ansar Sunni Muslim religious sect and the Umma Party.

Misseriya militias were active as early as 1983. Under the government of President Nimeiri they and the Anyanya II, a mostly Nuer militia, coordinated raids with the army.⁷³ The government may have turned to arming the Baggara as a militia in part because conscription was unpopular in Sudan; it was canvassed as an option by President Nimeiri in 1984 and was apparently so unpopular that Nimeiri

⁷¹Keen, *The Benefits of Famine*; *OLS Review*; African Rights, *Food and Power in Sudan*; Burr and Collins, *Requiem for the Sudan*.

⁷²Murahleen also raided Nuer civilians in Upper Nile, but those raids do not appear to have figured centrally in the 1998 famine in Western Upper Nile.

⁷³Keen, *The Benefits of Famine*, p. 79; Anyanya II is discussed below in the chapter on Western Upper Nile. See Africa Watch, *Denying the Honor of Living*, pp. 81-92, regarding the murahleen militias.

dropped the idea and armed tribal militias to increase the forces at his disposal to fight the war.⁷⁴

After electoral democracy was restored, the Umma Party, partly out of fear that the Islamist NIF was making inroads into its traditional Baggara base, armed its Baggara supporters to raid the southerners and take war booty, and granted the Baggara impunity for these crimes.⁷⁵

⁷⁴African Rights, *Food and Power in Sudan*, p. 19; Keen, *The Benefits of Famine*, p. 94.

⁷⁵Human Rights Watch, *Behind the Red Line*, pp. 307-314; Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *Children of Sudan: Slaves, Street Children and Child Soldiers* (New York: Human Rights Watch, 1995), pp. 31-53.

Mechanisms used to exist for settling conflicts between the Baggara and the Dinka, mostly by inter-tribal conferences backed up by the power of the state. Since the beginning of the second civil war in 1983, however "the government has not intervened to try to settle disputes between the Baggara and the Dinka."⁷⁶ The national government has intervened to mediate disputes between other tribes since that date, however.⁷⁷

Agreements between the two sides have produced truces from time to time. During the first civil war (1955-72), the Baggara entered into grazing agreements with local commanders of the Anyanya southern separatist guerrilla movement, whereby the Baggara paid taxes in currency and bulls in order to graze and water their livestock in Bahr El Ghazal during the dry season. These were not renewed at the outset of the second civil war, however, and the Baggara began to make annual armed incursions into Bahr El Ghazal and Upper Nile, taking advantage of local unarmed populations.⁷⁸

The Baggara tribes suffered economically from desertification and drought, encroachment on grazing lands by mechanized farming, and other factors in the

⁷⁶DEWAAL, "Militias," p. 74. ALTHOUGH TRIBAL LEADERS OF THE HUMR BAGGARA AND NGOK DINKA AGREED IN FEBRUARY 1996 TO PAY COMPENSATION FOR RAIDS, IT WAS NEVER FORTHCOMING, AND THE RAIDING CONTINUED. IN JANUARY 1999 THE RIZEIGAT BAGGARA AND THE MALWAL DINKA CHIEFS MET, BUT THE RIZEIGAT CHIEFS WERE UNABLE TO CONTROL THE RAIDERS. THE GROWTH OF THE BAGGARA MILITIAS CONTRIBUTED TO A LONGER-TERM DECLINE IN THE TRADITIONAL LEADERS' AUTHORITY. KEEN, *THE BENEFITS OF FAMINE*, p. 107.

⁷⁷DEWAAL, "Militias," p. 74.

⁷⁸Abel Alier, *Southern Sudan: Too Many Agreements Dishonored* (Reading, U.K.: Ithaca Press, 1991), pp. 276-77. Abel Alier helped negotiate the Addis Ababa agreement, which ended the first civil war (1955-72). He served as vice president of Sudan until 1981, and in the 1990s he has played a leading role in the unarmed civic opposition in Khartoum.

1980s.⁷⁹ They were a persistent threat of rebellion to all central governments. In 1977 the Ansar (including the Baggara) came close to overthrowing President Nimeiri in an armed insurrection from bases in Libya. The government militia strategy would appease the Baggara with war booty and channel their economic frustrations against other sources of rebellion: the Dinka and the Nuer.⁸⁰

"Murahleen" is the Misseriya word for "travelers," referring to groups of young Misseriya Baggara men who accompanied herds of cattle ahead of the rest of the tribe in the seasonal movements of the herds. The murahleen travel on horseback, and were traditionally armed with firearms to protect themselves and their herds against wild animals and cattle raiders. The families followed behind. The equivalent among the Rizeigat Baggara tribe of southern Darfur are called "fursan," Arabic for "cavaliers or horsemen." The murahleen tribal militias were formed in the mid-1980s. They were incorporated into the army after the 1989 coup that brought the NIF to power. After that, the term murahleen came to cover not only Misseriya but also Rizeigat and other Baggara, and to denote tribal militias who raid villages in the south operating under the authority of the army.

⁷⁹Keen, *The Benefits of Famine*, pp. 53-69. Parts of Darfur suffered a famine in 1983-85. Alexander de Waal, *Famine That Kills: Darfur, Sudan, 1984-1985* (OXFORD: CLARENDON PRESS, 1989).

⁸⁰Keen, *The Benefits of Famine*, p. 94.

One important muraheleen function since 1989 has been to accompany the military supply train that descends on Bahr El Ghazal along the sole rail line that goes to the south, ending at Wau. They put their horses on the train. When they reach Bahr El Ghazal they bring out the horses to use in raids on Dinka villages along the railway and beyond; with the horses, they can reach a greater number of villages. Armed by the government with modern weapons, the muraheleen and other government forces periodically devastated the Dinka communities along the rail line as they traveled with the military train, looting food stocks, rustling cattle, burning villages, and abducting women and children into slavery⁸¹—and contributing to the preconditions of famine. The Dinka, who do not have horses, also lacked modern weapons and protection, as the northern Bahr El Ghazal area was not an area of strategic military importance to the SPLA.

The muraheleen have not settled in Wau, but usually are seen there when the train arrives. They have been seen selling looted cattle and other goods in the Wau market, usually transported there by the military train. (See Appendix C for more details of the historical role of the train in human rights abuses.)

Their role in the looting and killing civilians and causing famine is known, even in Khartoum. Dr. Toby Maduot, a leader of a political party registered with the government, the Sudan African National Union (SANU), called for the disbanding of all the militias, be they private or belonging to the government. He specifically blamed the muraheleen for marauding in southern Sudan.⁸²

Those Dinka Displaced from Abyei County, Kordofan

⁸¹Human Rights Watch/Africa, *Children of Sudan: Slaves, Child Soldier and Street Children*, pp. 31-53; Ushari Ahmad Mahmud and Suleyman Ali Baldo, *Human Rights Violations in the Sudan 1987: Al Diein Massacre: Slavery in the Sudan* (Khartoum: July 1987) (available from Human Rights Watch).

⁸²"Southern Sudanese party advocates disbanding of militia forces," DPA, Khartoum, February 1, 1999. SANU is one of the few pre-1989 political parties to have registered under the government's controversial 1999 law governing political associations.

The border between Darfur and Bahr El Ghazal was set by the British in 1924 some twelve miles south of the Bahr al Arab River (Kir River)⁸³ and has been a source of Baggara/Dinka conflict ever since.⁸⁴ The border between Kordofan and Bahr El Ghazal was also set south of that river.

The Ngok Dinka lived in the Bahr El Ghazal-Kordofan area north and south of the Bahr al Arab River, with their center at Abyei. In 1951 their chief agreed to the demarcation whereby the Abyei area remained part of Kordofan, north of Bahr El Ghazal, and technically not in the south, and at independence in 1956 it remained part of Kordofan.⁸⁵

This demarcation of Abyei is important now because Ngok Dinka lands have been in the jurisdiction of Kordofan (now Western Kordofan) for decades, and peace negotiations have foundered, among other things, on whether the Abyei area should be included in the southern region for purposes of voting on self-determination.⁸⁶

⁸³Keen, *The Benefits of Famine*, p. 33. River in Arabic is *bahr*, in Dinka *kir*.

⁸⁴Dawal, "Militarism," p. 73.

⁸⁵Francis M. Deng, *War of Visions: Conflict of Identities in the Sudan* (Washington, D.C.: The Brookings Institution, 1995), pp. 227-80.

⁸⁶The final statement of the IGAD peace negotiations held in Addis Ababa in August 1998 said that the SPLA agreed to exclude the provinces of Southern Kordofan and Southern Blue Nile from the definition of South Sudan, but insisted that the South include the Abyei region. The government refused to include Abyei within the boundaries of South Sudan for purposes of the referendum. "Sudan peace talks end in disagreement," Reuters, Addis Ababa, August 7, 1998.

The position of the Riek Machar forces is that there will first be a vote on self-determination for the 1956 south, and if this area votes for separation, there will then be a vote by the people of Abyei on self-determination. Human Rights Watch interview, Biel

Many Ngok Dinka have been displaced from their homes in Kordofan by murahleen raiding; some moved south to Bahr El Ghazal and suffered famines there in 1988 and 1998. Human Rights Watch interviewed community leaders from Abyei County in Wunrok (Twic County, Bahr El Ghazal) in May 1998; they said they had been displaced “by the Arabs” from their land in 1977. One Ngok Dinka civilian leader said that their troubles with “the Arabs” started in 1964 over cattle; the fight was settled by the chiefs but in 1977 it flared up again, this time with the murahleen armed by the Nimeiri government (1969-85). Since then, the murahleen have had their own garrison in Abyei. Their motivation for attacks on the Dinka, this man believed, was to expel them from the area and take over Dinka land. This is a widely-held belief among the Dinka. After the Ngok Dinka moved south to Twic County to get away from murahleen raiding they could no longer take their cattle to water on the Kir River (Bahr al Arab).⁸⁷

A white-haired elder of the Ngok Dinka from Dung Ap village, one hour on foot (four miles) north of the Bahr al Arab River, said that he and many others left Dung Ap years ago, after the Arabs raided it three times and killed people. The family split up; two wives and four children went to Khartoum, and he and his other wives and children went to Mayen Abun in Twic County, Bahr El Ghazal. When asked why they left Dung Ap, he replied, “Because the enemy destroyed the area and there was no food. Dung Ap is now a no man's land.” The enemy burned all the houses and killed people. The “Arab” was the enemy. “They want to occupy our land and take our property. They live on my land during the rainy season. Our area is very fertile.” He grew groundnuts (peanuts), simsim (sesame), okra, and sorghum, and harvested honey in the forest. He had cattle. “We fought them. We defended ourselves for two years. After that they joined with the government, in 1977, and defeated us. They became stronger. They had rifles (many) and we had only spears, no guns. This happened before the SPLA.”⁸⁸

Even after he and his community moved south into the Dinka area of Mayen Abun, and lived there many years, they were not safe from the “enemy,” the Misseriya Arabs, who raided Mayen Abun and their cattle camp at Akwach in 1988. “They had uniforms which they had from Khartoum. We had no rifles so we escaped and left our cows for them. The SPLA was far away.” After the cattle raid, he lived around the Lol River to fish for food for his children. When the murahleen left he returned to Mayen Abun. His herd was replenished by the marriage of one daughter (twelve cows), but ten were taken by the raiders in 1997.

⁸⁷Human Rights Watch interview, Abyei official, Wunrok, Bahr El Ghazal, May 7, 1998.

⁸⁸Human Rights Watch interview, Abyei elder, Wunrok, Bahr El Ghazal, May 8, 1998.

We have not returned to Abyei since we left. We sent our women to Abyei to buy food, durra [sorghum]. They sold butter for durra. Last year [1997] was the last time they did this. This year, we have no cows [they were taken by murahleen] and therefore no butter. We did not go to Aweil or Gogrial. They are very far from here. We do not know those towns.

His family lived in Mayen Abun for many years, and was there during the "time of the war between SPLA and Kerubino [1994-97]. All the houses and goats were looted by Kerubino's forces. Kerubino was looting because he had joined with Khartoum and we refused him. We refused to join the Arabs because they destroyed our things, looted, took slaves, and other things." The same source described the seesaw battle for control of the area:

Kerubino went to the Arabs. We do not know the reason he was angry [with us]. He went there. Kerubino captured our children to arm them as his soldiers. Even the older men. I escaped and hid. Kerubino did not get any of my children. None joined him. . . .

The SPLA was not allowed in Mayen Abun; Kerubino's forces were in Mayen Abun. The SPLA attacked Kerubino in Mayen Abun three times. During those attacks, Kerubino's men were killed by the SPLA. Then Kerubino withdrew to Gogrial with some goats, about three years ago [1995]. Then he returned to Wunrok again and destroyed the area, burned houses and moved with the murahleen and took the rest of the goats. The SPLA stayed in Mayen Abun, in the outlying villages. They did not take cows or goats or capture people. Kerubino chased the SPLA away. The SPLA returned in 1997, in an attack on Wunrok. I escaped. Kerubino withdrew to Gogrial and Abyei. This happened twice.

Ten cows were taken from me in 1997 in Mayen Abun. The murahleen came by surprise and took the cows. Usually when we heard they were coming, we hid with the cattle but this time they reached us by surprise. This was May last year [1997].

Wunrok was not a permanent settlement for them, only one of a series of refuges from continued raiding. Wunrok was raided by the murahleen a few days after this interview, and those who survived were uprooted again.

Those Dinka Displaced from Twic County, Bahr El Ghazal

A Widow's Story: Famine and Child Slavery

One Dinka woman, Alet, born in Wunrok, Twic County, Bahr El Ghazal, had a typical story of family devastation and displacement by raiders. Alet gave birth to twenty children, of whom ten died when they were young. Her children died in the first famine and in the second famine; she did not know the years. Five children were abducted, in different years, by the murahleen. When asked her age, she said, "one hundred years," laughing. Like most rural Dinka women, she is illiterate.

She lived in Wunrok and Panthou, on the other side of the Lol River, while her husband was alive. The land was fertile and she and her husband cultivated many crops, including sorghum, groundnuts, maize, okra, and sesame. "I worked very hard," Alet said. Nevertheless, ten children died in the first famine (perhaps 1973) and the second famine (1988).

They were raided by the murahleen on a frequent basis. The first three children were captured by the murahleen from Wunrok "before the second famine." Three were taken at the same time: two boys (Piol age four and Ajal age six) and one girl (Abuk age seven). The family moved to Panthou. After the second famine, the other two, both girls, were taken (Aker age nine and Aluel age eleven), "during the time of Omar Bashir, when Kerubino was still in the SPLA."⁸⁹

One son, Bui Ngor, went to Ethiopia to study in the refugee camps there after the abduction of his siblings. He was eight years old. He left with many boys from this area. He has not returned and his mother knows nothing of him. (In Ethiopia he was almost certainly conscripted into the SPLA as a child soldier).⁹⁰

The murahleen came with horses and on foot. When they came, the children scattered and she ran also. "Other children from Wunrok were taken also, not mine alone." When they were captured, the SPLA was far away. When the SPLA arrived, the murahleen left, taking cows, goats, and sorghum they had looted.

After losing five children to the murahleen raids, her husband went to look for them "in the land of the Arabs, north of the Bahr al Arab (Kir)." He was angry when he left. He told his wife, "I will go and look for the children. If I cannot find them I will kill myself." He went alone, and spent two years there, in alien territory. He could not find the kidnapped children. He was worn out by the search, and returned to Panthou, where he fell ill because of the "shock" and heartbreak, and died. She was left a widow with four young daughters.

⁸⁹This refers to the time before Kerubino began his pro-government military activities in Bahr El Ghazal, in 1994. Kerubino was in SPLA prisons from 1987 until 1992. "The time of Omar Bashir," leader of the military coup and then president of Sudan, refers to June 30, 1989 to the present.

⁹⁰Human Rights Watch/Africa, *Civilian Devastation*, pp 195-223.

Raiding continued after his death. During one raid she and others crossed the Lol River and escaped to Paliet. When they returned home to Wunrok they found that everything had been burned by the murahleen. There was raiding on Panthou when they lived there, also; they escaped to Paliet with their cattle. The murahleen followed them, took the cattle, and left. Many Dinka were killed: "they could not be counted." In all she remembers four raids on Panthou, by the murahleen, the Nuer, and Kerubino, when he was based in Wunrok.

Alet is a widow who has not remarried. She is angry that her children were abducted and her husband died. But this was not the end of the abduction of her children: a few years ago, after her husband died, the murahleen raided again and took her four remaining children, all girls.

Alet pursued the raiders for three days, on foot. She found them when they were still on the road. The murahleen were many, and were riding on horses. Her four daughters and other captives were on foot, tied by their hands together, with one rope. She pleaded with the murahleen.

"I went and cried in front of them, 'Give me my children, if you refuse, I will go with them, and if you won't let me, you should kill me here.' I told them they already took five children, and I wanted my last four children back." They relented and gave her the four girls.

When her oldest girl married one year ago, the dowry (bridewealth) to be paid by the bridegroom's family to her family was forty cattle. In cases where the bride's father is dead, the cattle are divided among the bride's relatives, but her widowed mother has no right to keep cattle under Dinka customary law, according to this widow. Most of the bridewealth cattle went to the bride's father's brothers and uncles. Alet, the widow, received only two cows and they went to her father and brothers. This underlines the great social disadvantage widows suffer, as pointed out in the Joint Task Force Report.

"Our area is totally destroyed and we're very hungry. The other areas are the same. The people cannot survive this year. We have no beds, no mosquito nets. There are lots of mosquitos here. Now the murahleen are in this area so many people have fled and most are now in the bush.

"I am thin from hunger, not disease. Our problem now is hunger, not abduction," she concluded.⁹¹

Another Dinka Family, Torn Apart

⁹¹Human Rights Watch interview, Dinka widow, Wunrok, Bahr El Ghazal, Sudan, May 8, 1998.

Ajak is a Dinka mother whose oldest child is a twenty-five year old girl. Ajak does not know her age. She was born in Ayen village and moved to Mayen Abun when she married. They were displaced from Mayen Abun by two murahleen raids. The murahleen destroyed all their property, looting and burning houses and killing people. During the two raids they took all one hundred cattle her husband had, and one hundred goats. Everything else was broken and burned. The murahleen came early in the morning during these raids, on foot, and accompanied by soldiers.

During the second raid, the murahleen killed about 200 people after surrounding the Dinka village. They abducted about fifteen children, who have not returned. After the second raid, her husband took the two oldest boys and went north. Ajak moved to Ayen where she lived with a sister and a brother.

Kerubino and the SPLA fought in Ayen. Kerubino then devastated the area and took what little sorghum they had cultivated. After that her family went to Mading, to safety. There was, however, no food distribution there, and they ate wild leaves of the lalob and other trees. They were not in good health, and Ajak ended the interview with heavy coughing.⁹²

⁹²Human Rights Watch interview, Dinka woman, Wunrok, Bahr El Ghazal, Sudan, May 8, 1998.

IV. FAMINE AND RELIEF IN WAU AND BAHR EL GHAZAL

Operation Lifeline Sudan in Southern Sudan

Operation Lifeline Sudan (OLS) arose out of the failure of the international community, ten years ago, to prevent the 1988 war-related famine in Bahr El Ghazal,⁹³ in which it was estimated that approximately 250,000 people died. What little relief was sent to Bahr El Ghazal during that famine failed to make a dent:

Relief deliveries to Bahr El Ghazal in 1987 were extremely inadequate in relation to an increasing need. With the U.N. estimating that 690,000 people were at risk of famine in Bahr El Ghazal at the end of 1986, an aid agency/U.N. team estimated that 38,250 MT [metric tons] would be required for Bahr El Ghazal to cover just the first six months of 1987. . . . This figure dwarfs the 4,000 MT of relief administered in the whole of 1987.⁹⁴

Relief to Bahr El Ghazal even dropped significantly the next year: in 1988, the nadir of the famine, only 1,300 MT of food were delivered to Bahr El Ghazal.⁹⁵

The OLS started up in 1989, and by the end of August 1989 delivered 17,700 MT of food to Bahr El Ghazal, two-thirds of it to government areas such as Wau and Aweil. By then the famine had subsided for other reasons.⁹⁶

The OLS evolved, and its operations were divided into a northern Khartoum-based sector and a southern Nairobi-based sector. Both northern and southern sectors report to the Office for the Coordination of Humanitarian Affairs (OCHA), formerly the Department for Humanitarian Affairs (DHA) at the United Nations in New York. After seven years of OLS operations, an experienced team conducted a comprehensive review of OLS.⁹⁷

OLS (Northern Sector) serves beneficiaries in government-held territories, including southern garrison towns, the transitional zones (Nuba Mountains, Darfur), and the Khartoum internally displaced camps. In Bahr El Ghazal, the garrison towns

⁹³ *OLS Review*, p. 15.

⁹⁴ KEEN, *THE BENEFITS OF FAMINE*, pp. 130-31 (FOOTNOTE OMITTED).

⁹⁵ *Ibid.*

⁹⁶ African Rights, *Food and Power in Sudan*, p. 126.

⁹⁷ *OLS Review*.

of Wau, Aweil, and Gogrial are served by the northern sector and the surrounding SPLA-held areas of Bahr El Ghazal are served by the southern sector.

OLS (Northern Sector) does not provide any assistance to SPLA-held areas in the Nuba Mountains of Southern Kordofan, which are in the center of Sudan. The government forbids any U.N. or other relief operation to serve this area. The northern sector is coordinated by the overall coordinator for all U.N. relief operations in Sudan, the U.N. Coordinator for Emergency and Relief Operations (UNCERO), based in Khartoum.

OLS (Southern Sector) serves areas of southern Sudan controlled by rebel forces. Its hub of operations is in Lokichokkio, Kenya, on the border of southern Sudan. The lead agency in the southern sector is UNICEF, which works alongside WFP and some forty international and Sudanese nongovernmental organizations. Activities carried out by OLS (Southern Sector) agencies include not only traditional relief activities—food aid, health, water and sanitation, distribution of seeds and shelter—but also primary education, teacher training, family reunification, livestock programs, training of community and animal health workers, and capacity building for local institutions.⁹⁸

Southern Sudan is a huge area 640,000 kilometers square, about the size of Texas.⁹⁹ The OLS (Southern Sector) comprises most of the territory impacted by the 1998 famine, with the exception of the garrison towns such as Wau and Aweil. For historical reasons the southern sector continues to serve the areas under the control

⁹⁸Iain Levine, "Promoting humanitarian principles: the Southern Sudan Experience," Relief and Rehabilitation Network Paper (London), May 1997. p.7.

⁹⁹U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), Famine Early Warning System (FEWS) SPECIAL REPORT 97-6, "SOUTHERN SUDAN: MONITORING A COMPLEX EMERGENCY," SEPTEMBER 16, 1997. Southern Sudan is almost three times the size of its neighbor, Uganda, the territory of which is 236,040 square kilometers.

of the former rebel movement, the SSIM/A, in Upper Nile, Jonglei, and Western Upper Nile, despite the fact that this movement is now aligned with and receiving arms from the government.

The OLS (Southern Sector) is characterized by 1) operations during an ongoing conflict to internally displaced and other needy people in war-affected areas; 2) approval sought from both sides for operations; 3) non-military means used for relief delivery; 4) the development of its own security apparatus to protect staff, including use of planes to evacuate staff from insecure situations on short notice; 5) use of air delivery for about 80 percent of the goods transported; and 6) an innovative program for disseminating information about human rights, the Ground Rules (a 1994 tripartite agreement among the OLS and two rebel factions) which obliged the rebel movements to adhere to a code of conduct with regard to relief operations and to the Convention on the Rights of the Child and the body of international humanitarian law (the rules of war).

A 1996 review of the OLS done for the U.N. noted:

From the end of 1992 the nongovernment areas of South Sudan emerged as a form of "safe area". While lacking military protection—for example, through U.N. peacekeeping troops— a sophisticated security apparatus has nevertheless emerged which monitors the level of insecurity for humanitarian operations in the conflict zones. This monitoring has allowed for the development of a system of flexible access for humanitarian aid in the context of on going warfare.¹⁰⁰

It has been up to the OLS in practice to determine if military activity in any given location jeopardizes its programs, and to evacuate staff whenever the fighting imperils the ability to deliver goods and services. The government has the right to deny access, which it does frequently, often for "security reasons," whether or not the OLS shares the government's assessment of security. In many cases "security" is a pretext to prevent U.N. access to recently captured locations, or locations the government intends to put under siege.

¹⁰⁰*OLS Review*, p. 33.

Almost since its inception, the OLS (Southern Sector) was forced, by inadequate and land-mined roads, and ambushes of overland and river transport (usually by the SPLA but sometimes by government militia),¹⁰¹ to conduct the relief operation mostly by airdrops.¹⁰² For accountability purposes, U.N. and NGO staff may be based in or frequently visit program locations; the nongovernment agencies operate the feeding programs for which the World Food Programme supplies the food. As of October 1998, when the southern relief program was operating at its greatest ever capacity, there were a total of 700 staff working for OLS (Southern Sector) in Sudan. This included all the nongovernment organizations, WFP, and UNICEF staff in the field but did not include staff in Nairobi or at the logistical center, Lokichokio.¹⁰³

The airborne relief operation is expensive. Being airborne, however, serves several purposes: areas inaccessible due to remoteness and lack of infrastructure can be reached; staff can be protected through air evacuation and more efficiently deployed by plane than by Land Rover or barge; places of military activity can be hopped over. In theory air delivery can distribute goods more widely than can land transport or barge. Before international pressure was brought to bear in 1998, a combination of government restrictions and weather meant that the airstrips were restricted to only one or two to serve a vast area of assessed need, and they became aid ghettos, provoking new movements of population. The lack of planning on the part of the agencies and the unpredictability of deliveries provoked small speculative population movements and exacerbated social disruption. People died trying to get to aid, and second-guessing OLS schedules.¹⁰⁴

The Ground Rules/Humanitarian Principles aspect of OLS' operations has been singled out for praise by the U.N. review:

¹⁰¹Human Rights Watch, *Behind the Red Line*, pp. 331-34.

¹⁰²NOT ONLY FOOD IS DELIVERED: MEDICAL ASSISTANCE AND INPUTS SUCH AS FISHING NETS AND SEEDS ARE PROVIDED TO HELP THE WAR-AFFECTED POPULATION FEED ITSELF. EDUCATION IS ASSISTED, IN RECOGNITION OF THE FACT THAT A WHOLE GENERATION IS GROWING UP WITHOUT ACCESS TO SCHOOLS DURING THE WAR.

¹⁰³Of this, WFP had ninety-five staff in the field. The WFP, which transports the relief food into southern Sudan, employed fifty staff in Lokichokio and about 200 local staff on a casual basis at the airstrip to bag and load food onto the aircraft. WFP E-mail, Lindsey Davies to Human Rights Watch, October 23, 1998.

The WFP planned to increase its staff to 125; WFP field staff had numbered only twenty-five in early 1998. News Release, "OLS and the SRRA Announce New Measures to Help Ensure Food Reaches Hungry in Southern Sudan," Nairobi, September 9, 1998.

¹⁰⁴Human Rights Watch interview, John Ryle, coauthor of *OLS Review*, September 8, 1998.

by the very fact that it is one of the few programmes in South Sudan that is actually documenting how the war is being fought and attempting to do something about it, the use of Ground Rules deserves special mention. Indeed, the use of Ground Rules has achieved a rare thing in relief work. Whereas usually aid agencies disregard human rights as the price to be paid for access, the Ground Rules have brought human rights and humanitarian aid together.¹⁰⁵

As one of the architects of the program stated,

The underlying ethical position of the humanitarian principles programme was based upon two fundamental assumptions:

- That the protection of the safety and dignity of victims of conflict is an integral part of a humanitarian mandate. Though this stance flew in the face of conventional wisdom, it was difficult to see how a normatively based position could be otherwise.

¹⁰⁵*OLS Review*, p. 55.

- That access to humanitarian assistance is a fundamental right and that the integrity of humanitarian assistance—ensuring its timely arrival to the right people—must be protected.¹⁰⁶

The Ground Rules were based on the principles of the right to humanitarian assistance, neutrality, accountability to donors and beneficiaries, impartiality, transparency, capacity building, and protection of civilians and relief staff.¹⁰⁷ One of the tasks was to promote adherence to humanitarian principles among the influential parties in southern Sudan: military, civilian, and humanitarian officials, religious leaders, women's leaders, Sudanese NGOs, traditional chiefs and elders. The dissemination of this message was done by means of workshops held for the different groups, often together: when talking about the recruitment of children into the military, it was important "to tell both the military commanders and the parents of the children *together* that this was not to be allowed under the movements' own commitment" to the Convention on the Rights of the Child.¹⁰⁸ This introduction of human rights language and concepts to a wide spectrum of southern Sudanese society, together with other programs to aid civil society, has had a positive impact on the conduct of the SPLA, according to Human Rights Watch's own observations. It is too early to say whether these changes are permanent; some relief groups observed that the SPLA has failed to continue the reform momentum it had in 1994-96.¹⁰⁹

¹⁰⁶Levine, "Promoting Humanitarian Principles," p. 12.

¹⁰⁷Ibid., p. 13.

¹⁰⁸Ibid., p. 18.

¹⁰⁹Remarks by Kate Almquist, Associate Director, World Vision, at U.S. Committee for Refugees press conference, Washington, DC, December 10, 1998. Relief operations in

the normally calm SPLA-controlled Western Equatoria were disrupted in late October and early November 1998 when SPLA troops, deserting from the heavy fighting around Torit which the government eventually won, made their way home to Bahr El Ghazal.

At the time, the OLS announced that it was withdrawing forty-two non-essential staff, leaving twenty in place. News Release, "OLS and the SRRA Announce New Measures to Help Ensure Food Reaches Hungry in Southern Sudan," Nairobi, September 9, 1998. This followed two attacks on relief workers and a series of thefts. *See* Mohamed Ali Saeed, "Khartoum accuses SPLA of hindering relief, taking supplies," Agence France Presse (AFP), Khartoum, November 12, 1998.

All the programs and plans of OLS depend on adequate financing by the international community. At the onset of the 1998 famine, OLS admittedly “lacked the financial resources to respond on the scale needed.”¹¹⁰ It faced a major funding crisis in 1997, receiving only 40.4 percent of the funds required, and had to scale down several programs and ground flights as a result. This compounded the underfunding in 1995 and 1996, when only half the required funds were provided. Early responses to the 1998 Consolidated Inter-agency Appeal for Sudan (issued in February 1998, before the extent of the famine was known) were also disappointing but by May 1998 donor support had grown considerably,¹¹¹ while continued adequate funding still remains a serious concern.

Government Denial of Access, and Cost of Air Bridge

Although the government of Sudan grants OLS (Southern Sector) permission, on a month by month, site by site basis, to deliver relief to sites with assessed need, it was never comfortable for military or sovereignty reasons with this system. The government has had greater control of OLS (Northern Sector) based in Khartoum. The OLS Review observed that in “the northern sector of OLS, the scope and coverage of OLS was determined on the basis of government approval, rather than actual need. The Nuba Mountains, for example, have always been excluded from OLS.”¹¹²

The government’s denial of access north and south is a military strategy, based on the premise that by cutting off aid to the civilian population the SPLA will be starved out. This is in line with a counterinsurgency doctrine developed and employed by the European powers and the U.S. against national liberation and opposition guerrilla movements in past decades. They sought to turn Mao Tse Tung’s dicta that “the guerrillas are the fish and the people are the sea they swim in” on its head, and to “drain the sea” of civilians by displacing and killing them. A variation of this counterinsurgency approach was utilized by the British in Malaysia and Kenya, where the population was cut off from the insurgents by protected villages.

¹¹⁰OLS, “An OLS Position Paper: The Humanitarian Emergency in Sudan,” Nairobi, July 31, 1998.

¹¹¹Ibid.

¹¹²OLS REVIEW, p. 5.

The track record of the current government toward relief for civilians living in the south is scarcely better than that of its predecessors. It has done everything possible to undermine the OLS, drawing back only at the point when the international community shows signs of taking stronger measures against the government. It has developed two main tools to undermine the relief system: refusal of access to locations in need and refusal of permission to use large capacity aircraft, namely the C-130 Hercules.

The refusal of the government of Sudan to permit OLS humanitarian access to a large number of locations has been a greater obstacle to relief delivery than actual military activity, with perhaps the exceptions of the 1998 fighting in Western Upper Nile, and the 1993 SPLA faction fighting in the "Hunger Triangle" of Upper Nile.¹¹³ It has even blocked assessment teams from entering areas where it does not intend to permit aid, such as the rebel areas of the Nuba Mountains, where no U.N. assessment has ever been conducted despite a 1992 famine and a serious food shortage in 1998. In 1996, the U.N. review team concluded that "The main cost inefficiency of OLS is not the mode of transport, but denial of access."¹¹⁴

This is a strong statement, considering that the cost of air transport is generally agreed to be astronomical: in 1998, each C-130 airdrop of food costed an average of \$15,500 and delivered sixteen metric tons of food.¹¹⁵ According to the WFP, the

¹¹³Human Rights Watch/Africa, *Civilian Devastation*, pp. 146-173.

¹¹⁴*OLS REVIEW*, p. 264.

¹¹⁵Statement of Catherine A. Bertini, Executive Director of WFP to the Committee on International Relations, House of Representatives: The crises in Sudan and Northern Uganda, WFP web posted, August 4, 1998. One metric ton equals 1,000 kilograms or 2,200 pounds.

total cost per ton to send corn to Maper, a village in Bahr El Ghazal, was \$1,788.¹¹⁶ Sixteen metric tons of food is usually carried on one C-130 flight, which is enough to feed 40,000 for one day.¹¹⁷ Thus it costs roughly \$0.715 per person per day to buy and ship corn from the U.S. to southern Sudan. This does not include the cost NGOs incur in distribution and allocation to special classes, such as children.¹¹⁸

¹¹⁶"Cost of U.N. Aid Shipment to Sudan," AP, August 8, 1998. This includes the price of the corn (\$204), shipment from the reserve stocks in the U.S. to Kenya (\$77), road transport to Lokichokio, Kenya (\$140), air drop flight to Maper (\$972), administrative costs (Kenya) (\$279), and administrative costs (WFP headquarters) (\$101).

¹¹⁷OLS (SOUTHERN SECTOR), PRESS RELEASE, "ANOTHER LARGE CARGO AIRCRAFT APPROVED TO DELIVER RELIEF SUPPLIES TO THOUSANDS IF NEEDED IN SOUTHERN SUDAN," NAIROBI, APRIL 25, 1998.

¹¹⁸The distribution on the ground is discussed further below. The cost of \$0.715 is for corn only; other items must be included for a minimally nourishing diet.

During the initial stage of OLS, the Sudan government imposed a flight ban on almost all rebel areas from early 1990 until December 1992.¹¹⁹ The exception was that relief flights were permitted to about seven locations in Upper Nile where Riek Machar's forces were located, after Riek and others set up a rebel faction separate from the SPLA. The change in international climate forced a change on the government: starting with the assistance to the Kurds of Iraq in 1991 at the end of the Gulf War, and the establishment there of a safe haven protected by U.S. troops, the notion of "military humanitarianism" began to gain international currency, linked to "safe area" strategies and the protection of humanitarian aid. In December 1992, this approach had been extended to Bosnia and to Somalia, a development that may have had some influence on the government of Sudan, which in turn eased the flight ban on rebel areas of southern Sudan in late 1992, the same month that U.S. troops arrived in Mogadishu.¹²⁰

What was given was always in jeopardy of being taken away. The OLS eventually received access to more than one hundred locations in southern Sudan for most of the period from 1994 on, but the denial of flight access to SPLA areas gradually increased. According to the OLS Review, "From an average of four denials per month in 1994, there was an increase to ten denials per month in 1995, and twelve denials during the early months of 1996."¹²¹

The government has denied access for "security reasons" to locations served by particular airstrips even when there has been no fighting for weeks at these locations. Midway in the history of the OLS, the government insisted on the division of needy areas into "war zones" and areas "affected by war." With the

¹¹⁹*OLS Review*, p. 160.

¹²⁰*Ibid.*, p. 42.

¹²¹*Ibid.*, p. 57.

agreement of UNCERO, it restricted U.N. access to “war zones.” According to the OLS review, “this resulted in the first imposed no-go area in the South, in Western Equatoria between December 1995 and March 1996.”¹²² Thus the government has denied access to locations that can be reached by road as well as by plane: for many months access to areas served by road from Kenya and Uganda was refused.¹²³

¹²²Ibid.

¹²³See OLS (Southern Sector), Emergency Sitrep, No. 14 (Nairobi), August 1-31, 1998: Access Issues: Maridi, Mundri, Panyagor, Yomciir, Ikotos, and Karkar were denied clearance by the Sudan government for the month of August 1998; the same were denied clearance in September. OLS (Southern Sector), Emergency Update No. 15 (Nairobi), September 16, 1998. Most of these locations are accessible by road from Uganda and Kenya and are in Western or Eastern Equatoria. In October, after heavy fighting around the Eastern Equatorial garrison town of Torit, many additional rural locations (under SPLA control) mostly in Equatoria but distant from Torit were put off limits to relief by the government. They included Labone, Yei, Nimule, Boma, Duk Padiet, and Koch. WFP, Sudan Bulletin No. 52, October 1-5, 1998.

Impeding relief operations in rebel areas is accomplished by a second tool in the hands of the government: it withholds permission to use the large aircraft necessary to airdrop food, airdropping being a delivery system used more in rural rebel-held areas than for government garrison towns. The C-130 plane has been the only one—until late 1998—with a large capacity to airdrop food in remote regions. It can carry sixteen metric tons of food per flight (enough to feed 40,000 for one day) and make two round trips in one day.¹²⁴ Barring mechanical failures, fuel shortages, and bad weather, the C-130 has an airdrop capacity of 1,100 MT per month. The smaller Buffalo aircraft in use by the OLS can drop 400 MT per month.¹²⁵

In early 1995 the government banned use of a Belgian Air Force C-130 Hercules aircraft by the OLS, “alleging that it had been dropping arms and ammunition to the rebels,” although the OLS protested that no supporting evidence to this effect had been produced.¹²⁶ In November 1995, as a result of a unilateral flight ban imposed by the government, the OLS Review noted that “more than 250 agency staff were stranded without warning in South Sudan. Apart from the disruption to programmes, the question of possible medical emergencies, and so on, the flight ban was tantamount to a hostage situation.”¹²⁷ In July 1996, the WFP took the unusual step of publicly appealing to the Sudan government to allow food to be airlifted, alerting the international community that almost 700,000 people in southern Sudan were facing starvation due to the Sudanese ban on large aircraft since September 1995. The government relented and permitted the use of the C-130,¹²⁸ but banned it again from late March 1997 to mid-June 1997 with similar devastating nutritional effects.¹²⁹

¹²⁴OLS (SOUTHERN SECTOR), PRESS RELEASE, “ANOTHER LARGE CARGO AIRCRAFT APPROVED.”

¹²⁵WFP, EMERGENCY REPORT No. 17 OF 1999, APRIL 29, 1999: SUDAN.

¹²⁶OLS Review, pp. 56-57.

¹²⁷OLS Review, p. 160.

¹²⁸Daniel J. Shepard, “Emergency food deliveries to Sudan resume,” Earth Times News Service, August 3, 1996, theearthtime@igc.apc.org.

¹²⁹USAID, FEWS Bulletin, June 26, 1997, Southern Sudan: WFP reported only 18 percent of planned food deliveries were possible in May 1997 due to the government’s flight

All OLS (southern sector) locations were affected by these policies, but perhaps none as much as the rural Dinka population of remote northern Bahr El Ghazal, which historically had been almost entirely cut off from OLS and other assistance—by air, road, railway or barge—until about 1993:

During the first year of OLS [1989], when the SPLA and government agreed to the use of the railway for food deliveries, only 17 MT of food were delivered to stations under SPLA control north of Wau. No further overland deliveries took place until early 1992, when SCF-UK [Save the Children Fund-UK] sent a convoy from Uganda, which reached only to Thiet [east of Wau].¹³⁰

Air access to the remoter areas of northern Bahr El Ghazal under OLS has been “problematic,” according to the U.N. review team:

A blanket flight ban from [1990-92] effectively inhibited the development of any relief programmes. Since 1993, air access has been irregular. The withdrawal of permissions to fly to certain locations, often following attacks by GOS [government of Sudan] troops or allies, and restrictions on the size of aircraft, have exacerbated the impact of disruptions on the ground in the renewal of insecurity since 1994. This has measurably affected the quality of relief offered to local populations.¹³¹

¹³⁰*OLS Review*, p. 160.

¹³¹*Ibid.*, p. 161.

The early bans resulted in no medical services going into the SPLA-held areas and what OLS described as a drastically lowered standard of health: "The combined effect of denial of relief access and labor exodus during the period 1990 to 1992 was that, by early 1993 when access was resumed, there were instances of high malnutrition and mortality A major contributing factor to high levels of morbidity was also the long-term lack of any health care."¹³² Food drops by air began in April 1993, when Akon was the main airdrop center for Gogrial County, producing the "relief center syndrome" or "relief magnet" whereby the existence of only one center attracts persons from a wide radius. Although additional Bahr El Ghazal drop sites were added later in the year (seven by July 1994), further attempts to expand the area served were hindered by government refusals. In early 1994, the

¹³²*OLS Review*, p. 162. The WHO/UNICEF Mission in 1998 found that interruption due to war suspended training of health personnel, especially medical assistants, for some fifteen to twenty years. The medical assistants working with NGOs in general were older men trained in places like Wau in the 1960s and 1970s. WHO/UNICEF Mission: Health manpower and training.

The commonly reported diseases were malaria, diarrhoeal diseases, acute respiratory infections, skin infections, eye infections, and trauma. Tuberculosis was an important cause of morbidity and mortality. Sexually transmitted diseases, gonorrhoea and HIV, were also reported. Several endemic parasitic diseases were reported to cause substantial but localized morbidity and even mortality: onchocerciasis (river blindness), Guinea worm (dracunculiasis), kala azar (visceral Leishmaniasis or black fever), and African trypanosomiasis; control programs for the first two were carried out in Bahr El Ghazal with the support of the Carter Center. WHO/UNICEF Mission: Health status of the population.

WFP was able to meet only 45 percent of the assessed food needs for Bahr El Ghazal.¹³³

The year of 1995 was much worse. "The entire region of Bahr El Ghazal received only 19 percent of its assessed needs for food aid in 1995," the U.N. study concluded.¹³⁴ The region continued to be affected by these constraints, and in 1994 by an additional famine-producing agent not present in other regions: Kerubino's militia.

Kerubino Obstruction of Aid to Bahr El Ghazal

Kerubino's arrival on the scene as a military presence in 1994 meant that insecurity increased. Even when the government of Sudan did not ban access, the OLS often had to call off deliveries because of Kerubino's raids. One study described Kerubino's deleterious impact on Bahr El Ghazal and the OLS operations there:

¹³³*OLS Review*, pp. 162-63.

¹³⁴*Ibid.*, p. 161.

Kerubino is a warlord who appears to be motivated mainly by a desire for vengeance against John Garang, and by loot. Since 1994 he has been marauding throughout northern Bahr El Ghazal from his base in the government enclave of Gogrial. He targets the places that produce most food or hold stocks, stealing what he can and destroying much of what remains. Relief deliveries are prime targets, and the way that OLS works in the region has undergone a progressive change, largely as a result. . . . [E]ventually the concept of a semi-permanent base in the area was abandoned. Airstrips had now been created at a large number of locations; WFP and nongovernmental organizations would visit one place for up to a week at a time, to organize distributions and other programmes. . . . Kerubino would learn its location by monitoring the relief radio communications, and sometimes arrive even before distribution had taken place. So by 1995 the agencies had made the relief procedure much quicker, and were taking precautions against publicizing dates and locations.¹³⁵

The OLS Review similarly noted that there was a strong correlation since the 1980s between population displacement and militia raiding, with displacement in Wau in July 1996 following the same pattern:

Between January and April 1996, there was an influx of between 1,200 and 2,300 newly displaced in Wau, in the wake of murahleen raids that brought 5,000 cattle to Wau for sale. In Ajiep [Bahr El Ghazal], Kerubino's raiding and the murahleen have frequently coincided with the harvest season. People have survived, but only "through partial displacement, and increased reliance on wild foods."¹³⁶

The warning signs of economic destruction with the potential for famine were there: OLS also observed that the timing of the attacks appeared designed to have the maximum impact on the Dinka population: the attacks

would appear to be aimed at [the] modest recovery of the (northern Bahr El Ghazal) rural economy. . . . Increased PDF activity along the railway line to Wau in 1994/95 also appears to have been timed to cause maximum disruption to dry season cattle movements and late dry season/early wet

¹³⁵African Rights, *Food and Power in Sudan*, p. 283.

¹³⁶OLS Review, p. 200.

season clearing and planting cycles. Raids out of Western Upper Nile [the area of government-aligned Nuer militias] into the northeast and eastern grazing grounds have also disturbed seasonal cattle movement, forcing cattle owners to send their livestock farther away to more secure pastures.¹³⁷

Kerubino's military activities in Bahr El Ghazal were described as a "major setback" for civilians in another report:

¹³⁷Ibid., p. 164.

Kerubino and his forces have consistently raided Gogrial, Twic and Abyei Counties, parts of Aweil East and south into Wau County, destabilizing the region generally and causing even further displacement. Kerubino also severely restricted OLS and non-OLS (e.g., taking ICRC and SPLA hostages in Wunroc at the end of 1996) relief activities by consistently raiding WFP food interventions. What food he could not carry away (usually by captured civilians from the local population) was simply burned.¹³⁸

One witness described Kerubino's abuses around Wunrok: his forces looted cows, goats, and sorghum, and burned houses. They raped women and took girls as wives. They did not abduct children, although some men and boys were forcefully conscripted. Some of the women taken as wives returned to their fathers, and some of them stayed with Kerubino's troops, as wives but "without cows" (i.e., no dowry was paid to the fathers in violation of Dinka custom).¹³⁹

¹³⁸Joint Task Force Report, p. 2.

¹³⁹Human Rights Watch interview, Wunrok, Bahr El Ghazal, Sudan, May 8, 1998.

V. THE PARTIES TO THE FIGHTING IN JANUARY 1998 IN WAU

A full range of government forces had a presence inside Wau in late 1997. Not only were there regular army forces in Wau, and at the military base in Girinti north of Wau, but there were also Fertit militia, PDF, murahleen, and splinter militias (breakaways from the army).¹⁴⁰ Added to these were the police and game wardens, a majority of them Dinka, and the Dinka forces of Kerubino—who would defect to the SPLA on January 28, 1998. Most of these forces were ethnically based, except for the army, many of whose officers were northerners and most of whose conscripts were from marginalized areas of western and southern Sudan. All circulated with their arms inside Wau, where there was a 6:00 p.m. curfew.¹⁴¹

The Army, Security Forces, and Other Government Forces

In 1997 the main army base was at Girinti, north of Wau, and was reported to house 7,000 soldiers and their families.¹⁴² The Wau security committee was

¹⁴⁰Among the crimes believed to have been committed by splinter militias, according to one source, were the abductions of some twelve wealthy persons in Wau, held for ransom. Human Rights Watch interview, Nairobi, May 1, 1998.

¹⁴¹Ibid.

¹⁴²For an evaluation of the arms flow to the Sudan military and rebel forces, see Human Rights Watch, *Global Trade, Local Impact: Arms Transfers to all Sides in the Civil War in Sudan* (New York: Human Rights Watch, August 1998). There are unconfirmed allegations that Iraq secretly built a chemical weapons plant in Wau. Alan Cooperman, "Moving Target Iraq has secretly built chemical weapons plants in Sudan," *U.S. News and World Report* (New York), February 16, 1998, referring to a draft report by the U.S. House

composed of the governor as chair, the Officer in Charge (O.C.) of the army, the Wau police commissioner, and the Wau director of security.¹⁴³

of Representatives Task Force on Terrorism and Unconventional Warfare. This was not mentioned by any of the Wau residents interviewed by Human Rights Watch in 1998, and there were no reports that the government used chemical weapons during the rebel attack on Wau.

¹⁴³Human Rights Watch interview, Martin Marial, May 3, 1998. The police commander in 1996-98 was said to be Luka Mudria, a Fertit from western Bahr El Ghazal, appointed to this Ministry of Interior post by Khartoum.

According to former Wau civil servants, all of the top echelon of government in Wau were northerners or southern Muslims: the senior security officer and his deputy; the commander of the army base at Girinti; the army Officer in Charge and his assistant; and other senior army officers, including the area military commander.¹⁴⁴ The top four judges in Wau were northerners. Among the police chiefs, the superintendent and senior officers were northerners,¹⁴⁵ although 60 to 80 percent of the rank and file police were Dinka and Jur. The governor of Western Bahr El Ghazal (Wau) state from 1992 or 1993 until 1997 was a NIF stalwart, Ali Tamim Fartak, of a Feroqe family that historically ruled part of western Bahr El Ghazal.¹⁴⁶ He was said to be highly unpopular with the Fertit, nor was he liked by the Dinka of Wau.

The Popular Defense Forces and the University of Bahr El Ghazal.

The Popular Defense Forces, trained and armed by the army, under whose jurisdiction they operate, were recruited in Wau mainly from southerners and students at the University of Bahr El Ghazal which was opened in 1993.¹⁴⁷ The PDF is an Islamist militia created by the NIF and the training its members receive reflects that. In addition to military marching and weapons handling, it includes daily lectures by Islamists, religious studies of the Koran, and Muslim prayers five times daily, although Christians seem to be exempt from these prayers. All PDF trainees are exhorted to participate in a "jihad" or holy war against the infidels.¹⁴⁸

¹⁴⁴Major General Umar Abd al Qadir held the post of area military commander. "Defense Committee Visits Wau Following Rebel Attacks," Sudan TV, Omdurman, in English, January 30, 1998, BBC Monitoring Service, February 2, 1998.

¹⁴⁵Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

¹⁴⁶Ibid.

¹⁴⁷Ibid. The murahleen were incorporated into the PDF but maintained their separate and rather autonomous tribal units. See Human Rights Watch, *Behind the Red Line*, pp. 273-292.

¹⁴⁸Ibid., pp. 284-86.

Participation in this training is mandatory for many groups in the population, including civil servants and, as of 1997, students seeking to receive their certificate of graduation from high school. Among the PDF in Wau were boys younger than high school age, according to one observer who saw many young (Dinka) boys in PDF uniforms fleeing Wau after the fighting in January 1998.¹⁴⁹

¹⁴⁹Human Rights Watch interview, Lokichokio, Kenya, May 6, 1998.

Even before 1997, PDF training was required of university students, who would not be permitted to graduate without it.¹⁵⁰ Students at the college of education in Wau were trained in the PDF, and militant NIF university students were given guns through the PDF. This gave rise to problems with other students on campus, who were intimidated by this armed presence. Although the guns were collected after the dean complained, they were given back when the military supply train neared Wau and during the fighting in late January 1998.¹⁵¹

Governor Ali Tamim Fartak as well as Sudan Security were suspicious of the nascent university, particularly after four students and one teaching assistant were found to have joined the SPLA in the mid-1990s. At a government rally in 1996 the governor accused the university of being full of SPLA supporters, although the majority of the student body was not southern but northern and western in origin. Southerners were handicapped in reaching higher education, often lacking sufficient proficiency in Arabic and coming from areas that lacked an adequate educational system in any language.¹⁵²

The University of Bahr El Ghazal was intended to include medical and veterinary schools, but these faculties were never relocated from Khartoum; the college of education, a four year college, was the only faculty to operate in Wau, with classes starting in 1993, and the first graduation in 1997.¹⁵³ Some 300 students attended the college of education, with each class of no more than seventy-five students. More than one hundred were accepted each year, but many would not enroll because Wau was in a war zone. The graduating class in 1997 was of only thirty-four.¹⁵⁴

¹⁵⁰Human Rights Watch, *Behind the Red Line*, pp. 285-86.

¹⁵¹Human Rights Watch interview, Martin Marial, Nairobi, May 3, 1998.

¹⁵²Ibid. Teaching at the Bahr El Ghazal university was in Arabic and English.

¹⁵³Every university has a college of education because there is a high demand for teachers. Ibid.

¹⁵⁴Human Rights Watch interview, Martin Marial, Nairobi, May 3, 1998.

When Kurmuk in Blue Nile State fell to the SPLA in January 1997,¹⁵⁵ universities and colleges nationwide were closed to permit the students to be mobilized through the PDF and go to the front.¹⁵⁶ The only exception to closure was the college in Wau, because it was in the south and thus on the front already. The Wau PDF university students were indeed armed for the fighting in late January 1998, but at the end of February 1998, after the Kerubino/SPLA attack on Wau, this college also was relocated to Khartoum, ending the government's short experiment with higher education in Wau.¹⁵⁷

Kerubino's Government-armed Militia

Also present in Wau were the pro-government forces of Kerubino, headquartered in Marial Bai in an old dairy farm some eighteen miles from Wau.¹⁵⁸ He kept them separate from the government's regular forces at its main base at Girinti. One former Wau resident remembered that after Kerubino signed the agreement with the government, his forces began coming daily to Wau. Kerubino's base at Wunrok was captured by the SPLA in mid-1997.¹⁵⁹

Kerubino reportedly had taken some 2,000 troops to defend the government against attacks on the eastern front near Damazien in early 1997 but later that year withdrew his forces back to Bahr El Ghazal, supposedly after an altercation with Vice President Zubeir at the front.

Some in the government doubted Kerubino's loyalty. Behind his back, they dubbed him the "criminal general" (*liwa mujiriim*). He was considered unpredictable,¹⁶⁰ as the Khartoum government discovered numerous times when trying to persuade Kerubino to release the ICRC plane and crew he took hostage in

¹⁵⁵Kurmuk was temporarily captured by the SPLA in December 1987 also. Keen, *The Benefits of Famine*, p. 71.

¹⁵⁶David Orr, "Rebel Unity Spurs Sudan Call to Arms," *Independent* (London), Nairobi, January 16, 1997; "Sudan Closes University so Students Go to War Zone," Reuter, Khartoum, January 14, 1997 (students were to fight "Ethiopian aggression").

¹⁵⁷Human Rights Watch interview, Martin Marial, Nairobi, May 3, 1998. The University of Juba had been relocated to Khartoum in 1987 because of the war. Opening universities in many towns and decentralizing education was a NIF project to make higher education more available. A side effect would have been to relocate the problematic student population, which never lost its penchant for non-NIF politics despite a heavy NIF presence, from Khartoum. See *Behind the Red Line*, pp. 232-251.

¹⁵⁸Marial Bai, Wau County, is not to be confused with the larger Marial Bai located to the northwest in Aweil County of Northern Bahr El Ghazal state.

¹⁵⁹Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

¹⁶⁰*Ibid.*

Wunrok in late 1996 (thirteen months before his defection and the fighting in Wau).¹⁶¹

¹⁶¹Apparently the government sent two high-ranking emissaries from the ministry of defense to Wunrok to plead with Kerubino to end the stand-off. Kerubino was finally convinced by U.S. emissary Bill Richardson (prior to Richardson's appointment as U.S. ambassador to the U.N.), amid front-page bargaining, to settle for substantially less than the \$10 million sought. Elif Kaban, "Rice and Radios Help Sudan Hostage Negotiators," *Reuter*, GENEVA, DECEMBER 10, 1996; HUMAN RIGHTS WATCH CONFIDENTIAL INTERVIEW, New York, November 1996.

According to another source, Kerubino, having failed to win the position of deputy chairperson of the South Sudan Coordinating Council (SSCC), the interim body organized for governing the south prior to self-determination elections pursuant to the Peace Agreement (see below), left Khartoum for Bahr El Ghazal. He settled at Marial Bai rather than his previous base at Gogrial, sixty-three miles distant from Wau. "From there he issued threats to the regime and began to court the SPLA."¹⁶² There were an estimated 1,000 to 2,000 Kerubino forces in Marial Bai.¹⁶³ As usual, exact counts are elusive.

The SPLA "Defectors": the Trojan Horse Plan

In December 1997 and January 1998, a dramatic new element was added to the armed presence in Wau. Hundreds of mostly Dinka SPLA soldiers began "defecting" to the government side, bringing with them their wives and children from the rural areas controlled by the SPLA around Wau. They surrendered to Kerubino, and took up residence near his headquarters in Marial Bai.¹⁶⁴ The influx of SPLA soldiers to Kerubino's forces started shortly after December 25, 1997, according to press accounts.¹⁶⁵ One SPLA source said that two SPLA brigades (each of 600 men) "surrendered" to join the Kerubino forces.¹⁶⁶

¹⁶²"War and Politics: Kerubino Gives NIF A Run For Their Money While SPLA Watches," *Sudan Democratic Gazette* (London), Year IX, No. 93, February 1998. This monthly is written and published by exiled opposition leader Bona Malwal, also a Bahr El Ghazal Dinka.

¹⁶³Human Rights Watch interview, Nairobi, May 2, 1998; Human Rights Watch interview, Sudan, May 17, 1998.

¹⁶⁴Human Rights Watch interview, Nairobi, May 1, 1998.

¹⁶⁵Alfred Taban, "Sudan Rebels and Tribes Flee Famine, Fighting," Reuters, Marial Bai, Sudan, January 29, 1998.

¹⁶⁶Human Rights Watch interview, Sudan, May 17, 1998.

Somewhat alarmed by the unannounced appearance of “surrendering” rebels, First Vice President Al Zubeir Mohamed Salih soon visited them. He announced they would be absorbed into the government’s armed forces.¹⁶⁷ Whether former rebels would be permitted their own military organization or would be absorbed into the government army has always been a difficult issue: in settlement of the first civil war, units of Anyanya fighters were absorbed, under command of Anyanya officers, into the Sudan army.

¹⁶⁷“Sudan to Bring Defecting Rebels into Armed Forces,” Reuters, Khartoum, January 12, 1998.

The defections from the SPLA to Kerubino's pro-government forces were announced with great fanfare by the government on national television, with celebrations of the SPLA surrendering in Marial Bai videotaped and broadcast.¹⁶⁸ It seemed as if, little by little, the efforts to attract other defectors from the SPLA to the "Peace from Within" program were bearing fruit, and the SPLA would be reduced to a shadow of itself. Efforts were announced to assist the needy returnees. By mid-January they included an estimated 2,500 SPLA fighters and 6,000 family members, called "returnees."¹⁶⁹

It became easy to come and go from Wau, a change from the tight restrictions on movement put in place in May 1997 after Tonj fell to the SPLA. The defectors, who had surrendered but had not given up their guns, moved freely in and out of Wau with their arms. This frightened many northerners in Wau. The government authorities were suspicious, particularly when Kerubino provided government weapons to the defectors.¹⁷⁰

As it turned out, these "defectors" were part of a Trojan Horse plan by Kerubino and the SPLA, whereby they would infiltrate SPLA forces into Wau and then capture the town with a surprise attack from within. According to SPLA Alternate Commander Marial Camuong Yol, who participated in the affair, Kerubino contacted the SPLA by radio in August 1997, but the SPLA was wary because his forces were still fighting against the SPLA. In November 1998 a secret meeting between officers of both sides took place and a second meeting was held one month later, which this witness attended. Since the presence of SPLA troops near Kerubino's base at Marial Bai could not be kept secret, this commander and his men posed as defectors from the SPLA. There Kerubino told them he had three

¹⁶⁸Human Rights Watch interview, May 8, 1998.

¹⁶⁹"Government Begins Airlifts to Help 'Returnees' in South," Republic of Sudan Radio, Omdurman, in Arabic, January 9, 1998, BBC Monitoring Service: Middle East, January 12, 1998.

¹⁷⁰Human Rights Watch interview, Lokichokkio, May 11, 1998.

enemies: the NIF, Riek Machar, and the SPLA. He could no longer work with the others but felt he could work with the SPLA.¹⁷¹

¹⁷¹Alternate Commander Marial Camuong Yol was interviewed by Christian Solidarity International. CSI, "CSI Visit to Northern Bahr El Ghazal, Sudan (focusing on Slavery, Arab-Dinka Relations, Kerubino & the SPLA, Humanitarian Aid & Religious Persecution)," Binz, Switzerland, September 5-10, 1998.

Kerubino also was garnering other forces in the Wau area. In late 1997 or early 1998 Kerubino is reported to have supplied weapons to the Belanda in the Fertit militia, and they reportedly joined the Kerubino forces.¹⁷²

¹⁷²Human Rights Watch interview, Lokichokio, May 11, 1998. The Belanda live south of Wau. They are an agricultural Luo people related to the Jur. Santandrea, *Ethno-geography of Bahr El Ghazal*, pp. 136-37.

VI. POLITICS IN WAU AND GOVERNMENT-CONTROLLED SOUTHERN SUDAN

The Political Charter (1996) and the Peace Agreement (1997)

On April 10, 1996 the government of Sudan signed a Political Charter¹⁷³ with Riek Machar Teny Dhurgon and Kerubino Kuanyin Bol as representatives of the SSIM/A. Riek Machar had been an SPLA field commander in Upper Nile in 1991 when he, Dr. Lam Akol (a Shilluk intellectual and SPLA strategist), and others attempted an internal SPLA coup; when that failed they formed their own rebel faction which came to be known as the South Sudan Independence Movement/Army (SSIM/A). At the time of the 1991 split, Kerubino was still in an SPLA jail. He and others, including his deputy Faustino Atem Gualdit, were detained in 1987 on suspicion that they were plotting a coup against Garang, among other things. Kerubino, who escaped with Faustino and Arok Thon Arok from an SPLA bush jail in late 1992, claimed he did not learn of the Riek coup attempt until his escape.¹⁷⁴

In 1993 the three joined Riek's faction. The SSIM/A was predominately but not entirely Nuer, and Kerubino's Dinka troops were an important political element in the SSIA. Kerubino's troops only attacked civilians and the SPLA from 1994 to 1997, never attacking the government prior to January 1998—a pattern in common with the rest of the SSIA forces.

¹⁷³Political Charter, April 10, 1996, Khartoum (containing fourteen points of general principles), signed by First Vice President Zubeir, Riek, and Kerubino.

¹⁷⁴Human Rights Watch interview, Kerubino Kuanyin Bol, Nairobi, June 21, 1993.

The Political Charter provided for a referendum to determine the political aspirations of the people of southern Sudan. A Southern States Coordinating Council was to be formed for the interim government of the southern states, which were the ten southern states formed from the former provinces of Bahr El Ghazal, Equatoria, and Upper Nile, as boundaries stood at independence in 1956.¹⁷⁵ These ten states were, in contrast to the sixteen northern, eastern, and western states, little more than garrison towns in a sea of rebel-held territory. After the garrison town of Yirol fell in 1997, the state of which it was the “capital”—Buheirat (Lakes)—had no territory whatsoever that was controlled by the government. In the state of Warab, only Gogrial town remained in government hands after Tonj fell in 1997.

On April 21, 1997, the parties to the Political Charter and others signed a Peace Agreement with the government of Sudan.¹⁷⁶ Although the government

¹⁷⁵There have been numerous internal boundary redrawings and divisions since 1956. The last was in 1994 when Sudan was divided into twenty-six states, ten of them southern. What was Bahr El Ghazal in 1956 was divided into Northern Bahr El Ghazal (Aweil), Western Bahr El Ghazal (Wau), Warab (Tonj), and Lakes or Buheirat (Yirol).

¹⁷⁶The Sudan Peace Agreement, Khartoum, April 21, 1997. It was signed for the “rebels” by Riek, Kerubino, Commander Kwac Makuei Mayar (or Kawac Makwei, Chairman

presented this Peace Agreement as a significant breakthrough for peace, the fact is that the only “rebel” parties to the Peace Agreement that had any military capacity had been fighting the SPLA, not the government, since 1991, or, in Kerubino’s case, since 1994. The principal rebel signatories to the Peace Agreement had already made peace with the government pursuant to the Political Charter of 1996. The SPLA did not participate in these negotiations nor did it sign the Political Charter or the Peace Agreement.

and Commander-in-Chief, South Sudan Independents Group), Dr. Thisphohis Ochang Loti (a Lokoya never in the SPLA; Chairman and Commander-in-Chief, Equatoria Defense Force created in 1995), Samuel Aru Bol (of Rumbek, Chairman, Union of Sudanese African Parties), and Arok Thon Arok Kongor (Chairman, Bor Group). Only Riek and Kerubino had more than a handful of armed followers.

At the same time as the Peace Agreement was signed with the above six, a separate peace agreement was entered into with a faction from the Nuba Mountains, the “SPLM/Nuba Mountains group,” led by Muhammad Harun Kafi. “Peace Accord with Rebel Factions Signed in Khartoum,” Republic of Sudan Radio, Omdurman, April 21, 1997, in Arabic, BBC Monitoring Service: Middle East. This faction was not known to have any troops.

Those who joined the Peace Agreement after it was signed were the SPLM-United (a faction of the SSIM headed by Dr. Lam Akol, loosely based on his Shilluk tribe), by amendment to the Peace Agreement on September 21, 1997 that was negotiated by Dr. Lam Akol and signed by Commander Akwoch Mayong Jago: also signing for the SPLA-United were Major General Bushra Uthman Yusuf, secretary of military affairs, Upper Nile military area, and Commander Awad Jago Musa al-Mek Kur, member and animal resources minister. It was witnessed by His Majesty Reth Kwongo Dak Padiet, the reth (king) of the Shilluk.

The SSCC was established on August 7, 1997 with President Omar El Bashir's appointment of Riek Machar as its chair.¹⁷⁷ The official government radio noted that the appointments of the deputy chair and other members would follow "soon."¹⁷⁸ Other members were to include the governors of the ten southern states.¹⁷⁹

Just one week later, Kerubino demanded that the post of vice president of the SSCC be given to a Dinka. He accused Riek of "Nuer domination" of the council, and refused to place his forces under Riek's command.¹⁸⁰ Shortly after this demand Kerubino, his deputy Faustino Atem Gualdit, Arok Thon Arok, and Nikanora Achiek were reinstated in the Sudanese Army by presidential decree, a measure to help them "regain confidence in the government."¹⁸¹ All were Dinka, and received higher ranks than they had when they defected from the Sudan army in

¹⁷⁷Peace Agreement, Ch. 5 (1) (c): "The President of the Republic in consultation with parties signatory to this Agreement shall appoint the President of the Coordinating Council." He is accountable to the President of the Republic. *Ibid.*, (1) (b).

¹⁷⁸"Sudanese President Appoints Head of Southern [Council]," Xinhua, Khartoum, August 7, 1997.

¹⁷⁹Peace Agreement, Ch. 5 (9): "governors of the southern states shall be members in the Coordinating Council by virtue of their post."

¹⁸⁰"Infighting Among Southern Leaders Threatens Council," IPS, Khartoum, August 11, 1997.

¹⁸¹"Kerubino, Arok Thon and Faustino Reinstated," *Sudan Update* (London), vol. 8, No. 19, September 15, 1997, quoting *al-Anbaa*, August 23, 1997.

1983. Kerubino was given the rank of major general and Arok the rank of brigadier.¹⁸²

Under Sudan's federal system, members of state parliaments were to elect the governors (*walis*) of each state from a list of three nominees selected by the president of Sudan. The governor of Khartoum was elected in June 1997 and elections for governor in fifteen northern states took place in late August 1997,¹⁸³ after the state governors were summoned to Khartoum in early August and informed that they would be dismissed pending elections to replace them.¹⁸⁴

¹⁸²Ibid.

¹⁸³"President Bashir Dismisses State Governors Pending Gubernatorial Election," Republic of Sudan Radio, Omdurman, in Arabic, August 9, 1997, BBC Monitoring Service: Middle East, August 11, 1997; "New Governors Elected in 15 Northern States," Republic of Sudan Radio, Omdurman, in Arabic, August 15, 1997, BBC Monitoring Service: Middle East, August 18, 1997.

¹⁸⁴"Sudanese states governors relieved of office," AFP, Khartoum, August 9, 1997.

The governorships in the south were to be decided upon differently, pursuant to the Peace Agreement, which provided for the president of the SSCC to recommend his cabinet including the governors to the Sudan president for appointment.¹⁸⁵ According to the U.S. spokesperson for Riek's political group, the United Democratic Salvation Front (UDSF), a disagreement arose between Riek and Kerubino over the governors. Kerubino wanted to adhere to the Peace Agreement and have Riek (in consultation) name a governor for each state then send the governors to President Bashir for appointment. Riek wanted to deviate from this part of the Peace Agreement and select three candidates for governor for each state. These names would be sent to Bashir for approval, and the state assemblies would then vote for governor¹⁸⁶ (as was done in the northern states).

Kerubino rallied many southerners to his position, based in part on his argument that the NIF controlled the state assemblies (composed of people who lived in the garrison towns) and therefore the results of the elections would be NIF governors. Riek's position was that if they let the president of Sudan interfere in the selection process at this early period, he would be precluded from interfering later, after elections.¹⁸⁷

Riek's strategy prevailed. President Bashir decreed that the southern parliaments hold elections for governor for each state, the governors to be members of the SSCC.¹⁸⁸ This was preceded by a presidential decree dissolving the parliaments of the ten southern states and appointing new ones, whose members were recommended by Riek Machar.¹⁸⁹ The new southern state parliaments were ordered to convene on November 27, 1997.¹⁹⁰

¹⁸⁵The Peace Agreement states: "The President of the Coordinating Council in consultation with Southern political forces shall recommend his cabinet including the Governors (Walis) to the President of the Republic for appointment." Ch. 5, art. 7 (1) (d).

¹⁸⁶Human Rights Watch interview with Biel Torkech Rambang, representative in the U.S. of UDSF, Washington, DC, December 14, 1998.

¹⁸⁷Ibid.

¹⁸⁸"New governors for southern states to be elected soon," SUNA News Agency, Khartoum, November 23, 1997. Peace Agreement, Ch. 5 (9): "governors of the southern states shall be members in the Coordinating Council by virtue of their post."

¹⁸⁹The Peace Agreement provides in Ch. 5 (1) (g): "Until the atmosphere is conducive for elections of State Assemblies to take place, the President of the Coordinating Council, in consultation with the political forces, shall recommend to the President of the Republic new members of legislative assemblies in the Southern States for appointment."

¹⁹⁰"Sudanese president appoints new southern state assemblies," Deutsche Presse-Agentur (DPA), Khartoum, November 17, 1997.

Riek recommended three candidates for the governorship of each southern state to President Bashir, who forwarded the names he approved to the newly appointed state assemblies for a vote.¹⁹¹

¹⁹¹“Sudanese president dissolves state parliaments, appoints new southern state assemblies,” DPA, Khartoum, November 17, 1997. State parliaments have not had a particularly sound institutional life. As of January 1, 1999, President Bashir dissolved the state parliaments (appointed in late 1997) on the grounds that there would be elections for these bodies at the beginning of 1999. These elections were expected to be contested by parties as yet not registered under the government’s “political association” bill lifting the ban on multiparty politics. The state parliaments would be empty until some time in 1999. | “Sudanese president dissolves state parliaments,” DPA, Khartoum, December 31, 1998.

The majority of the population was disenfranchised in these elections for governor. Only some forty persons in each state had the vote—appointed members of state assemblies, according to Riek's UDSF—although this procedure was not provided for in the Political Charter nor Peace Agreement. This was a tiny democratic step forward. Many state legislators did not actually live in the south, but began to travel there as “invited” by President Bashir in late November for the elections.¹⁹²

Contests developed as some non-NIF candidates were nominated for governorships. Incumbent NIF governor Ali Tamim Fartak of Wau (Western Bahr El Ghazal) was a candidate for governor, and the Fertit militia leader Tom Al Nour led his electoral campaign. But Ali Tamim Fartak was not popular with Kerubino, who backed a rival candidate in the election for governor: Charles Julu Kyopo, of the Jur (Luo) tribe, which is associated with the Dinka. Riek's people also regarded Charles Julu as “our man.”¹⁹³

Perhaps to the surprise of the Khartoum government, NIF candidates lost in some southern states. In Wau, Julu defeated the incumbent Fartak by twenty-three of forty votes. The Riek candidate in Northern Bahr El Ghazal (Aweil), Kwac Makuei (a signatory of the Peace Agreement), prevailed against the NIF candidate, Joseph Ajuang.¹⁹⁴

Kerubino did not have a clean sweep, however. In Warab, Kerubino's candidate Faustino Atem Gualdit lost to Arop Achier Akol. The understanding among Kerubino sympathizers in Wau was that Achier was a NIF candidate.¹⁹⁵

¹⁹²“New Governors for Southern States to be Elected Soon,” SUNA News Agency, Khartoum, in English, November 23, 1997, BBC Monitoring Summary of World Broadcasts.

¹⁹³Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

¹⁹⁴Riek sources say Kerubino and Makuei were not close. See Appendix E.

¹⁹⁵Human Rights Watch interview, Lokichokkio, May 11, 1998; “New Governors Elected in Southern States,” SUNA News Agency, Khartoum, in English, December 1, 1997, BBC Monitoring Summary of World Broadcasts.

Kerubino protested that Arop Achier was elected with a majority of only two votes, and that state ministers (who were not legislative assembly members) were allowed to vote in Warab. Riek supported the election of Arop Achier over these protests.¹⁹⁶

Riek's candidate Taban Deng Gai won in the crucial oil-rich state, Wihda or Unity. This led the Khartoum government-supported warlord Paulino Matiep to clash in Western Upper Nile with Riek's SSDF forces many times in 1998, as related below. Lam Akol was defeated in Upper Nile¹⁹⁷ by a Nuer medical doctor formerly with the SPLM/A and SSIM/A, Dr. Timothy Tong Tutlam, a Riek candidate.¹⁹⁸ Lam Akol was later appointed Minister of Transportation by President Bashir.

¹⁹⁶Letter, Dr. Riek Machar to President Omar Hassan Ahmed El Bashir (undated, but after July 4, 1998), Appendix F.

¹⁹⁷Lam Akol, a Shilluk, originally said he accepted nomination to the office of governor of Upper Nile state, "in response to a demand by the people of Upper Nile," which included the Shilluk. "Former rebel accepts nomination for governor's post in Sudan," AFP, Khartoum, November 23, 1997. "Former Sudanese rebel leader defeated in state elections," DPA, Khartoum, December 1, 1997.

¹⁹⁸Tutlam, plus Political Charter and Peace Agreement signatories First Vice President Al Zubeir Mohamed Salih and Arok Thon Arok, and others, died in a plane crash in February 1998, which Lam Akol survived. "Sudan vice president dies in plane crash, SPLA claims downing," AFP, KHARTOUM, FEBRUARY 12, 1998. THE SPLA LATER WITHDREW ITS CLAIM OF RESPONSIBILITY FOR THE CRASH.

Some sources said that the NIF lost in nine of ten southern states; others said seven of ten. One press report said that the results were split almost equally among candidates loyal to Riek Machar and those fielded by the government.¹⁹⁹ Riek's supporters claimed many winners as allies.²⁰⁰

Efforts to Placate Kerubino

In mid-January 1998, after the SPLA "defections" to Kerubino, Sudan television announced that President Bashir had appointed Kerubino as the deputy chairman of the SSCC, a position Kerubino had long coveted, and as minister of local government and public security in southern Sudan, two positions the Peace Agreement attached to the SSCC deputy or vice presidential position.²⁰¹

¹⁹⁹"Former Sudanese rebel leader defeated in state elections," DPA, Khartoum, December 1, 1997.

²⁰⁰See Appendix E.

²⁰¹Alfred Taban, "Sudan Names Ex-rebel as Vice-President," Reuters, Khartoum, January 16, 1998.

In January 1998 Riek Machar and First Vice President Zubeir were dispatched to Kerubino's stronghold at Marial Bai to talk him into going to Khartoum for the Coordinating Council swearing-in ceremony. They were stopped at a checkpoint by Kerubino's men outside of his Marial Bai base. The soldiers radioed for clearance before permitting them to pass, an embarrassing procedure for these two high-ranking government officials.²⁰² The army chief of staff, Lt. Gen. Sid Ahmed Hamad, and the minister of state for defense also visited Kerubino at Marial Bai on January 25, 1998.²⁰³

Kerubino declined to go to Khartoum for his swearing in until after the "returnees" were settled and they, with their women and children, received 100 million Sudanese pounds (U.S. \$ 48,780) of assistance.²⁰⁴ He asked instead to be sworn in "under a tree." He may well have feared that he might not be permitted to return from Khartoum, and might possibly be detained. In 1987, while a high-ranking officer in the SPLA, he answered a summons by SPLA sponsor President Mengistu of Ethiopia to appear at the palace in Addis Ababa, where he was detained, handed over to the SPLA, and jailed without trial for five years.²⁰⁵

²⁰²Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²⁰³"Army Chief Visits Returnees in South," Sudan TV, Omdurman, in Arabic, January 25, 1998, BBC Monitoring Service: Middle East, January 27, 1998. On December 26, 1997, according to Governor Charles Julu, the army chief of staff and the minister of state for defense went to meet Kerubino in Marial Bai. Arop Madut, "Governor Julu Speaks About the January Rebels," *Sudanow*, Khartoum, April 1998, pp. 18-19.

²⁰⁴Madut, "Governor Julu Speaks About the January Rebels;" Human Rights Watch interview, Nairobi, May 1, 1998. As of January 1998 the exchange rate was U.S. \$ 1 = 2,055 Sudanese pounds.

²⁰⁵Human Rights Watch/Africa, *Civilian Devastation*, p. 229.

Kerubino's Disappointment with the Governors' Elections

The government was right to be suspicious of Kerubino. He was in secret talks with the SPLA and they planned a joint attack on Wau, supposedly for February 2, 1998, after Ramadan.²⁰⁶

The "defection" of hundreds of SPLA forces to Kerubino was part of a plan whereby SPLA forces would be infiltrated into Wau and positioned for a surprise attack on the town.²⁰⁷ One SPLA source said that the soldiers who stopped Vice President Zubeir at the checkpoint to Kerubino's headquarters actually radioed to find out if they should arrest Zubeir. They were told not to do so, because that would ruin the planned attack on Wau.²⁰⁸

One reason given for Kerubino's decision to re-defect to the SPLA was that he believed that he had been double-crossed by the government, in at least two ways: he was not made deputy chairman of the SSCC as he believed he should have been (until it was too late), and the NIF backed candidates to oppose his gubernatorial candidates.

²⁰⁶The three-day feast ending Ramadan started on January 28 and ended on Sunday, February 1, 1998.

²⁰⁷Human Rights Watch interview, Nairobi, May 2, 1998.

²⁰⁸Human Rights Watch interview, Sudan, May 17, 1998.

Kerubino was particularly angry because his deputy, Faustino Atem Gualdit (who spent five years in SPLA jails with Kerubino), lost the election to NIF candidate Arop Achier Akol in Tonj (Warab state); Arop Achier, a Dinka from Tonj who converted to Islam, is the stepbrother of George Kongor, an army officer and former governor of Bahr El Ghazal in Wau who is now second vice president. Achier was said to be as bad a governor as Kongor was good, falling asleep in meetings and otherwise neglecting his duties as governor.²⁰⁹

Kerubino is said to have believed that eight ministers in the Warab state government who voted in the governor's election (although not entitled to vote, according to Riek) were offered money and promised positions by Arop, causing seven to vote for him. According to one source, most of these ministers were later dismissed by Arop, who appointed "converts to Islam" in their places.²¹⁰ For Kerubino and others, the NIF was behind this and its behavior was evidence that the NIF did not want to let the south govern itself. Kerubino blamed Riek for not appointing governors as Riek had the right to do under the Peace Agreement, but instead he let elections go forward in towns long under government control.²¹¹

Kerubino's plan to join with the SPLA and capture Wau, Aweil, and Gogrial was one of the worst-kept secrets of the war. Word spread widely in Wau, Khartoum, Nairobi, and elsewhere of the plan. Many, however, dismissed it as yet another of countless rumors.

²⁰⁹Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²¹⁰Human Rights Watch interview, Lokichokkio, May 11, 1998. In a telling remark, this Western-educated Dinka civil servant rather contemptuously dismissed these Dinka converts to Islam, saying, "They had no place in Dinka society. They had nothing to lose." Ibid.

²¹¹Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

MAP OF WAU

VII. THE KERUBINO/SPLA ATTACK ON WAU AND ITS IMMEDIATE AFTERMATH

The Dinka in Wau started an exodus from the town, bundles on their heads, as early as the morning of January 28. Rumors of imminent military action had spread, and the Dinka experience with army and Fertit militia attacks on them may have motivated their flight.²¹²

The SPLA/Kerubino attack began around midnight, January 28-29, 1998, the time reportedly moved up from February 1 or 2 because Kerubino feared a government attack on January 29 at 4:00 a.m. According to the opposition *Sudan Democratic Gazette*, the military intelligence unit in Wau informed Khartoum on January 12, 1998 of Kerubino's intention, together with the SPLA, to capture Wau using supplies provided by the government to the "defectors." A national security council meeting was reportedly convened in Khartoum on January 13, where a decision was made to confront and destroy the joint Kerubino/SPLA force at Marial Bai. A large military force was prepared at Babanusa, Western Kordofan, to travel

²¹²This chapter draws on eyewitness and other accounts, including a confidential preliminary report on the fighting and subsequent massacre done by reliable sources for their institution in March 1998 and another confidential report on the same topic by a reliable source for his separate institution in April 1998. All concerned wanted the reports treated confidentially and therefore their authors must remain anonymous.

down by railway and take Kerubino by surprise.²¹³ Kerubino reportedly received news of this decision the next day, on January 14, according to the *Sudan Democratic Gazette*.²¹⁴

²¹³According to one source, it took about three weeks to organize this expedition. Confidential communication to Human Rights Watch, September 22, 1998.

²¹⁴"War and Politics: Kerubino Gives NIF A Run," *Sudan Democratic Gazette*, February 1998.

One of the SPLA participants in the Trojan Horse plan, posing as a defector, said the defectors were visited by many NIF and government high-level delegations. They refused, however, to go to Khartoum, fearing detention. Before long the government army and NIF became suspicious and the defectors received intelligence that their cover had been blown and that the government planned on attacking them on February 1. The Kerubino/SPLA forces therefore made a preemptive strike against Wau on January 28, taking three-fourths of the town (including the main garrison, according to him) but could not hold their positions against the government's counterattack because the rebel reinforcements were not yet in place. They withdrew from Wau, taking captured military hardware, according to this participant.²¹⁵

The Kerubino/SPLA attack started between 11:00 p.m. and midnight on January 28, according to another SPLA soldier who also participated in it. The fighting started at the Girinti army base north of Wau, and the combined forces attacked and captured government military barracks in Marial Bai, Getit, Amer, Bariar, Marial Agis, and Zagalona, according to a combatant who said he helped capture and occupy the Zagalona barracks.²¹⁶ According to a noncombatant eyewitness, the garrison at the Wau Vocational Institute, the garrison near the Jur River bridge, and the central garrison were not taken.²¹⁷ Government forces initially fled then regrouped, reportedly while the Kerubino and SPLA soldiers were stealing food.²¹⁸

Another source said the fighting took place around the Girinti barracks for two hours, until about 2:00 a.m., and then moved north to the Mariel Ajith displaced camp and east to the Eastern Bank displaced camp (both inhabited by Dinka), and to Zagalona, a residential area in the southern part of Wau. Heavy artillery was

²¹⁵CSI, "CSI Visit to Northern Bahr El Ghazal, Sudan," September 5-10, 1998.

²¹⁶Human Rights Watch interview, Lokichokkio, May 10, 1998.

²¹⁷Human Rights Watch interview, Lokichokkio, May 11, 1998.

²¹⁸Confidential report on Wau, April 1998; Human Rights Watch interview, Lokichokkio, May 11, 1998.

heard in the north, consistent with a government attack on Marial Bai, the Kerubino stronghold.²¹⁹

The parties fighting on the government side were the army and security forces, most of the PDF, and part of the Fertit militia. Wau residents also referred to *mujahedeen* (holy warriors), a generic term for those engaged in *jihad* (holy war) for Islam, as the PDF is exhorted to do. The line between mujahedeen and other forces is not always bright, and mujahedeen also may refer to fighting forces of the NIF party or security apparatus.

²¹⁹Confidential preliminary report on Wau, March 1998. To our knowledge, no further report was issued by these authors, who must remain anonymous.

These government forces were outnumbered by the rebel forces, according to one SPLA source.²²⁰ Numbers remain elusive. Fighting on the rebel side were Kerubino's forces, the SPLA forces who had "defected" from the SPLA to Kerubino, and possibly other SPLA forces from outside Wau. Also joining in the fighting on the rebel side after the initial attack were Dinka police and game wardens, Dinka PDF members, and perhaps part of the Fertit militia (including possibly the Belanda). At the time, one noncombatant source estimated that Kerubino's forces in Wau were about 5,000 and the SPLA had about 2,000 forces ("defectors"), and was bringing in reinforcements.²²¹

The SPLA later announced that 1,847 members of the police, prison guards, and game wardens in Wau crossed over to join them, as well as 426 members of the government's armed forces.²²² These defectors may safely be presumed to be almost entirely southerners, and a majority Dinka and Jur. Even a Dinka army officer with twenty-three years of service fled Wau with the rest, according to his son.²²³

²²⁰Human Rights Watch interview, Sudan, May 17, 1998.

²²¹Matthew Bigg, "Sudan Rebels Say Government Controls Wau Airport," Reuters, Nairobi, January 31, 1998.

²²²"Opposition Radio Reports Almost 1,000 Government Soldiers Killed in Wau," Voice of Sudan, Voice of the National Democratic Alliance, in Arabic, February 14, 1998, BBC Monitoring Service: Middle East, February 16, 1998. The announcement also stated that ten members of Warab state legislature and nine from Buheirat (Lakes) legislature joined the SPLM.

²²³Human Rights Watch interview, Lokichokio, May 11, 1998. Defection of southern police, prison guards, game wardens and even army officers to the rebel side during SPLA attacks on garrison towns is not unusual; it happened most notably in Juba during the 1992

Most of the fighting was in the northeastern and southern sections of Wau. The Fertit lived in the western part of Wau; not all the Fertit militia participated in the fighting in Wau, however.²²⁴ Many later commented to non-Fertit friends that they were "not going to let the government fool them as it did in 1987" when the Fertit militia attacked the Dinka in Wau. Therefore only part of the Fertit militia showed up to fight with Commander Tom Al Nour and the government forces. The others stayed in their area of Wau to defend their people, if needed. Many Fertit helped Dinka civilians escape or hid them in their houses after the fighting was over.²²⁵ One report said that two local Fertit commanders and their forces did not participate in the fighting: Nicol Akumba and Ali Janga.²²⁶

SPLA attacks on that garrison town, the largest in the south.

²²⁴Ibid.

²²⁵Human Rights Watch interview, Nairobi, May 2, 1998.

²²⁶Confidential preliminary report on Wau, March 1998.

On the night of January 28, Wednesday, Wau residents heard heavy shelling from the direction of Girinti, the military base to the north, starting about midnight. There was also shelling near the airport and between the airport and the river. "It was very heavy, boom, boom, and shaking."²²⁷ Those who were there had vivid descriptions of the fighting: one resident said, "The whole town was white by night; they were using flares."²²⁸ Others said the fighting was like "fire in the sky."²²⁹

At 6:00 a.m. on the morning of January 29, 1998, the Kerubino and SPLA commanders ordered their forces to evacuate Wau, according to one SPLA soldier in Zagalona barracks who received the order. He commented that no one knew why they were ordered to evacuate; the government forces had not recaptured Zagalona barracks.²³⁰ They withdrew, with Dinka police, prison guards, and game wardens, Dinka PDF members, and Dinka from the regular army. The Belanda militia were said to have fled Wau as well.²³¹

Dinka and Jur Shot While Fleeing Wau

Most of the civilian Dinka and Jur population that had not fled on January 28 left Wau on January 29 when the SPLA forces withdrew. The Belanda reportedly fled also, to their homeland southwest of Wau. The few senior Dinka police who remained in Wau were said to be disarmed despite their show of loyalty.²³² About 65 percent (perhaps 78,000) of the total Wau population left then and in the next few weeks due to "ongoing internal insecurity," according to a U.N. estimate.²³³ Another source said that there were two main exoduses of civilians: one in the early morning of January 29, and another later that same day as the government

²²⁷Human Rights Watch interview, Nairobi, May 2, 1998.

²²⁸Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²²⁹Human Rights Watch interview, Nairobi, May 1, 1998.

²³⁰Human Rights Watch interview, Lokichokkio, May 10, 1998.

²³¹Human Rights Watch interview, Lokichokkio, May 11, 1998.

²³²Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²³³WFP, Emergency Report No. 10 of 1998, March 6, 1998: Sudan.

counterattack erupted. Due to continuing violence, civilians kept leaving during the next week.²³⁴

²³⁴Confidential preliminary report on Wau, March 1998.

One Dinka woman, the widow of a Dinka police officer who lived in the Hilla Jedid (Der Akok) told Human Rights Watch that she fled on the night of January 28-29. She was falling asleep when the shooting started at Girinti just to the north of this Dinka area. "People began running so I ran, too. I did not have a chance to collect anything. I stepped on people lying on the ground. I do not know if they were alive or dead. The jellaba [Arabs] were shooting from the ground near Girinti garrison."²³⁵ She did not see any Kerubino or SPLA troops as she fled with her grown son. They reached the other side of the Jur River east of Wau, near the bridge, when she was hit by a shell. Although she was in a very large crowd escaping from Wau, she said she was the only one injured by that shell.²³⁶

Early that morning, January 29, one eyewitness saw many people, mostly Dinka women with bundles on their heads, fleeing Hilla Dinka from the direction of Girinti. This observer also saw three older Arab Muslim merchants in feast dress walking in the direction of a mosque for prayers. He guessed that the town must be in the hands of the government if these merchants were out praying, since they would be the first to escape if the SPLA took control.²³⁷

Another Dinka resident of Hilla Jedid left his house at 8:00 a.m. on January 29 and saw soldiers coming in his direction, shooting indiscriminately. He saw four cars carrying uniformed army soldiers—northerners—and heard bursts of fire from machine guns inside the cars on the main street leading from Girinti to the market. Some army soldiers got out to push or kick in doors. Four cars turned off from the main street into the deserted side streets of this neighborhood where they repeated this procedure. The witness immediately ran into the bush and crossed the Jur River, leaving everything behind.²³⁸

By morning the Dinka police had joined the SPLA/Kerubino forces in the defense, some of them trying to guard the escape of Dinka civilians across the Jur River.²³⁹ Some SPLA ran to the Dinka neighborhood of Nazareth to alert the civilians that they had lost, and the Dinka and Jur from that area also crossed over the river.²⁴⁰ One Dinka resident of Nazareth said of the Jur, "They crossed the river with us. They were regarded as enemies by the north, most of the Jur."²⁴¹

²³⁵Human Rights Watch interview, Lokichokkio, May 11, 1998.

²³⁶Ibid.

²³⁷Human Rights Watch interview, Nairobi, May 2, 1998.

²³⁸Human Rights Watch interview, Lokichokkio, May 11, 1998.

²³⁹Ibid.

²⁴⁰Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²⁴¹Ibid. The Jur in Wau live near the Umbili mission, in the Nazareth neighborhood with the Dinka, and in other locations east and west of the Jur River.

Another Dinka Nazareth resident heard rocket-propelled grenades being fired behind them as they fled. The only bridge over the Jur River is to the east of Nazareth, but those fleeing Wau that day avoided it because it was guarded by the army. They waded across the river; because it was the dry season the river was shallow, reaching only up to the knees of a man. This witness saw some PDF university students at a garrison at a poultry farm near the bridge. They were shooting at civilians crossing the river. "They were firing from hidden positions because some of the police escaping still had guns."²⁴²

²⁴²Human Rights Watch interview, Lokichokkio, May 11, 1998.

Before he reached the Jur River, at a flat open area on the Wau side, four young women carrying bundles on their heads just ahead of him were hit by a rocket and fell down dead. "We had to jump over them. The rocket hit them a few meters ahead of us."²⁴³ Others were injured at the same time, between 9:00 and 10:00 a.m.; he did not know them.

A twenty-year-old Jur woman from the Nazareth neighborhood was injured and her thirteen-year-old sister was killed as they tried to cross the river at about the same time. From her house to the bridge took one hour to walk, but her family left everything and ran with the others because there was shooting and everyone was running outside. "I could not stay while the others were running away," she said. The shooting was heavy; it started at night and went on until morning. Many other people were running with them, all civilians; the street was full of people. She said, "The jellaba who were following us in a military tank" shot her in the back as she ran with her baby daughter in her arms. One minute later, before they reached the bridge, a mortar landed behind her thirteen-year-old sister, hitting her in both legs, and she died on the spot; the daughter was slightly injured by the same mortar. The twenty-year-old woman staggered on with the help of her mother and crossed the river.²⁴⁴

The combined rebel forces never succeeded in capturing the town of Wau nor the important Girinti military base. But the battle of press releases was on, the SPLA claiming it was in control of Wau and Aweil, the government disputing that.²⁴⁵ In hindsight and with the benefit of civilian testimonies, it appears the government version was more accurate, but its track record for veracity was such

²⁴³Ibid.

²⁴⁴Human Rights Watch interview, Jur woman, Lokichokio, May 11, 1998.

²⁴⁵Human Rights Watch interview, Nairobi, May 2, 1998. Several who heard a radio broadcast of an SPLA announcement that it was still occupying Wau after January 29 commented that this broadcast was incorrect. Apparently the SPLA and Kerubino held on to Aweil longer than Wau, despite fierce resistance by the governor Kwac Makuei of the SSDF, who alleged later that he was the target of a June 1998 assassination attempt by government soldiers. *See* below and Appendix E.

that few not affiliated with the government believed its account. Nor was the SPLA's version trusted.

Government Counterattacks on Gov. Charles Julu's Residence and the Police Headquarters

The police headquarters is in central Wau, near the cathedral, between Nazareth and the bridge, and its largely Dinka forces came under retaliatory counterattack in the morning of January 29 by mujahedeen and others. One report said that, after a pause while the Kerubino and SPLA forces fled Wau, fighting resumed inside Wau. This fighting appeared to be an attack by government military, security forces, mujahedeen, and Fertit militia on local Dinka and Jur forces associated with the rebels— the police and game wardens (wildlife services). Dinka and Jur civilians, including unarmed men, women, and children, were also attacked.²⁴⁶

Mujahedeen forces, according to one report, arrived by helicopter from the north (El Obeid or Khartoum) during the day on January 29. These armed men in civilian clothing, reported to be at the forefront of the massacres after the fighting was over, were identified as northern Arab Sudanese, and were believed to be associated with internal security forces. They were seen departing from the airport one week later.²⁴⁷

At perhaps 10:00 a.m. on the morning of the attack, January 29, there was heavy firing believed to be from a machine gun mounted on the back of a government pickup truck (a "technical") in the area of the police headquarters. The police fought back. The SPLA and the Dinka police reportedly used a rocket-propelled grenade to attack this or another technical, and killed a mujahedeen chief and about fifteen other mujahedeen. This was one of two places the rebels are known to have attacked the mujahedeen.²⁴⁸

The mujahedeen and Tom al Nour's forces also attacked the quarter where the Dinka police, prison guards, and game wardens lived with their families. The Dinka uniformed officers returned fire before fleeing with their families. When these Dinka fled, the mujahedeen and Fertit militia moved on to Nazareth.²⁴⁹

²⁴⁶Confidential preliminary report on Wau, March 1998.

²⁴⁷Ibid.

²⁴⁸Human Rights Watch interview, Nairobi, May 2, 1998.

²⁴⁹Confidential report on Wau, April 1998.

Governor Charles Julu reportedly was targeted in his official residence by his enemies in the Fertit militia, the PDF, and the mujahedeen, who took advantage of the fighting to try to eliminate him. He was saved by the Dinka police, who arrived from the bridge to rescue him.²⁵⁰ He was later evacuated by the government to Khartoum and while there, in April 1998, gave an interview published in *Sudanow*, an English language government publication, about his experiences during the fighting in Wau, omitting the important fact of the mujahedeen attack on his house.²⁵¹ Julu reportedly was warned that he should not return to Wau because of possible retaliation against him there.²⁵² He had, after all, been backed by Kerubino. He apparently spent several months in Khartoum before returning to Wau.

Retaliation: The Massacre of Dinka and Jur Civilians

The killing of unarmed Dinka and Jur men, women, and children after the defeat and withdrawal of Kerubino/SPLA forces—and the withdrawal of the Dinka police who had protected Dinka and Jur civilians in Wau many times in the past—was extensive. Witnesses saw hundred of bodies on the streets, until the cleanup coinciding with the February 10 visit of Vice President Kongor took place.²⁵³ One reliable source said the Red Crescent buried three lorries full of bodies (each lorry large enough to carry eighty one hundred pound sacks of sorghum) in the ten days after January 29. The lorries reportedly took the bodies, believed to be mostly Dinka and Jur civilians, to three common graves.²⁵⁴ Two graves were said to be located at Meidaan Ajaaj and one not far from Nazareth (Toc). Bodies in an advanced state of decomposition were burned on the spot.²⁵⁵ Another report said that there were mass graves in the Marial Bai/Marial Ajith areas and that some bodies were seen dumped in the Jur River.²⁵⁶

Some of Tom al Nour's Fertit militia, army, and mujahedeen were reportedly involved in the killing of civilians as they conducted house to house searches in the Dinka and Jur areas after the Kerubino/SPLA forces fled. The Nazareth quarter was hit hard: according to one report, all people found at home were killed.²⁵⁷

²⁵⁰Ibid.; Human Rights Watch interview, Nairobi, May 2, 1998.

²⁵¹Arop Madut, "Governor Julu Speaks About the January Rebels," *Sudanow*, Khartoum, April 1998, pp. 18-19.

²⁵²Human Rights Watch interview, Nairobi, May 2, 1998.

²⁵³Confidential preliminary report on Wau, March 1998.

²⁵⁴Confidential report on Wau, April 1998.

²⁵⁵Ibid.

²⁵⁶Confidential preliminary report on Wau, March 1998.

²⁵⁷Confidential report on Wau, April 1998.

Civilians sought sanctuary in several locations, including the governor's residence, the Wau Hospital, and the Catholic mission. All, except for the mission, reportedly were forcibly entered by government-aligned forces and those inside were killed on the spot.²⁵⁸

²⁵⁸Confidential preliminary report on Wau, March 1998.

Word of the killings of the Dinka and Jur civilians who remained inside Wau began to circulate almost immediately after the government retook control of Wau. On Thursday January 29 at 4:00 p.m. a military plane from Khartoum landed at the Wau airport, circling for one hour before it landed. It stayed on the ground twenty to thirty minutes and was apparently used to evacuate some family members of government officials who came from the north. Rumors spread that the plane and another military plane that landed the following afternoon brought orders to "kill the Dinka."²⁵⁹

Shots were heard daily until Second Vice President George Kongor's arrival on February 10, 1998, after which there was only shooting at night.

The bodies burned or buried in mass graves were not believed to be rebel forces killed in action for a number of reasons. Rebel casualties were thought to be relatively light because they took the government forces by surprise, were in combat only a few hours, spent some of the time looting (without contact with government forces), and withdrew after the government started using its heavy artillery. One report claimed that witnesses reported twenty-five Kerubino soldiers killed, most around the Girinti base.²⁶⁰

The government claimed "hundreds of rebels" had been killed in the attack on Wau, in fighting lasting six hours.²⁶¹ No one interviewed about the fighting on the rebel side mentioned significant rebel casualties.

²⁵⁹Human Rights Watch interview, May 2, 1998.

²⁶⁰Confidential preliminary report on Wau, March 1998.

²⁶¹Alfred Taban, "Sudan Says Government Ally Rejoins Rebels," Reuters, Khartoum, February 5, 1998.

The death toll on the government side is also unknown, although it claims it lost only four officers and nineteen noncommissioned officers and soldiers.²⁶² The SPLA initially claimed it killed 768 government soldiers in the Wau offensive, a claim later raised to 968.²⁶³ It also acknowledged the capture of 108 government prisoners,²⁶⁴ a few of whom were seen in custody in rural Bahr El Ghazal.

²⁶²"Army Spokesman on Wau Situation, Reports Second Rebel Attack in the East," Sudan TV, Omdurman, in Arabic, January 30, 1998, BBC Monitoring Service: Middle East, February 2, 1998; "Sudanese army admits 23 men killed defending Wau," AFP, Khartoum, January 31, 1998.

²⁶³"Sudan Rebels Claim Kill 768 Government Troops," Reuters, Addis Ababa, Ethiopia, February 14, 1998; "Opposition Radio Reports Almost 1,000 Government Soldiers Killed in Wau," Voice of Sudan, Voice of the National Democratic Alliance, in Arabic, February 14, 1998, BBC Monitoring Service: Middle East, February 16, 1998.

²⁶⁴"Opposition Radio Says Battle for Wau Continuing. Several Areas Liberated," Voice of Sudan, Voice of the National Democratic Alliance, in Arabic, January 30, 1998, BBC Monitoring Summary of World Broadcasts, February 2, 1998; Bigg, "Sudan Rebels Say Government Controls Wau Airport."

The estimates of dead civilians ranged from 200 to 4,000,²⁶⁵ but only forensic exhumations of the common grave sites, and private and confidential interviews with survivors, witnesses, and family members of the “disappeared” will reveal the true death toll. One report made shortly after the killing gave the number of dead Dinka and Jur civilians as 400, many killed in the Nazareth neighborhood during house to house searches on January 29.²⁶⁶

Some Dinka, unaware of the gravity of the fighting or assuming they were exempt from retaliation because of their jobs, age, or illness, stayed in Wau. Some even went to the Arab market to shop on Friday morning January 30. According to a survivor interviewed by a reliable source, he and five other Dinka men were captured that day by mujahedeen in the market and forced to get into the bed of a pickup. The captives were all young Dinka men: tall, thin, and dark, with typical Dinka facial scarification (in the form of a chevron). The mujahedeen drove them to an area, Ginena, next to the river and near the cemetery Lokoloko. The mujahedeen ordered the captured men to get out of the truck, and shot and left them for dead there. Four were killed and two wounded; the two wounded men survived by playing dead. This survivor then hid in the house of a Fertit friend.²⁶⁷

Several Dinka butchers who went to work in the market as usual on that Friday reportedly were killed, among them Mathiang, from Yirol. His alleged killer was another butcher, who is believed to have collected several Dinka and killed them together.²⁶⁸

Three Dinka corpses were left out in the Arab market from Friday January 30 to Sunday February 1; on-lookers concluded that these corpses were left there to frighten others and keep them from looting the market. An Arab merchant was credited with saving ten Dinka street children captured in the Dinka market on January 30 from a group of men intent on killing them.²⁶⁹

On Saturday night January 31 there was shooting around the civilian hospital near the bridge; there were rumors that the SPLA was hiding there. Wau has two

²⁶⁵Human Rights Watch interview, Nairobi, May 2, 1998.

²⁶⁶Confidential report on Wau, April 1998.

²⁶⁷Human Rights Watch interview, Nairobi, May 2, 1998.

²⁶⁸Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²⁶⁹Human Rights Watch interview, Nairobi, May 2, 1998.

hospitals, one civilian and one military. On Sunday morning February 1 there was an exchange of heavy artillery fire, the first shelling coming from the Tonj (SPLA) side starting about 6:30 a.m.,²⁷⁰ adding to the tense situation.

²⁷⁰Ibid.

On Sunday morning at about 10:00 a.m. government forces—of army, militia, and mujahedeen—entered the civilian hospital. They captured two Dinka men who were nurses, both unarmed, and shot them; the nurses had not fled because they believed that they would be needed in the crisis. One, Abraham Wada, left three wives and five children.²⁷¹

There were few patients in the hospital because most who could walk had already fled, but several Dinka patients who remained were killed in their hospital beds, according to different sources.²⁷² By Monday February 2 there were only ten patients in the 560-bed hospital.²⁷³ The government ordered all remaining patients to be put in one ward and counted every morning. They would presume that any new patients were SPLA.²⁷⁴ By the end of February there were only seven or eight men in the civilian hospital with war wounds.²⁷⁵

Other Dinka who did not escape in time hid in the houses of Fertit friends; some 200 women and children took refuge in the compound of the Catholic mission.²⁷⁶ In the months that followed, some Dinka women reported that during late January-early February, “The NIF killed our husbands. The NIF is responsible.”²⁷⁷

²⁷¹Ibid.

²⁷²Ibid.; Human Rights Watch interview, Nairobi, May 1, 1998.

²⁷³Human Rights Watch interview, Nairobi, May 2, 1998; the capacity of the hospital was 560 beds, according to the WHO/UNICEF Mission. It found that in early June 1998 there were only 20 percent (112) of the beds in use, mainly by children.

²⁷⁴Human Rights Watch interview, Nairobi, May 2, 1998.

²⁷⁵Human Rights Watch interview, Nairobi, May 1, 1998.

²⁷⁶Ibid.

²⁷⁷Ibid.

According to church officials in Nairobi, “twenty people, including women and children, were massacred on 4th February when a group of armed Fertit militia went on a rampage in one of the suburbs in Wau town” mainly occupied by Dinka.²⁷⁸ The militia attacked at 5 a.m., burning many people still asleep in their houses. The sources also reported arrests of southern police, prison guards, and game wardens, and of their detention and torture in unacknowledged detention centers, “ghost houses.”²⁷⁹

²⁷⁸New Sudan Council of Churches, Press Release, “20 Massacred in Wau Town,” Nairobi, February 26, 1998. New Sudan Council of Churches is composed of Christian churches whose congregations are in rebel areas.

²⁷⁹Ibid.

Added to the deliberate killings were deaths from indiscriminate attacks. Some nine hospital personnel and their families (including two children less than one year old) were killed while attending a Fertit funeral not far from the Agok Hospital for lepers (on the road to Tonj) on the night of February 8-9, 1998. For some time about fifty to seventy soldiers had been stationed at the hospital to deter the SPLA from its bimonthly practice of stealing from the lepers at the hospital, and using the lepers as porters to carry the loot across the river for the SPLA. The soldiers were not an effective deterrent since they would not confront the SPLA but only shot at them from afar. This time, the soldiers at the hospital shelled the other side of the river, where they apparently thought the SPLA was. The fourth of a series of shells fell short, some 300-500 meters from the soldiers' base, landing in the middle of the Fertit funeral, killing nine and wounding many more.²⁸⁰

The killing and disposal of bodies went on until Vice President George Kongor arrived in Wau, on or about February 10. Kongor saw eleven corpses in Wau that had not been buried and was upset, claiming in a public meeting with local officials that these were innocent civilians. At that meeting he is said to have started crying, saying, "You should have killed me, and we among the Dinka who are involved in politics. Why did you kill innocent people?" His listeners included some allegedly responsible for the killings, who said nothing. Kongor's public statements apparently did not go beyond that one meeting, however.²⁸¹

As before, no investigation was conducted by the government, and no one was punished for these gross abuses. It is not possible to tell how high up the chain of command the responsibility goes, but it is clear that the killing of civilians went on for ten days after the fighting ended, and no government forces—army, security, militia, or other—intervened to stop it.

The authorities appealed to those who had left to return to Wau. People who escaped in January said, "We can't go back to Wau. They will kill us."²⁸² As it turned out, famine and murahleen raiders killed them outside of Wau as well. That

²⁸⁰Human Rights Watch interview, Nairobi, May 2, 1998.

²⁸¹Confidential Report on Wau, April 1998. A former Wau civil servant volunteered that Kongor, a Dinka from Tonj, had been a good governor, the best Bahr El Ghazal ever had.

²⁸²Human Rights Watch interview, Nairobi, May 2, 1998.

experience, described below, was so bad that perhaps 30 percent of those who fled returned to Wau within a few months, despite the risk.

Looting and Pillaging by Government Forces

Wau residents who circulated around Wau after the fighting, including on January 29, and visitors to Wau in the next few months remarked that the four Dinka areas were totally empty of people and some houses or huts in these neighborhoods, where most had thatched roofs, were burned. All were looted.²⁸³ This looting and pillage was done primarily by government forces; the Kerubino/SPLA forces, routed and retreating on the morning of January 29, had looted but could carry little with them.

One eyewitness in early February saw that the Dinka market in Nazareth was burned and soldiers were carrying furniture piled up on wheelbarrows from the

²⁸³Looting or pillage is forbidden in IV Geneva Convention of 1949, art. 33, and in Protocol II of 1977 to the 1949 Geneva Conventions, art. 2 (g). The prohibition on pillage is an old principle of international law. It is general in scope and concerns not only pillage through individual acts without the consent of the military authorities, but also organized pillage as conducted in former wars, when the booty allocated to each soldier was considered as part of his pay. Jean S. Pictet, ed., *Commentary, IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva: International Committee of the Red Cross, 1958), p. 226.

To pillage is defined as “to rob, plunder, or sack, as in war; to take possession of, to carry off as booty; to rob with open violence.”

To loot is “to rob, sack, or carry off as booty.” *The Oxford English Dictionary* (Oxford: Oxford University Press, 1971).

houses in that quarter.²⁸⁴ Indeed, the looting continued for several weeks, and another witness observed in late February that three soldiers were carrying away beds from houses in the same Dinka neighborhood.²⁸⁵ Looted goods flooded the Wau markets, at bargain prices.²⁸⁶

²⁸⁴Human Rights Watch interview, Nairobi, May 2, 1998.

²⁸⁵Human Rights Watch interview, Nairobi, May 1, 1998.

²⁸⁶Human Rights Watch interview, Nairobi, May 2, 1998.

In addition to the Dinka neighborhoods, several other locations were looted, including the offices of the WFP, UNICEF, and the Sudan Council of Churches, all of whose personnel had been evacuated before the attack. The government listed as “evidence” of a foreign conspiracy the withdrawal from Wau, a few days before the attack, of foreign and local staff working for the U.N. and nongovernmental organizations,²⁸⁷ and it appears that these offices may have been subjected to retaliatory looting as a result. The U.N. denied foreknowledge of the January attack. However, it had been concerned about security in Wau town for some time; it decided in June 1997, shortly after the fall of Tonj, Rumbek, and Yirol to the SPLA, that Wau could no longer be considered a family duty station; this was not the first time such a decision was taken. U.N. employees, including Sudanese staff, had to relocate their families elsewhere as of that month.²⁸⁸ The U.N. evacuated staff on January 16, 1998, to attend a workshop in Khartoum.²⁸⁹ Sending everyone—including local staff—to one workshop at the same time was unusual, according to one Wau resident,²⁹⁰ but since Wau was awash with armed groups and rumors of impending attacks, withdrawal of staff from Wau could more readily be interpreted as prudence than conspiracy.

Apparently the government interpreted agencies' remaining in Wau as a sign of solidarity, and leaving (even to Khartoum) as a sign of disloyalty. Government soldiers reportedly took trucks to the compounds of the three agencies whose staff left—SCC, UNICEF, and WFP—and removed everything, leaving not even one chair.²⁹¹ (The offices whose personnel remained in Wau were not looted, except for a primary school run by the Catholic Church.) When the U.N. conducted an

²⁸⁷“Government Official Links Attack on Wau with Foreign Conspiracy,” SUNA News Agency, Khartoum, in English, February 7, 1998, BBC Monitoring Service: Middle East, February 10, 1998.

²⁸⁸Human Rights Watch interview, Lokichokkio, May 11, 1998.

²⁸⁹Ibid.

²⁹⁰Human Rights Watch interview, Nairobi, May 2, 1998.

²⁹¹Ibid.

assessment mission to Wau in late February 1998 to determine whether among other things it was safe to return, local officials claimed that the looting was the work of "gangsters."²⁹²

Why the Attack Failed

What went wrong with the attack is the subject of some dispute. One reason many people pointed to was that the Kerubino and SPLA forces stopped the offensive before they captured all garrisons, to loot and pillage.

²⁹²Gov. Charles Julu repeated the government's line that "gangsters" looted the Dinka quarters. Arop Madut, "Governor Julu Speaks About the January Rebels," *Sudanow*, Khartoum, April 1998, pp. 18-19.

One theory is that the government knew well that these forces were undisciplined and would be distracted by the opportunity to loot, and therefore the government forces were under orders not to attempt to remove attractive items as they withdrew. An SPLA spokesperson who admitted the looting by SPLA and Kerubino forces said that the soldiers panicked when they saw Dinka civilians running out of Wau.²⁹³ A more generous civilian said, "They lacked discipline because they were in quarters too long."²⁹⁴

The distraction of the rebel forces gave the government forces a chance to regroup and use its artillery at Girinti. Aside from the looting, the lack of SPLA artillery to match the government's big guns at Girinti was cited as a reason for the defeat in Wau. SPLA artillery was on the way from Yei, according to one SPLA source, but Kerubino acted precipitously, wanting all the glory for a victory in Wau. The SPLA plan was to attack Wau before army reinforcements arrived by train, and the train was still delayed in Akwei north of Wau when Kerubino struck.²⁹⁵

Some close to the SPLA claimed that Kerubino, who had been fighting against the SPLA since joining with Riek in 1993, was not fully trusted with SPLA artillery, and the SPLA deliberately did not move its artillery to Wau, intending to undercut his victory. The discovery by government military intelligence of the Trojan Horse plan required moving up the attack date, Kerubino's supporters would argue.

According also to SPLA sources and some Wau residents, due to the haste of the attack, coordination with the Dinka police and game wardens in Wau and with the sympathetic sectors of the Fertit militia was not good. The Dinka uniformed services were to join in the attack, but they did not receive timely orders. The police in the end defended their headquarters, their families and the governor's house, and provided a shield for the escaping civilians, before they, too, fled Wau. Among the high-ranking Dinka police who reportedly fled were Colonel Peter Lual and Lieutenant Colonel Wol Lang.²⁹⁶

²⁹³Human Rights Watch interview, Sudan, May 17, 1998.

²⁹⁴Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 8, 1998.

²⁹⁵Human Rights Watch interview, Sudan, May 17, 1998.

²⁹⁶Human Rights Watch interview, Lokichokkio, May 11, 1998.

It appears that Kerubino did not have time to notify his forces in Khartoum of his planned defection. In February 1998 media reports referred to an "incident" with forces in Khartoum loyal to Kerubino,²⁹⁷ following which Riek Machar ordered all southern militia factions in Khartoum to hand over their arms to prevent disturbances. The arms were to be held by Riek and other leaders of his political umbrella group, the UDSF.²⁹⁸ As discussed further below, all pro-government southern militias in Khartoum, including Riek's, were finally disarmed without notice by their army allies in November 1998.

The Consequences of the Failed Attempt to Take Wau

The consequences of Kerubino's defection and attack on Wau were enormous. They provided the excuse for lethal retaliation by government forces against hundreds of Wau residents identified with the SPLA and Kerubino, primarily the Dinka and Jur. This ethnic slaughter went on for approximately twelve days, after the government was clearly in control of the town.

The physical deprivation and dislocation suffered by the escaping Dinka, Jur, and others of Wau, Aweil, and Gogrial was enormous and continues. The fighting was the immediate cause for the government slapping a retaliatory flight ban on much-needed U.N. relief flights into Bahr El Ghazal, and putting these displaced and several hundred thousand other Dinka at risk of starvation for two months and more. Many died. The famine is expected to last until the end of 1999.

Although perhaps 21,000 Dinka former Wau residents (or 30 percent of the 72,000 aid beneficiaries registered in Wau in August 1998) were forced by hunger and murahleen raids to return to Wau for food by August 1998, they no longer

²⁹⁷"Sudan's Former Rebels Told to Hand Over Arms," Reuters, Khartoum, February 18, 1998.

²⁹⁸Alfred Taban, "Pro-government factions clash in Sudan," Reuters, Khartoum, July 7, 1998.

could expect the protection of a Dinka civil servant and police class in Wau. Most of the small educated Dinka middle class in Wau that worked for the government and agencies—many of whom had earned college and graduate degrees abroad—left Wau, as did most of the Dinka wearing government uniforms. This has meant a radical change in the ethnic balance of power inside Wau. It has also provided an infusion of educated people to the rebel side, although they have a lower standard of living there than in Wau, which was by no means good.²⁹⁹

The danger that unrestrained looting and pillaging—permitted by Kerubino and the SPLA leadership—posed to military effectiveness was amply demonstrated at Wau. Yet no one seems to have been called to account for this costly lack of discipline and violation of international law. Nor has Kerubino's long history of brutality that so undermined civilian life in Bahr El Ghazal been punished. Finally, the SPLA's press statements claiming victory in Wau, Aweil, and Gogrial were unreliable, further undermining credibility.

²⁹⁹"Rural Bahr El Ghazal Benefits from Sophisticated, Displaced Town Talent," *Sudan Democratic Gazette*, Year IX, No. 101 (London), October 1998, p. 10 ("The rural areas are now benefitting from the talents and experience of educated people who have been forced to flee into the countryside from the National Islamic Front (NIF) regime controlled towns. These educated people are helping the local people to cope with the trauma of war and famine and are proving their worth in practice."); David Fox, "Sudan intellectuals try to keep mind, body alive," Reuters, Turalei, Sudan, March 6, 1998.

The fighting in Wau apparently provided the excuse for the Sudan government to follow up the changed balance of ethnic power in Wau with new political appointments to circumvent the unexpected vote against the NIF candidate in the December 1997 governor's election. Just one month after the fighting, according to various sources, President Bashir named acting governors to take the places of some elected governors and appointed state ministers for those states without consultation with the elected governors. The losing governors were those who were not NIF or Riek candidates.³⁰⁰

A close examination of Khartoum appointments of acting southern governors shows that the elected governors for the ten southern states were sworn in on December 16, 1998, by President Omar El Bashir.³⁰¹ On February 27, 1998, less than a month after the battle at Wau, President Bashir issued decrees in which "acting governors" were named in place of six governors, and many state ministers were appointed.

In Wau, Western Bahr El Ghazal state, Anthony Achor Michael was listed as "agriculture minister and acting governor,"³⁰² and Governor Charles Julu's name

³⁰⁰See Confidential report on Wau, April 1998.

³⁰¹"Sudan's President Calls for Peace, National Unity," Xinhua, Khartoum, December 16, 1997. Those sworn in were Charles Julu (Western Bahr El Ghazal), Kwac Makuei (Northern Bahr El Ghazal), Nikora Magar Achiek (Lakes or Buheirat), Arop Achier Akol (Warab), Taban Deng Gai (Unity or Wihda), Dr. Timothy Tutlam (Upper Nile, formerly head of Relief Association for Southern Sudan, relief arm of SSIM/A), Riek Gai Kok (Jonglei, head of RASS prior to Dr. Tutlam), Henry Jada (Bahr El Jabal), Abdalla Kapelo (Eastern Equatoria), and Isaiah Paul (Western Equatoria). See Appendix E.

³⁰²"President Bashir Names New Southern States' Governments," Republic of Sudan

was missing from the long list of state officials. Of seven ministers in Western Bahr El Ghazal, only three named in that February 1998 decree were supporters of Julu, and the others were Muslims (usually aligned with the NIF government in Wau) or “in the government’s pocket,” according to an informed source.³⁰³ One minister was Uthman Tamim Fartak, social and cultural affairs minister, the brother of defeated NIF governor Ali Tamim Fartak, still a power in Wau.³⁰⁴

Radio, Omdurman, February 27, 1998, in Arabic, BBC Monitoring Service: Middle East, March 2, 1998.

³⁰³Confidential report on Wau, April 1998.

³⁰⁴“President Bashir Names New Southern States’ Governments,” Republic of Sudan Radio, Omdurman, February 27, 1998, in Arabic; in English, BBC Monitoring Service: Middle East.

In five southern states in addition to Western Bahr El Ghazal acting governors were also appointed: Northern Bahr El Ghazal, Lakes (Buheirat), Western Equatoria, Eastern Equatoria, and Bahr El Jabal. There the governors named "acting" were not the ones who had won the elections. These decrees do not explain why in six of ten southern states acting governors were named on the same day, February 27, 1998, with no reference to the governors elected just two months prior to that date. Most state ministers were named simultaneously with the acting governors.³⁰⁵

In Upper Nile, where the elected Riek-supported governor, Dr. Timothy Tutlam, died in a plane crash on February 12, 1998, new elections were held on May 22.³⁰⁶

Later in the year, some elected governors resurfaced. Riek Machar, head of the SSCC, said in July that the governors of all ten southern states, most of whom were based in Khartoum, had been told to move immediately to their own areas and operate from there.³⁰⁷ In August, Charles Julu was back in Wau, with the title of governor and struggling with a burgeoning death rate among returned and displaced Dinka;³⁰⁸ he had spent several months in Khartoum after his house was attacked by government forces during the battle for Wau.

³⁰⁵*Compare* "New Governors Elected in Southern States," SUNA, Khartoum, in English, December 4, 1997, BBC Monitoring Service: Middle East, *with* "President Bashir Names New Southern States' Governments," February 27, 1998.

³⁰⁶"Mango Ajack Elected Wali of Upper Nile State," SUNA News Agency, Malakal, Sudan, May 24, 1998. Lam Akol, who by then was appointed Transportation Minister, did not contest these elections.

³⁰⁷Alfred Taban, "Pro-government factions clash in Sudan," Reuters, Khartoum, July 7, 1998.

³⁰⁸Mohammed Osman, "Refugees from Famine in Sudan Town," Associated Press (AP), Wau, Sudan, August 13, 1998.

In Northern Bahr El Ghazal, the official residence of elected governor Kwac Makuei, who had been backed by Riek, was attacked by what the press called “unidentified gunmen,” who killed thirteen men (twelve bodyguards and a civilian). Kwac was in Khartoum at the time, in June 1998, and another had been named acting governor in his place in February (Zakariya Ngor Ngor, also named health minister).³⁰⁹ Riek Machar, in an open letter to President Bashir, blamed these “extremely dangerous and bloody events” in Aweil on “some armed elements of the government.”³¹⁰

Although the government and its SSDF allies retained military control of Wau, Gogrial, and Aweil, its first vice president Zubeir and several other high-ranking officials involved with the southern government-directed peace process, including Dr. Timothy Tutlam and Arok Thon Arok, died in a plane crash on February 12, 1998, in Nasir in southern Sudan. They were on a tour of southern garrison towns to reassure government stalwarts that Kerubino’s defection to the SPLA was not a serious setback to the government’s war (or peace from within) policy. Zubeir was the government signatory to the Political Charter and Peace Agreement, and was considered a vital link between the army and the NIF.

The burial of one crash victim, Arok Thon Arok, a Dinka army officer and former SPLA commander who signed the Peace Agreement, turned into an undignified religious tug-of-war over the body. NIF officials in Khartoum, including NIF leader Hassan al Turabi, tried to claim Arok Thon Arok’s body for Islamic burial on the grounds that he had converted to Islam, while his relatives denied any conversion and insisted on a Christian burial. The family won.³¹¹ This episode provides another illustration of the tensions that plague the relations between the NIF and its southern non-Muslim allies.

³⁰⁹“Thirteen die in attack on south Sudanese governor’s residence,” AFP, Khartoum, June 18, 1998.

³¹⁰Letter, Riek to Bashir, Appendix F.

³¹¹“Sudanese Religions Clash at State Funeral,” All Africa News Association (AANA), Khartoum, February 24, 1998; “Sudan—Political Plane Crash,” *Africa Confidential* (London), February 20, 1998.

With Kerubino's defection, southerner and national assembly member Angelo Beda was appointed deputy chairman of the SSCC in his place.³¹² Beda, however, did not have the cachet of being an SPLA commander who had turned his back on the SPLA and made peace with the government. Beda was a civil servant long loyal to the governments in Khartoum.

Kerubino's Repentance

Kerubino, having escaped from Wau with his forces, toured Bahr El Ghazal, including the locations where tens of thousands of internally displaced were gathered hoping for relief. A charismatic man, he spoke at length to the crowds, and told a gathering in Achumchum, "Stay calm, we will take the south. I went back to the SPLA because the Arabs deceived me. I ask your forgiveness for working with the Arabs," according to a man who was there. Kerubino repeated this speech in many other locations, according to several others interviewed by Human Rights Watch.

To the surprise of outsiders, the reaction of the Dinka in rural Bahr El Ghazal generally was that it was an achievement that Kerubino returned to the SPLA and would thereafter protect his people from the government. The rural Bahr El Ghazal population was relieved at the prospect of being protected by Kerubino instead of looted by him.

³¹²See Mohamed Ali Saeed, "Conflicts rage on in Sudan, despite humanitarian crises," AFP, Khartoum, July 29, 1998.

This was the reaction even in Twic County (Wunrok and Turalei), an area of northeastern Bahr El Ghazal particularly devastated by his four-year-long raiding spree. Those attending his speech in Turalei on April 27 said that the Twic County residents were bitter about Kerubino before, but were pleased with his speech. It was most important to them that he apologized.³¹³

Also included in his speeches was reference to an agreement with the Dinka elders and chiefs as to the women his soldiers took as brides, without paying the traditional bridewealth to the brides' families. Some of the soldiers actually captured young women they knew before they joined Kerubino. They would run with the women to Kerubino's camp, where the fathers and other male relatives could not pursue them.

Marriage is, among other things, an important economic event in the life of a Dinka family and one to which they look forward especially in times of scarcity; the bridewealth is paid to the bride's family in cattle. This permits families with daughters to recoup some of the losses they sustained in raids. Although Kerubino's soldiers looted many cattle—some no doubt from their in-laws—they did not have cattle to pay the bridewealth price when Kerubino and his forces fled Wau. They had long since eaten or sold the cows in the market because they, too, had no food. The rural Dinka of Bahr El Ghazal had been organized through their chiefs to contribute cows and grain to the SPLA, but not to Kerubino, whose alliance with the government they did not support.

Under the new agreement, the fathers were to ask the husbands for payment of the dowry. The price would be negotiated. If there was no payment, the fathers would take their daughters back. The local chiefs were to be responsible for enforcement of these arrangements.

³¹³Human Rights Watch interview, Lokichokio, May 11, 1998.

VIII. THE NEXT PHASE OF THE BAHR EL GHAZAL FAMINE

Wau Displaced in the Famine Zone

When tens of thousands of Dinka Wau residents and Dinka from Wau's displaced persons camps fled on January 29, 1998, they ran east to rural Dinka territory that was then held by the SPLA. Jur residents of Wau also fled, and the Belanda reportedly escaped also, to their territory south of Wau. The U.N. later estimated that those who fled represented 65 percent of Wau's population.³¹⁴ Gogrial and Aweil, also the scenes of Kerubino/SPLA attacks that night, were mostly Dinka, and had populations of about 15,000 and 24,000 respectively.³¹⁵ Approximately 90 percent of the civilian population of Aweil left that town en route to safer areas and in search of relief,³¹⁶ and a similar portion of Gogrial's population fled also. OLS estimated that, all told, there were at least 100,000 leaving Wau, Aweil, and Gogrial at once. The OLS immediately reported that it was "concerned that it does not have the resources to meet the survival needs of the growing numbers of people in need in the area."³¹⁷

³¹⁴WFP, EMERGENCY REPORT No. 10 OF 1998, MARCH 6, 1999: Sudan.

³¹⁵Human Rights Watch interview, Nairobi, May 1, 1998; Aweil population, WHO/UNICEF Mission, para. 2.

³¹⁶OLS (SOUTHERN SECTOR), BAHR EL GHAZAL EMERGENCY SITREP No. 4, NAIROBI, FEBRUARY 14, 1998.

³¹⁷WFP, Emergency Report No. 05 of 1998, January 30, 1998: Sudan.

Before the famine, the U.N. had already projected major food deficits for the displaced camps around Wau and the rural areas of northern Bahr El Ghazal.³¹⁸ The Joint Task Force report states that all OLS agencies and the Sudan Relief and Rehabilitation Association (SRRA)³¹⁹ assessments in late 1997 indicated that the humanitarian situation in Bahr El Ghazal would be comparable to that of 1988, the year of a famine in which an estimated 250,000 died in the same region.³²⁰ The FAO-WFP Crop and Food Supply Assessment Mission to Sudan estimated in December 1997 that crop production in Sudan would be down by approximately 45 percent from 1997, primarily because of inadequate rains and civil insecurity throughout the season, and that in northern Bahr El Ghazal, "which has been impoverished by years of persistent civil insecurity, inhabitants will have difficulty coping with even a relatively small crop loss."³²¹

The flight from Wau, Aweil, and Gogrial was a disaster for those displaced. Although these were garrison towns where the displaced were already in need of relief, life was still not as difficult as in famine-stricken areas of Bahr El Ghazal to which they fled for safety. Many town dwellers did not have the skills to farm, to build their own huts, or to survive in a famine by searching for and preparing wild foods.³²² Nor did they have any assets such as cattle to sell. Most arrived with the barest possessions in a non-monetary economy in a very harsh, hot, and dry environment with no shelter, medical or sanitary facilities, or clean water.

The strain on the already impoverished rural Dinka community was severe: perhaps 100,000 new mouths with no resources of their own were piled on top of the 250,000 already estimated by the U.N. to be at risk of famine if they did not receive outside assistance. In addition, the cessation of hostilities between Kerubino and the SPLA in December 1997 had already allowed many displaced people in Wau to return home to rural areas, further swelling the vulnerable population

³¹⁸OCHA, U. N. CONSOLIDATED INTER-AGENCY APPEAL FOR SUDAN, 1998.

³¹⁹The SRRA is the relief arm of the SPLM/A.

³²⁰Joint Task Force Report, p. 3. Most of OLS' major donors did not respond adequately to the 1997 predictions. Their response improved after widespread publicity about the famine.

³²¹USAID, FEWS Bulletin, January 28, 1998: Southern Sudan. In the opinion of some experienced relief personnel, this may overstate the importance of cultivation to the Dinka diet, which traditionally relies also on fish, wild food, and on milk and other cattle products.

³²²Many wild foods consumed during famines in southern Sudan are naturally toxic roots that require days of careful preparation; they provide little nutrition but fill the stomach. During the 1998 drought, wild food production was adversely affected by the lack of rain. WHO/UNICEF Mission: Household food resources.

because they had not yet been able to plant; the planting season starts with the rains in April or May.³²³

On February 3, 1998, the WFP, alarmed at the sudden increase in needy mouths, announced it was air dropping food to two locations in Bahr El Ghazal where the displaced from Wau, Aweil, and Gogrial had gathered. The WFP said the displaced were living in the bush or small villages, and had “no food, no water, no clothing and no shelter materials.”³²⁴

The Two-Month Government Flight Ban

³²³Joint Task Force Report, p. 3.

³²⁴“U.N. Starts Airdrop to 150,000 Displaced Sudanese,” Reuters, Nairobi, February 3, 1998.

The very next day, February 4, the government exacerbated the dire situation by slapping a flight ban on all U.N. relief planes "for the entire Bahr El Ghazal region" on "security grounds"³²⁵ for an undetermined length of time. This flight ban lasted from February 4 until March 31; it was relaxed on February 21 to permit flights to only six Bahr El Ghazal locations (two of them the garrison towns of Wau and Aweil).³²⁶

The OLS reacted immediately and publicly to the government's February 4 flight ban:

This comes just as OLS emergency response teams on the ground confirm both the numbers and deteriorating condition of internally displaced populations.

The suspension of flight access to the area threatens to disrupt emergency response to the growing crisis, . . . while 102 OLS personnel who rely on air delivery for food and water supplies, are unreachable at present.

Emergency teams on the ground, distributing relief supplies sent on Monday 2 February to assist the populations displaced by fighting, report that the amounts delivered will last only for a few days. Without further supplies, the conditions of over 100,000 IDPs [internally displaced persons] will deteriorate rapidly.³²⁷

³²⁵Matthew Bigg, "Sudan government bans aid flights to battle region," Reuters, Nairobi, February 4, 1998; OLS (Southern Sector), *NORTHERN BEG EMERGENCY SITREP No. 2, NAIROBI, FEBRUARY 6, 1998*.

³²⁶Chege Mbitiru, "U.N. Begins Sudan Food Airdrops," AP, Nairobi, February 26, 1998; See "Sudan government suspends aid flights to south," Reuters, Nairobi, October 1, 1998.

³²⁷OLS (Southern Sector), *Northern Bahr el Ghazal Emergency Sitrep No. 2, Nairobi, February 6, 1998*.

OLS also worried that its polio eradication program would have a negligible impact in southern Sudan if the ban continued, because it estimated that almost half the population of southern Sudan lived in Bahr El Ghazal.³²⁸

The U.N. Office of the Coordinator for Humanitarian Affairs in New York warned:

³²⁸Ibid.

The flight ban . . . has a serious impact, not only on the war-affected population, but also on hundreds of thousands of women and children living in Bahr El Ghazal, one of the most deprived areas in the south, which was already experiencing a severe food deficit before the current crisis.³²⁹

Bahr El Ghazal is about three hours flying time from the logistical hub of OLS (Southern Sector) relief operations on the Sudan border at Lokichokio, Kenya. Bahr El Ghazal is far also from the long overland route stretching from northern Uganda, where Ugandan rebel land mines are numerous, into southern Sudan. Even in an emergency in 1998, it took weeks for trucks carrying tons of food to travel from Uganda to Bahr El Ghazal, because the dirt roads were not maintained and most bridges over rivers were destroyed for military purposes, usually by the SPLA. A convoy of 120 MT of sorghum reached Mapel in southern Bahr El Ghazal on February 25, 1998, after a 560 mile (900 kilometer) journey which took two weeks. This was enough food to feed 50,000 for six days, according to the U.N. It marked the first time the U.N. managed to send food so far north by road.³³⁰ In four days, one C-130 airplane can deliver the same amount of food (128 MT with two flights per day), but at a much greater cost.

The area punished by this government flight ban was much wider than the area affected by the fighting in Wau, Gogrial, and Aweil. Therefore there was no possibility of airdropping food to locations near the famine zone for the stronger to carry back to the weaker; the distances were too great for weakened porters.

The U.N. tried behind-the-scenes diplomacy, but the Sudan government was unyielding. It orally declared its intention to declare *persona non grata* the OLS (Southern Sector) coordinator, at the very least a time-consuming distraction from the food emergency. It stepped back from that position but remained obdurate on the flight ban.

³²⁹OCHA, NEW YORK, FEBRUARY 6, 1998.

³³⁰"UN AGENCY DELIVERS FOOD TO SUDAN FROM UGANDA," REUTERS, NAIROBI, FEBRUARY 25, 1998.

On February 6, OLS submitted to the government an alternative flight plan which focused on the immediate relief requirements for an estimated 103,000 to 111,000 internally displaced persons within the total affected Bahr El Ghazal population of approximately 350,000. On February 13, the executive directors of UNICEF and WFP as well as Under Secretary-General Vieira de Mello communicated their concerns in letters addressed separately to officials at the highest levels of the Sudan government.³³¹ The U.N.'s efforts to find a rapid solution to the crisis were complicated by the sudden accidental death of First Vice President Zubeir in a plane crash on February 12.

While the government of Sudan indicated in a public statement on February 10 that the ban would be lifted "shortly," by February 18 there had been little tangible progress aside from government approval for OLS (Northern Sector) teams to conduct security and program needs assessment missions beginning February 20 in Wau and other government-controlled areas—and the famine had not yet reached Wau. On February 19, the secretary-general dispatched to Khartoum his special envoy for humanitarian affairs in Sudan, Ambassador Robert van Schaik, with a personal message to the Sudanese head of state regarding the flight ban.³³²

Under this pressure, the government relented slightly and permitted some flights into four Bahr El Ghazal rural relief sites, Adet (14,000 needy) and Ajiep, Pakor, and Akuem (59,000 in those three locations), starting on February 26.³³³ Deliveries to Wau and Aweil from OLS' Khartoum base were also approved.

As it turned out, delivering food to only four rural locations was a setback; these quickly became "aid magnets" which caused thousands of people to migrate away from their land and kin.³³⁴ The influx quickly overloaded local and OLS capacities in the four locations, further weakened those who made the journey on foot and without food, created tensions between the hosts and the displaced, and "set a trend which continues to the present day of mobile groups moving from location to location in search of food."³³⁵

With these counterproductive exceptions, the ban went on for almost two months. During that time, all food, including wild foods and fish which were affected by the drought as well, became scarcer and scarcer. One Wau resident stranded with his family in Mapel in April bitterly told a relief worker after hearing of massacres in Wau, "I would rather have stayed in Wau and been slaughtered by

³³¹OCHA, OCHA INTERACTION MEETING, FEBRUARY 27, 1999, BACKGROUND PAPERS: Sudan.

³³²Ibid.

³³³CHEGE MBIFIRU, "UN BEGINS SUDAN FOOD AIRDROPS," AP, NAIROBI, FEBRUARY 26, 1999.

³³⁴Joint Task Force Report, p. 4.

³³⁵Ibid.

the Arabs than to bring my children to Mapel, where there is nothing to feed them."³³⁶ This worker commented, "There was nothing, nothing, nothing to eat in Mapel."³³⁷

³³⁶Human Rights Watch interview, Lokichokio, May 9, 1998.

³³⁷Ibid.

Other indications of scarcity was famine victims' "turning into the ground" or excavating ant hills and sifting through the dirt to find grains of wild rice, a process which takes hours and yields about one cup of edible food.³³⁸ Yet another indicator was the slaughter of animals for food much earlier in the year than usual. By April, the slaughter rate of cattle in Bahr El Ghazal had gone up 500 percent and the price of beef had gone up 300 percent, according to the relief group Oxfam.³³⁹ Slaughter of cattle for food is a last resort, especially at the beginning of the hunger gap period (April to October). Cattle are a principal form of savings, required to pay bridewealth and other traditional obligations. The cows are also an important traditional source of nutrition—milk—during the hunger gap season.

Little by little, journalists found their way to the famine areas "illegally," that is, mostly without Sudan government visas on non-OLS chartered flights which flew into Sudan in defiance of the government ban. They began to report on a human tragedy that was, even in its early stages, enormously disturbing.

Her five younger children sat naked in the dust next to her, each thinner than the last, their eyes hollow, thin ribs visible, their arms like sticks, their bellies protruding in famine's parody of fullness. They had been waiting [for a distribution of food] for two days.³⁴⁰

By the time the ban was lifted, WFP had only been able to cover 19 percent of the estimated food requirements of Bahr El Ghazal from February through mid-March.³⁴¹

³³⁸OLS (Southern Sector), Northern Bahr El Ghazal Emergency Sitrep No. 7 for March 8-10, 1988 (Nairobi), March 16, 1998.

³³⁹Catherine Bond, "Sudan famine has dire effect on Dinka's cattle economy," CNN (web posted), Mayath, Sudan, July 18, 1998.

³⁴⁰JAMES C. MCKINLEY, JR., "FAMINE LOOMING, SUDAN CURBS RELIEF TO REBEL-HELD AREAS," *NEW YORK TIMES*, ADAT, SUDAN, MARCH 19, 1998.

³⁴¹OLS, PRESS RELEASE, "FLIGHT SUSPENSION TO BAHR EL GHAZAL LIFTED," KHARTOUM AND NAIROBI, APRIL 2, 1998.

The ban was not imposed on government areas and, except for Western Upper Nile fighting between Riek Machar and Paulino Matiep, people in government areas were not exposed to the danger of famine. On April 13, while the agencies were struggling to counter the dire effects of the government's two-month ban on relief to rebel-held areas, Sudan's Humanitarian Aid Commissioner Hussein Al Obeid boasted that government-held areas in southern Sudan "do not suffer any food shortage or famine."³⁴² That did not last long, however, as famine migrants, many too weak to prepare their own food, streamed into the garrison towns starting in May.³⁴³

Government Bombing of Relief Sites and Other Security Risks

In February, the first stop the fleeing Dinka and Jur of Wau was Achono, which was bombed heavily by the government, causing the Wau evacuees to keep going to locations further east. The OLS noted, "EMERGENCY TEAMS LOCATED CLOSE TO AWEIL, GOGRIAL AND ESPECIALLY WAU - SAY THE SITUATION IS VERY TENSE, AS A RESULT OF SPORADIC BOMBING, AND THAT PEOPLE ARE MOVING TO SAFER AREAS."³⁴⁴ A week later, the situation remained tense, with PERIODIC BOMBING OF AREAS WHERE THE DISPLACED WERE GATHERING. OLS PERSONNEL STILL ON THE GROUND TOOK MEASURES TO PROTECT THEMSELVES, SUCH AS DIGGING BOMB SHELTERS AND TRENCHES.³⁴⁵ U.N. and agency situation reports logged bombings in Bahr El Ghazal during the early flight ban:

Feb. 1, 8, 9: Malual Kon, Adet, Akoc
Feb. 4: Achono (three killed)
Feb. 14: Achumchum (one man killed, one woman injured)
Feb. 24: Pakor (one of four sites approved on February 26 for food aid)
Feb. 25: Gogrial

³⁴²"RELIEF SUPPLIES REACHING SOUTHERN SUDAN: OFFICIAL," AFP, KHARTOUM, APRIL 13, 1999.

³⁴³"GOVERNMENT PLANE BOMBS FEEDING CENTER IN SOUTHERN SUDAN," AFP, NAIROBI, JUNE 12, 1999.

³⁴⁴OLS (SOUTHERN SECTOR), NORTHERN BEG EMERGENCY SITREP NO. 2, 6 FEBRUARY 1999.

³⁴⁵OLS (SOUTHERN SECTOR), BEG EMERGENCY SITREP NO. 4, 14 FEBRUARY 1999.

Feb. 28: Adet (one of four sites approved on February 26 for food aid)
March 1: Thiet (sixteen dead, thirteen wounded)

Among the bombed Bahr El Ghazal locations reported by the press in February and March were Adet on February 8 and Thiet on March 1 (killing sixteen),³⁴⁶ Luanyaker town, ninety kilometers (fifty-six miles) northeast of Wau, on February 9,³⁴⁷ and Adet again on March 19.³⁴⁸

³⁴⁶MCKINLEY, JR., "FAMINE LOOMING."

³⁴⁷Matthew Bigg, "U.N. Says 100,000 Sudanese at Risk after Battle," Reuters, Nairobi, February 10, 1998.

³⁴⁸Yu Jianmei, "WAR-WOUNDED SUDANESE YEARN TO GO HOME," YINHUA AGENCY, LOKICHOKIO, KENYA, APRIL 3, 1998.

By no means did the press document each bombing. The Sudan famine was a very difficult assignment, logistically and in other ways. At times journalists ran into harassment from lower level SPLA officials.³⁴⁹ The OLS security chief, who was in a better position to see the big picture on bombing of OLS activities, reported that from January to mid-April, 1998, fourteen OLS relief locations were bombed.³⁵⁰ The most spectacular bombing outside of Bahr El Ghazal during the flight ban was the bombing of the civilian hospital in Yei, Equatoria, on February 15, killing seven patients.³⁵¹ The SPLA had a military headquarters outside of Yei,³⁵² but Yei town and hospital appeared to be the government's chosen targets.³⁵³

³⁴⁹Mick Toal, in "No Winners in an Endless War," *Sunday Herald Sun* (Australia), April 12, 1998, reported, "Photographing the effects of the bombing or showing an interest in military activity leads to arrest." He was arrested four times by SPLA military intelligence during his visit. In Yei a senior SPLA officer intervened, but finally he was escorted (minus some of his camera gear) from another location to the Uganda border.

³⁵⁰W.F. Deedes, "Sudan: Notebook - Praise to Those Who Never Despair," *Daily Telegraph* (London), April 17, 1998.

³⁵¹CHEGE MBITHIRU, "AID WORKER: SUDANESE AIR FORCE BOMBS HOSPITAL, KILLING SEVEN PATIENTS," AP, NAIROBI, MARCH 5, 1999; HUMAN RIGHTS WATCH INTERVIEW, LOKICHOKKIO, MAY

³⁵²The government insisted that all of Yei was one large military base, but a Human Rights Watch visit in October 1997 revealed that this was not so. A chief told Human Rights Watch that the SPLA had been based inside Yei but he and other chiefs prevailed on the SPLA commander to move the base outside of town to reduce the incidence of abuses against civilians committed by undisciplined soldiers.

³⁵³Even a military hospital is not a legitimate military target; this hospital treated both

Human Rights Watch interviewed a man who had gone to the Yei Hospital for chest problems. At 9:00 a.m. in early March 1998, he was waiting for the doctor on the veranda inside the hospital. He heard the sound of a plane. He ran for the hospital shelter but it was full and he could not get in. He ran to hide near the operating theater of the hospital. One bomb fell away from the hospital. The second bomb hit the shelter and killed seven people inside, injuring others. He was injured by shrapnel from this bomb, below the knees on both legs.³⁵⁴

military and civilian patients.

³⁵⁴Human Rights Watch interview, Lokichokio, May 10, 1998.

The NPA hospital in Yei was bombed twelve times in all in 1998, and in January 1999 a Norwegian member of parliament visiting Yei was caught in a government bombing raid in which five bombs were dropped on that town.³⁵⁵ In mid-January 1999, the hospital at Kajo Keiji, run by MSF, was bombed by the government, destroying the immunization block and causing extensive damage to surgical and outpatient departments.³⁵⁶

OLS reports and other agency reports identified the following relief locations as having been bombed in April and May outside of Bahr El Ghazal:

April 10: Yei, Equatoria

April 28: Wonduruba

May 3, 13, 23, 25: Ikotos, Equatoria

May 13, 23, 28: Paluer

May 13: Pakor

May 23: Panyagor, Kongor, Jonglei

On June 12, in Panacier, Bahr El Ghazal, a Sudanese government Antonov bomber dropped six bombs in the proximity of World Vision's emergency feeding center.³⁵⁷

In 1998, according to the U.N., indiscriminate bombing by the government of Sudan of civilian populations was reported on fifty-seven separate occasions.³⁵⁸

During 1998, 228 relief personnel were evacuated on forty-five occasions. Looting of compounds in Western Upper Nile forced a shut-down of programs. OLS vehicles in southern Sudan, northern Kenya, and Uganda were ambushed on thirteen separate occasions.³⁵⁹

³⁵⁵"Norway MP caught in Sudan government bombing raid," Reuters, Nairobi, January 28, 1999.

³⁵⁶"Sudan Govt Bombed Civilian Hospital Aid Agency," Reuters, Nairobi, January 14, 1999.

³⁵⁷"GOVERNMENT PLANE BOMBS FEEDING CENTRE IN SOUTHERN SUDAN," AFP, NAIROBI, JUNE 12, 1999.

³⁵⁸OCHA, Consolidated Appeal for Sudan, 1999, p. 20.

³⁵⁹Ibid.

IX. FURTHER HUMAN RIGHTS ABUSES PROLONG AND DEEPEN THE FAMINE

Flight Ban Ended, and OLS Scrambled to Catch Up With Needs Caused by Continued Raiding, Poor Harvests

After lifting of the flight ban, the government stepped up military attacks on the civilian population in Bahr El Ghazal. Those attacks further debilitated the civilians who managed to survive the flight ban and earlier raids. A cease-fire on July 15 for Bahr El Ghazal temporarily halted these famine-producing abuses but the famine was not contained for several more months.

Projections of those in need in Bahr El Ghazal alone went from 250,000 in early 1998 to one million in August 1998, and to 2.4 million in all southern Sudan. It became clear, even in large international bureaucracies, what the cause of the escalating needs was. As a result of "incessant looting and cattle raiding and disruption of economic activity," the FAO noted in May, "large sections of the population have become dependent on food aid and are highly vulnerable to even small reductions in production. Some 60 to 70 percent of the population in Bahr El Ghazal" and other parts of Sudan were currently in need of emergency food.³⁶⁰

This Joint Task Force table illustrates the rapid and continuous increase in estimated population in need in the Bahr el Ghazal affected area from January to August 1998.³⁶¹

Month	Estimated population in need of food
January	250,000
February-March	350,000 (including 100,000 displaced population)
April-May	595,000

³⁶⁰Food and Agriculture Organization (FAO), Special Alert No. 282 - Sudan, Rome, May 15, 1998.

³⁶¹Joint Task Force Report, p. 10.

June-July	701,000
August	1,000,000

Monthly tonnage needs for Bahr El Ghazal quadrupled from 4,000 MT for April to 16,500 MT for August³⁶² as the extent of the famine became clear, donors rallied, and logistics improved.³⁶³ By August the WFP was able to target more than one million in Bahr El Ghazal, but still did not have the capacity to reach all.³⁶⁴

In May it was already apparent that the 1998 harvest would be insufficient. The FAO warned that satellite images “indicate late, erratic and generally insufficient rainfall” from late March to the first week of May, with precipitation well below normal in Bahr El Ghazal.³⁶⁵

There was a general absence of seed, either because households consumed their seed stock as food or because it was burned by invaders. “To purchase seeds people had to travel to markets at distances of several days’ walk. Few had anything to offer in barter or money to pay. Seed distributed by OLS agencies was not adequate to meet the need, and most has rotted in the ground due to lack of rain.

³⁶²WFP food aid deliveries to southern Sudan were 10,300 MT in July and 16,800 MT in August, 70 percent of which was by air. WFP, Emergency Report No. 36 of 1998, September 11, 1998: Sudan.

³⁶³“Results of occasional survey and anecdotal reports of malnutrition were not convincing to donors, as demonstrated by how severe circumstances became before resources could be solicited for intervention.” WHO/UNICEF Mission: Nutritional surveillance.

³⁶⁴Joint Task Force Report, p. 11.

³⁶⁵FAO GLOBAL INFORMATION AND EARLY WARNING SYSTEM ON FOOD AND AGRICULTURE, SPECIAL ALERT NO. 292, COUNTRY SUDAN, “GRAVE FOOD SUPPLY DIFFICULTIES IN SOUTHERN SUDAN AND A BLEAK PRODUCTION OUTLOOK FOR 1998,” ROME, MAY 15, 1998.

The sorghum harvest for this year [1998] will be grossly inadequate. . . . Cattle herds were decimated by militia raids; only a small portion of the households had even a cow or goat for milking," the U.N. observed.³⁶⁶

USAID also noted that farmers in Bahr El Ghazal were sowing only half the area planted last year, and using last year's fields instead of clearing new land because of ever-present insecurity and "labor and energy constraints,"³⁶⁷ i.e., many were dead or had migrated elsewhere and those left behind were weak from lack of food.

³⁶⁶WHO/UNICEF Joint Mission: Household food resources.

³⁶⁷USAID, FEWS Bulletin May 1998, May 20, 1998.

In a review of the year, the U.N. concluded that between February and August 1998, “hundreds of communities in Bahr Al Ghazal that had managed for years to cope with asset-depleting insecurity, displacement and drought crossed the threshold from subsistence into starvation, while an unknown number of individuals died from hunger, disease and neglect.”³⁶⁸

Kerubino Raiding of the Baggara

During the last (1988) famine, the SPLA counterattacked the murahleen raiders, and the army did not respond to murahleen requests for assistance.³⁶⁹ This and other factors, including a cease-fire, brought some measure of relief to Bahr El Ghazal in the last famine.

In 1998, Kerubino and the SPLA attempted to halt militarily the famine-producing raids of the murahleen. This did not have the same success as in 1987-88, because the murahleen were now backed and aided by the government army and PDF.³⁷⁰

³⁶⁸OCHA, U.N. Consolidated Inter-Agency Appeal for Sudan, January-December 1999, New York, January 25, 1999, p. 18.

³⁶⁹By late 1998 the SPLA had a strong presence along the Bahr El Arab river (except in eastern Bahr El Ghazal where Twic Dinka were attacked by Baggara raiders and others in December 1998). The river flooded and that too decreased raiding. Keen, *The Benefits of Famine*, p. 91. In northern Bahr El Ghazal, Aweil was harassed by the SPLA commander Daniel Awet Akot, who “fought furiously to rid Bahr El Ghazal of murahleen.” Burr and Collins, *Requiem for the Sudan*, p. 50.

³⁷⁰A cease-fire, however, has halted most raids from July 15, 1998.

The Baggara responded politically and militarily to Kerubino and the SPLA's counterattacks. The government held a press conference on April 21, 1998, at which Foreign Relations Minister Dr. Mustafa Osman Ismail said the Sudan government was going to complain to the U.N. secretary-general that the SPLA took advantage of relief corridors to attack the Rizeigat (Baggara) tribe in South Darfur on April 14, killing forty-two persons, wounding eleven others, and looting 5,000 head of cattle.³⁷¹ At the time of this press conference, however, there was no cease-fire (that did not come for three months) and there were no recognized relief corridors in Sudan. This appeared to be part of the government's repeated calls for a cease-fire, its threat to ban assistance again, and its attempt to shift the blame for the famine away from itself.³⁷²

³⁷¹"Government Threatens to Close Relief Corridors to Bahr Al-Ghazal," SUNA News Agency, Khartoum, in English, APRIL 22, 1998; *SEE* "Cabinet Discusses Rebel Activities in West," Sudan TV, Omdurman, April 26, 1998: "The cabinet also spelt out ways and efforts to purge the rebels' hostile movement against the innocent citizens in the [Darfur] area."

³⁷²*See, for example*, Sudan Foundation, "The Humanitarian Crisis in Sudan: The Facts," London, May 1998, a document produced by a pro-government foundation in London. It selectively cites U.N. press releases thanking the government for approving additional C-130's, without any objective discussion of the origins of the famine, government militias' abuses, or the government-imposed two-month flight ban.

At a meeting on May 10, 1998 in Babanusa, a Baggara leader publicly announced Baggara losses as a result of Kerubino attacks: on April 4, 1998, nine killed, nineteen wounded, 1,360 cows stolen; on April 26, seven killed, 800 cows stolen; on April 28, ten killed, 300 cows stolen; on May 1, thirteen killed, 600 cows stolen. A Baggara rescue force was organized and badly defeated, and a delegation was sent to seek further assistance from Khartoum.³⁷³

The Sudan government claimed that the SPLA attacked Misseriya (Baggara) tribesmen in early May near Abyei, killing eighteen people and stealing thousands of cattle.³⁷⁴ Each accused the other of launching attacks while the peace talks in Nairobi were in progress.³⁷⁵

Sadiq al Mahdi, the exiled former prime minister and head of the Umma Party to which Baggara traditionally adhered, accused the government of deliberately sowing hatred of the Dinka among the Arab tribes, to enlist their support against the SPLA.³⁷⁶ He denied government claims that the SPLA had been behind three raids in Abyei district in which twenty-three Misseriya were said to have been killed.³⁷⁷

Separately, the government accused the SPLA of raiding the border of central Kordofan province and neighboring Bahr El Ghazal to open "a route to the oil fields in [the Heglig] area." General Abdel Rahman Sirr al Khatim, the army spokesperson, stated that the SPLA made several attacks in mid-May on the tribes in the area, killing dozens of civilians and stealing thousands of livestock, but joint action "by the armed forces and civilians blocked the road to the oil fields." He also admitted that 4,500 head of cattle and goats were "retrieved" by government forces,

³⁷³ Anonymous Diary, April to June, 1998.

³⁷⁴ "REBELS SAID TO KILL 18 IN SOUTHERN SUDAN," REUTERS, KHARTOUM, MAY 5, 1998.

³⁷⁵ ALFRED TABAN, "SUDAN TALKS OUTCOME GETS MIXED RECEPTION," REUTERS, KHARTOUM, MAY 7, 1998.

³⁷⁶ The Umma Party, whose leaders used the Baggara as a proxy force against the SPLA, is now an ally of the SPLA in the National Democratic Alliance (NDA) formed in 1995 of military and political opponents of the NIF government.

³⁷⁷ "SUDANESE OPPOSITION DENIES MASSACRING ARAB TRIBESMEN, BLAMES KHARTOUM," AFP, CAIRO, MAY 10, 1998.

as well as weapons and ammunition. Fifty-six civilians were said to have been killed in the attacks.³⁷⁸

³⁷⁸“SPOKESMAN ACCUSES REBELS OF ATTEMPTING TO CONTROL OIL FIELDS,” AFP, KHARTOUM, MAY 16, 1998.

The SPLA called in June for a reconciliation conference with the Baggara, contacting tribal chiefs in Southern Darfur, Northern Bahr El Ghazal, Southern Kordofan, and Upper Nile.³⁷⁹ The Misseriya said a specific offer was made to them: the SPLA would release Misseriya prisoners and return Misseriya cattle in exchange for a halt on armed raids of SPLA camps.³⁸⁰ Mukhtar Babu Nimir, a Misseriya chief, refused the offer, claiming that the SPLA recently killed "89 people of the tribe, looted 14,000 head of cattle in addition to taking 50 fighters of the tribe as prisoners of war."³⁸¹

Human Rights Watch has received reports that Kerubino did indeed raid Baggara areas during this time period, loot cattle (or "recover" the stolen Dinka cattle, depending on the point of view), and take captives. In addition, Human Rights Watch noted a connection between the SPLA attacks and Baggara/PDF retaliation on a visit to Wunrok, Bahr El Ghazal, in early May 1998.

At the time there was little SPLA presence among the hundreds of displaced persons who met the plane chartered by the Irish agency GOAL at Wunrok. While interviewing witnesses, shots rang out. When asked about this, the following exchange occurred with local civilian authorities:

The soldiers of the SPLA are killing bulls.

Did they pay for them?

They captured them from the Arabs, near Aweng [Bahr El Ghazal], where there was a big battle three to four days ago with many casualties. The enemy ran east. All were Misseriya. They camped in Aweng with SPLA permission but some went out from the cattle camps to join in the fighting against the SPLA and therefore the SPLA raided their cattle.

³⁷⁹"SPLA CALLS FOR RECONCILIATION TALKS WITH ARAB TRIBES OF CENTRAL SUDAN," AFP, CAIRO, JUNE 9, 1998.

³⁸⁰"ARAB TRIBE REJECTS TRUCE WITH SUDANESE REBELS," AFP, KHARTOUM, JUNE 21, 1998.

³⁸¹Ibid.

The SPLA noticed that “lots of Misseriya came to the camps, then the numbers dwindled down to a few” when an attack on Dinka civilians was taking place. For example, the Misseriya started the fighting at Bahr al Arab river, “where the houses of these Dinka people from Abyei were.”³⁸² They attacked at the river, burned houses, killed civilians, and clashed with SPLA forces. Large numbers of murahleen, PDF, and government troops took part, then moved southwards. After the fighting at Bahr al Arab, some Misseriya returned to the cattle camps with guns. “They did not look like ordinary nomads.” It was separately mentioned that at Aweng the SPLA had captured not only cattle but also some of the murahleen it found at the camp—including a murahleen chief. The prisoners were brought to SPLA-controlled Wunrok.

The insecure conditions in the area thus were partly the result of this back and forth, including murahleen attempts to recapture cattle and free their leader. They went beyond this limited goal, however, and shortly thereafter harshly attacked the civilian Dinka population, causing hundreds of deaths in the space of a few weeks, as described by journalists below.

With access to the Baggara territory or any other government-controlled area barred to Human Rights Watch by the Sudan government, it proved impossible at the time of this report to judge the extent or the timing of the other allegations of SPLA/Kerubino raids, or to verify government and limited press accounts from the government side.³⁸³

There are extensive press, relief agency, and human rights accounts of organized and coordinated murahleen and government raiding on Dinka civilians in Bahr El Ghazal in the April-July 1998 period, however, which substantially corroborate each other.

Continued Murahleen/PDF/Army Raiding and Enslavement of the Dinka

The flight ban was not the sole reason that inadequate relief reached the hungry. Murahleen and PDF raids exacerbated the difficulties faced by displaced communities and blocked the efforts of relief agencies to assist them.

The effect of the raiding on the Dinka of Bahr El Ghazal has been reflected in many songs and statements.³⁸⁴ One song from 1998 said:

³⁸²Human Rights Watch interview, Wunrok, Bahr El Ghazal, May 7, 1998.

³⁸³There were reports of conflict in other areas of Darfur in 1998 as well: characterized as ethnic strife over land rights between Arabs and the black Fur community, it left 235 dead, forty-three injured and some seventy-four villages burned. Some 6,000 Sudanese fled into neighboring Chad as refugees. “Sudanese Flee to Chad as Crisis Escalates,” Xinhua, Nairobi, June 22, 1998.

³⁸⁴For more testimonies of former slaves, see Christian Solidarity International, “CSI

Visit to Northern Bahr El Ghazal, Sudan (focusing on Slavery, Arab-Dinka Relations, Kerubino & the SPLA, Humanitarian Aid & Religious Persecution), Binz, Switzerland, September 5-10, 1998. CSI has published many testimonies of former slaves and is engaged in a slave redemption program through which it has redeemed some 3,000 slaves since 1995. Ibid. The program is somewhat controversial on the grounds that foreign purchasers may raise the market price of redemption without being able to redeem all available slaves.

This is my home, the home of my father and my grandfather. Today old men and girls and women and young people, we hate ourselves in this place. We hate ourselves because our possessions, our cattle, our food stores are repeatedly destroyed by Arabs. We are enslaved. Take us, all of us, take us to your place so that we can live. We loathe ourselves.³⁸⁵

February-March 1998 Raids by Railway in Twic and Aweil Counties

A train carrying 1,000 Sudan army troops and 250 PDF (muraheleen) was stuck near Aweil in early February, on its way to reinforce Wau. The train was reportedly held up by the SPLA, who claimed to have captured Ariath, a small town on the railway near Aweil.

The SPLA was repelled and the train managed to break through. By late February-early March, the muraheleen and PDF transported on the train were raiding Twic and Aweil countries in Bahr El Ghazal. Communities faced repeated raids by those forces in areas such as Panthou (March 13 and May 14, 1998), Ajiep (April 15 and May 19, 1998), and Thiekthou (May 14, 1998).

Government troops were organized in many different locations to descend on Bahr El Ghazal. According to one informant, in El Daein, Southern Darfur, the minister of defense, the assistant governor of Southern Darfur, and Baggara Rizeigat leaders held a meeting on April 1, 1998, and formed and armed a defense force, equipped with transport from the army. The force was sent off to northern Bahr El Ghazal, and returned after three weeks with Dinka cattle, women, and children. The girls were divided up by the local merchants.³⁸⁶

³⁸⁵Yaai Deng Yaai from Mariam, Western Aweil, Bahr El Ghazal, May 1998, quoted by Episcopalian priest Marc Nikkel in Letter no. 12, May 31, 1998 (c/o CMS, PO Box 40360, Nairobi). See Marc Nikkel, "Children of Our Fathers' Divinities' or 'Children of Red Foreigners?'" Themes in Missionary History and the Rise of an Indigenous Church among the Jieng Bor of Southern Sudan, ed. Andrew Wheeler, *Land of Promise: Church Growth in a Sudan at War* (Nairobi: Paulines Publications Africa, 1997).

³⁸⁶Anonymous Diary, April to June 1998.

Even the Dinka who had lived for some time as displaced persons in non-Dinka areas of Southern Darfur and Kordofan, far from the SPLA, were attacked by murahleen, and their animals robbed. The result of these attacks was that many Dinka moved out of those areas to towns further north—Babanusa, Nyala, Nahud, El Obeid—carrying stories of how their villages were attacked, destroyed, burned, and the children and girls taken as booty, with widespread rape.³⁸⁷

Murahleen/PDF/Government Offensive in Bahr El Ghazal, April -June 1998

³⁸⁷Ibid.

Aid agencies alerted the media to a major government of Sudan offensive in Bahr El Ghazal in May, including attacks on at least six relief centers. They said this offensive was a severe blow to their efforts to deliver relief food. The offensive was centered on Aweil, Gogrial, and Abyei counties, with forces arriving from two directions to pillage food and thousands of head of cattle, burn villages, and capture women and children. The SPLA claimed the offensive was in retaliation for rebel advances in other parts of Sudan, namely Upper Nile and Blue Nile.³⁸⁸

Local people said the raids began in Aweil county in April and spread over through late May into neighboring Twic county.³⁸⁹ An Episcopal (Anglican) priest visiting the area of Aweil County in late April 1998 encountered the rubble of former homesteads and the stories of an anguished people. They told him that in April military lorries bristling with soldiers rolled out of Aweil forcing a mass evacuation. People buried their possessions and returned a week later to find nothing had survived: not an uncharred grain of sorghum, nor a sleeping mat. Animals not looted were shot. Nine of Mairam's villages were destroyed and further west at Ayaat, six were leveled, leaving nineteen dead. "The worst carnage of those days occurred on the 6th of April north-west of Nyamlell at Akuangaruol where 59 people were killed, 40 carried into bondage, and 3,792 head of cattle looted."³⁹⁰ The International Rescue Committee reported that the hospital it ran in Marial Bai in Aweil County (west of Nyamlell) was attacked by government militia in late April, and all thirty-nine patients were killed.³⁹¹ An official from Medics in Action said they believed "200 people were killed in Nyamlell in the last two weeks [of May 1998], and we have a list of 280 women and children who were abducted by government forces."³⁹²

³⁸⁸Rosalind Russell, "Sudan army advance threatens aid efforts - agencies," Reuters, Nairobi, May 19, 1998.

³⁸⁹Corinne Dufka, "Fighting, poor roads hamper Sudan food aid," Reuters, Bahr El Ghazal, southern Sudan, May 30, 1998.

³⁹⁰Marc Nikkel, Letter no. 12, May 31, 1998.

³⁹¹Dufka, "Fighting, poor roads."

³⁹²Ibid.

Another journalist reported that the town of Nyamlell was sacked by invaders. "Some of their victims lie half buried near the piles of horse dung that mark the spot where the Arabs made their camp. They stayed a week, rounding up the cattle and goats, raping the young women and shooting older ones in the feet . . . in [Marial] Bai, a local man . . . told me his wife and five children had been abducted by the horse backed invaders."³⁹³

A few days later, the elders were making a list of the dead in a fifty-mile arc from southeast of Abyei to Mayen Abun: 400 were counted as of June 3. What made this raid different from the seasonal raids by the murahleen was that this time convoys of government vehicles transported into the garrison towns of Abyei and Gogrial reinforcements and weapons to be used for the raids, indicating a high level of planning and participation by the central government.³⁹⁴

Indeed, in late May a local government official of South Darfur broadcast his triumphs to a Khartoum newspaper, saying that more than 10,000 horsemen of the Rizeigat (Baggara) tribe, to whom he referred as "our knights," supported by the army, destroyed Nyamlell and Marial Bai (Aweil County) and other "rebel" camps in northern Bahr El Ghazal, defeating the SPLA and taking back 17,000 head of cattle and 20,000 goats. He claimed this was in retaliation for rebel attacks and rustling the month before.³⁹⁵

According to a church source, churches were prime targets of these attacks, with some twenty-three houses of worship burned by the raiders in the early months of 1998.³⁹⁶

³⁹³PAUL CULLEN, "HUNGER AND WAR DRIVING SUDANESE TOWARDS ABYSS," *BAHR EL GHAZAL, SOUTHERN SUDAN, IRISH TIMES* (DUBLIN), JUNE 2, 1998.

³⁹⁴LOUISE TUNBRIDGE, "SUDAN RAID SURVIVORS CREEP OUT FROM THE SWAMPS," *DAILY TELEGRAPH* (LONDON), AWENG, SOUTHERN SUDAN, JUNE 4, 1998.

³⁹⁵"Tribal 'knights' wreck Sudanese rebel camps, recover livestock," AFP, Khartoum, May 29, 1998, quoting Commissioner Kamal Sidahmed of Al Diein [Al Daien], South Darfur, in the Khartoum newspaper *Akhbar al-Youn*.

³⁹⁶Names of churches, their denominations, and dates of destruction are reported in Marc Nikkel Letter no. 12, May 31, 1998.

Relief workers were eyewitnesses to the destruction in Twic County (Wunrok and Turalei). One described the scene at the market town of Abindau, a week after the attack. "Bodies were burnt in the houses and corpses were scattered all over, in the water holes, floating in the river . . . I couldn't count them," said Dan Eiffe of Norwegian People's Aid.³⁹⁷ Local people who were captured in these raids were taken to Abyei, if they survived the march, ninety-five kilometers to the north; some who escaped told of seeing 400 captives from these raids held in one place.³⁹⁸ The government admitted that it launched a counteroffensive to retake areas the SPLA took in 1997;³⁹⁹ Wunrok was captured by the SPLA in May 1997.

A delegation of Christian Solidarity International also visited Aweng (Twic County) shortly after the May 10 raid:

The devastation was there for us to see. They attacked the market at [Abindau], outside Aweng. They surrounded it, and killed everyone they could. I have seen the corpses. In one morning alone 120 bodies have been found. Hundreds more are missing. . . . Some [corpses] are in the swamps. . . . just lying there. A lot are in the River Lol, just floating. These are women and children, and people who have tried to escape to the bush, but were followed, hunted down, and slaughtered. I came across corpse after corpse, still all with their bracelets and bangles on.⁴⁰⁰

Human Rights Watch visited Wunrok shortly before a raid. The displaced population that was in Wunrok, like the displaced in other parts of Bahr El Ghazal, had been on the move for a long time; some had been displaced many years before.

During the visit, an unusual noise caused a stampede of mothers and children lined up to register at the impromptu feeding center set up by GOAL under a large tree. Within three minutes, the center was deserted as the women, grabbing their children, ran for their lives, spreading out away from the noise. When it was clear that this was a false alarm, people returned. The alacrity of their flight, however, demonstrated that they were used to being attacked and had honed the survival skill of running fast at the least sign of trouble.

³⁹⁷Rosalind Russell, "Aid workers say Sudan cavalry torch rebel villages," Reuters, Nairobi, May 22, 1998.

³⁹⁸Ibid.

³⁹⁹Ibid.

⁴⁰⁰Caroline Davies, "Khartoum's 'holy war' against Christians turns into bloody genocide," *Daily Telegraph* (London), May 26, 1998.

Honed, but not perfected. This market at Wunrok was attacked by the murahleen and PDF only a few days later, according to a GOAL team that returned to their feeding program there a few weeks later. Instead of the under five year olds they weighed and measured for signs of malnutrition, they found bodies and wounded children, burned huts, and deserted towns. A massacre had occurred there.⁴⁰¹

⁴⁰¹PETER BEAUMONT, "HE'S JUST ONE IN A MILLION," *OBSERVER* (LONDON), MAY 31, 1999.

A visit by journalists in late May to Turalei (the most northerly part of southern Sudan controlled by the SPLA) in Twic County, northeast of Wunrok, found a completely deserted area where there was a functioning emergency feeding center two weeks earlier, in mid-May. Proceeding to Wunrok, they found civilians who said that the murahleen horsemen and government PDF had descended in large numbers on the area between May 4-17, and, finding it empty of SPLA fighters, killed men and burned their homes at will, abducting hundreds of women and children. The journalists investigated and found that in the Aweng administrative center all villages had been burned and abandoned, and dead bodies were scattered all over the ground at the cattle camps. At Abindau between Turalei and Wunrok, the market was burned to the ground and bodies strewn everywhere, even in the water hole. Terrified survivors were found hiding in the water of the swamps northeast of Aweng, including children with bullet wounds who screamed in terror at the journalists' approach, fearing they were raiders.⁴⁰² Separately, another journalist saw the remains of the carnage in Aweng.⁴⁰³

A day before a June militia attack on Maper (Twic County), WFP workers distributed airdropped food to 1,800 women. Food for another 1,800 families was scheduled to be distributed the next day, but shots fired in the distance sent the waiting women and aid workers into a panic, fleeing and abandoning sixty MT of bagged corn. The women grabbed their children and ran. Aid workers, a journalist, and the few SPLA soldiers present jumped into a truck and headed to Turalei. People could be seen chasing their cattle into the bush to hide them from the raiders.

When the aid workers returned to Maper a few weeks later, all they found were rotting corpses draped across the charred remains of 110-pound sacks of corn.⁴⁰⁴ The WFP said that the attackers looted the relief food in Maper and set fire to what they could not carry away, throwing their victims' bodies on the burning

⁴⁰²"HORRIFIC MASSACRE REPORT IN SOUTHERN SUDAN," AANA, NAIROBI, JUNE 1, 1999.

⁴⁰³DAVID ORR, "RAIDERS SOW TERROR ON SUDAN FRONT LINE," *TIMES* (LONDON), JUNE 2, 1999.

⁴⁰⁴LOUIS MEYLER, "FOOD A KEY WEAPON IN SUDAN CIVIL WAR," AP, MAPER, SUDAN, AUGUST 5, 1999.

pile of food.⁴⁰⁵ That week alone, WFP pulled four of its eleven teams out of southern Sudan after threats of attacks.⁴⁰⁶

Warab State Dinka Stripped of Cattle, Children Taken as Slaves

In Warab state, on May 14, 1998 the murahleen (described by their victims as "Arabs from Wau") attacked a cattle camp belonging to the villages of Abok, perhaps twenty-five kilometers northwest of Thiet. The cattle camp was on a river about two days' hard walk from Abok. There were an estimated 10,000 cattle at the camp; the adolescents and young people watched their family's cattle, as is customary.

The raiders came from north and south at the same time. They were on horseback; one survivor estimated there were 120 horses, each carrying two or three men. Others advanced on foot. The raiders first attacked the cattle camps by the river, taking the approximately 10,000 cattle there.

When word reached Abok of the raid one or two days later, the adults armed themselves and rushed to the camp—two days away. By the time they arrived, it was too late. Some 510 children who were in the cattle camp watching the cattle were abducted, according to the elders who tallied up the losses. Other children tried to escape and were shot or drowned in the river; at least thirty bodies were counted.

This community was devastated by the losses. Everyone lost children and cows: one man had five children abducted and seventy-eight cows looted; another three sons and all 120 cows; another seven children (four boys and three girls) and forty-five cows; another had three children abducted, two drowned, one wife killed, and fifty cattle stolen. Since the raid, community leaders said, seventy-eight died of hunger and grief.

Two young men who were captured managed to escape and run back. One told a researcher that the older captives had been tied up and the whole group marched en route to Wau for two days. Two boys who tried to escape were shot dead. Each captive was the property of his captor and his captor's subclan.

⁴⁰⁵WFP, PRESS RELEASE, "WFP EXECUTIVE DIRECTOR CATHERINE BERTINI CALLS ON INTERNATIONAL COMMUNITY TO HELP END FIGHTING IN SOUTHERN SUDAN," NEW YORK, JULY 10, 1998.

⁴⁰⁶MEYLER, "FOOD A KEY WEAPON IN SUDAN CIVIL WAR."

On the third day, this young man took advantage of an argument among the muraheleen over the cattle, and escaped. Upon hearing his account, many parents went to Wau to look for their children.⁴⁰⁷

⁴⁰⁷INTERVIEWS BY JEFF DRUMTRA, U.S. COMMITTEE FOR REFUGEES, ABOK, WARAB STATE, SUDAN, JUNE 21, 1998.

In the opinion of some analysts, this fighting is not the product of retaliatory raids, but the result of a Sudan government strategic campaign to secure the oil fields around Bentiu, the capital of Unity state, and the pasture land of northern Bahr El Ghazal to the west of the oil fields. Having broken their 1990s grazing rights agreements with the Dinka, with government encouragement, the Baggara were to devastate and depopulate northern Bahr El Ghazal and then to be given free access to the land between the Bahr Al Arab (Kir) River and the Lol River, with its good pasture and water. The government's plan according to this analysis was for the Arab tribes to drive the Dinka remnants over the Lol River and eastwards into Nuer territory, where they would be wiped out by Nuer militias aligned with the government. What prevented this was an SPLA victory over the murahleen horsemen at Warawar in eastern Aweil, according to one source. The murahleen then withdrew to Abyei.⁴⁰⁸

OLS Geared Up and Government Permitted Additional Aircraft

In the month of April, after the flight ban was lifted, the WFP announced that southern Sudan required 6,000 MT of relief food, at least two-thirds of that (4,000 MT) for 350,000 of the worst affected in Bahr El Ghazal. It sought government approval for one C-130.

The numbers of people estimated at risk of famine, the metric tons needed to save them, and the aircraft needed to deliver the food escalated in months between April to August 1999, is described above and in Appendix D. By August, fifteen large cargo planes were authorized and in place to feed 2.4 million in need in southern Sudan.⁴⁰⁹ Eighteen planes were in the air in September,⁴¹⁰ making

⁴⁰⁸"War and Politics: NIF Regime's Forces Fail to Control Northern Bahr El Ghazal," *SUDAN DEMOCRATIC GAZETTE* (LONDON), YEAR IV, No. 98, JULY 1998, P. 2.

⁴⁰⁹"Sudan airlift grows in efforts to combat famine," Reuters, Nairobi, August 30, 1998.

⁴¹⁰"Sudan government suspends aid flights to south," Reuters, Nairobi, October 1, 1998.

deliveries to Bahr El Ghazal of about 15,000 MT⁴¹¹ for an estimated one million in need, in the largest airdrop operation the WFP had ever conducted anywhere. The cost of relief at the height of the 1998 crisis was U.S. \$ 1 million a day.⁴¹² Generous funding by donors allowed OLS to increase deliveries ten-fold and operate life-saving interventions. For the first time in more than eight years, almost the entire amount appealed for by OLS agencies was received.⁴¹³

Increasing Malnutrition in the Rural Areas Even As Relief Poured In

⁴¹¹WFP, Emergency Report No. 38 of 1998, September 25, 1998: Sudan.

⁴¹²OCHA, U.N. Consolidated Inter-Agency Appeal for Sudan, January-December 1999, New York, January 25, 1999, p. 2.

⁴¹³Ibid., p. 1.

A June 1998 OLS survey in several locations in rural Bahr El Ghazal, excluding the children who were so malnourished they were already in feeding centers, showed a 50 percent malnutrition rate for the under fives. The survey, which assessed over 4,000 children, found that the major reason for the high rate of child malnutrition was lack of food rather than disease.⁴¹⁴

Strikingly, despite increasing deliveries of food, the high rate of malnutrition could not be brought under control, even among children receiving rations at feeding centers.

In relief work, there have been two ways to distribute food: general food rations (for the entire population), and selective feeding programs, which are used if the overall food needs of a population are adequately met but there are high degrees of malnutrition in certain vulnerable groups.

There are three kinds of selective feeding programs: therapeutic feeding programs (to reduce mortality by taking care of those vulnerable groups at greatest risk of dying from causes related to malnutrition), supplementary feeding programs (to prevent the moderately malnourished from becoming severely malnourished), and blanket supplementary feeding programs (in a situation of a grossly inadequate general food supply, for all members of the vulnerable groups, to prevent widespread malnutrition and mortality).⁴¹⁵

Therapeutic feeding aside, feeding for supplementary feeding programs is of two forms: wet rations, which are prepared once or twice daily in the kitchen of a feeding center and consumed on site; and dry rations, distributed usually weekly to take home for preparation and consumption.⁴¹⁶ Some in the relief community point out that use of selective feeding programs in the 1998 Bahr El Ghazal famine was an admission of failure. When general food rations are required in a famine but for logistical, financial, access, and other reasons there is not enough food to go around, agencies resort to selective feeding programs as a way to assist the most vulnerable, who are usually the under-five-year-old children. Among other things, the result is

⁴¹⁴OLS, Press Release, "OLS Survey Shows Child Malnutrition is Growing in Bahr El Ghazal," Nairobi/Khartoum, July 13, 1998.

⁴¹⁵Medecins Sans Frontiers, *Nutrition Guidelines* (Paris: Medecins Sans Frontiers, 1995) (1st ed.), pp. 31-33.

⁴¹⁶Ibid, p. 89.

that children are brought back to health and discharged but soon reappear, malnourished, at the feeding center.

After the flight ban was lifted in April 1998, food distribution was made through feeding centers for the children under five determined by height and weight measurements to be malnourished.⁴¹⁷ The mother would receive a ration for that child for a week. A U.N. study in early June 1998 found that in all three supplementary feeding centers it visited in rural Bahr El Ghazal, children receiving take-home rations were not gaining weight, and in fact, many were losing weight. This was in part because the entire family shared the ration, there being no other food for them, after wild fruits and leaves were eaten.⁴¹⁸

To counter this, in Ajiep, located on the Jur River about forty kilometers (twenty-five miles) northeast of Wau, the relief agencies arranged for a general distribution of enough maize for a month's half ration for 24,000 people, regardless of age. The estimated population in need at Ajiep, however, had by then swollen to 70,000, as the feeding center, the only source of regular food, acted as a magnet for a desperate population still capable of walking days to get there. The population that had not so moved in search of food was found to be in worse state.⁴¹⁹

Ajiep continued to be an epicenter of the famine, despite access, regular food deliveries, and feeding centers. Death rates began to soar there.⁴²⁰ The rate was eighteen people for every 10,000 daily in Ajiep in early July; ten days later, the rate quadrupled to nearly seventy per 10,000. "Every day 120 people are dying in a total population of 17,500 within a radius of five kilometers (three miles)," according to MSF, which operated a feeding center there. The rate among under fives went from

⁴¹⁷"Most standardized indicators of malnutrition in children are based on measurements of the body to see if growth has been adequate (anthropometry)." Medecins Sans Frontiers, *Nutrition Guidelines*, p. 16. Weight for height (W/H) is an indicator of acute malnutrition that tells if a child is too thin for a given height (wasting). In emergencies, W/H is the best indicator because it is a good predictor of immediate mortality risk and it can be used to monitor the evolution of the nutritional status of the population, according to this medical NGO. Ibid.

⁴¹⁸In Panthou, Bahr El Ghazal, MSF-Belgium observed that out of concern for their other children, many mothers of children qualifying for therapeutic feeding declined the twenty-four hour residential therapeutic treatment and took home supplementary rations instead. These rations were not likely to go exclusively to the target child because there was not yet any general food distribution. WHO/UNICEF Mission: Feeding programs, Southern sector.

⁴¹⁹Martin Dawes, "New food fears in southern Sudan," BBC News, World: Africa, June 5, 1998.

⁴²⁰George Mulala, "Sudanese family perish outside jammed food center," Reuters, Ajiep, Sudan, July 30, 1998.

under thirty-two per 10,000 to 133 per 10,000.⁴²¹ A rate of two per 10,000 is considered disastrous by aid organizations.⁴²²

The severity of the famine was reflected in an NGO report from the field:

⁴²¹“Deaths quadruple in 10 days in Sudanese town: MSF,” AFP, Nairobi, July 23, 1998.

⁴²²Alessandro Abbonizio, “Famine worsens in southern Sudan,” AFP, Ajjeep, Sudan, July 19, 1998.

Everywhere adults and children are dying. The teams are keeping track of mortality rates. In Ajiep, there are at least four people responsible for counting the dead and reporting back each day. Doctors Without Borders has also organized a cemetery and for the dead to be picked up as many have no relatives or the relatives are too weak to do anything. Traditionally the Dinka dead are buried in their village compound so that the spirit rests with the family, but because these people have fled their homes and have no shelter, it is not possible for them to do this.⁴²³

Finally in late July, in Ajiep food was delivered to a wider area to encourage the 70,000 people bunched up to disperse.⁴²⁴ By late September, due to different measures taken by the agencies, this acute situation had eased: the mortality had declined from sixty-three/10,000/day in July to three/10,000/day in September, for a total of 48,000 beneficiaries.⁴²⁵ The trials of Ajiep were not over: in October Ajiep suffered heavy flooding when the River Jur burst its banks. Some 46,000 people in Ajiep were left with no shelter or land, and flooding made the airstrip unusable for four weeks, hindering relief deliveries.⁴²⁶

⁴²³Samantha Bolton, International Press Officer for Doctors Without Borders, "South Sudan: Testimonies of a human tragedy," Nairobi, August 31, 1998.

⁴²⁴WFP, Emergency Report No. 31 of 1998, July 31, 1998: Sudan.

⁴²⁵WFP, Emergency Report No. 38 of 1998, September 25, 1998: Sudan.

⁴²⁶"Sudan famine victims struggle with rains - agency," Reuters, Nairobi, October 22, 1998. Bor, north of Juba on the White Nile, also was suffering its worst flooding in ten years, and some 80,000 were at risk there. Ibid.

Meanwhile those children who weighed less than 60 percent of their normal body weight were admitted to the therapeutic feeding program. There they were directly fed meals several times a day, because they could not digest the foods (unground cereals, such as lentils, maize, and sorghum) that were airdropped.⁴²⁷ Therapeutic feeding is a last resort because it is staff-intensive and fosters dependency.⁴²⁸ It does, however, preclude anyone from taking the food from the intended beneficiary. At times the person taking the food away was not a stranger; family members were pitted against each other by the famine and inadequate relief food.⁴²⁹

Wau As Relief Magnet: Surprising Return of the Dinka to Wau

Some time in May 1998, a most surprising and dramatic event occurred. Many of the Dinka and Jur displaced, both from rural areas and former residents of Wau who fled during the January 1998 fighting, started to stream in to Wau. A U.N. assessment mission to Wau in February 1998 found that 65 percent of Wau's population had left and there were no Dinka displaced and few Dinka residents left in Wau.⁴³⁰ In the space of months, some 72,000 Dinka (and Jur) flooded in, although only about one-third of them were estimated to be former residents of Wau or its displaced persons camps.

This much of a population turnaround was surprising because of the history of ethnic fighting in Wau, and because of widespread rumors of massacres in Wau in the ten days following Kerubino's defection and the failed Kerubino-SPLA attempt to capture Wau, Aweil, and Gogrial. Those who fled in January said that they left because they feared retaliation against them on an ethnic basis. One Dinka government employee who stayed until April reported "nightly disappearances" of educated Dinka weeks after the fighting ended. This man finally fled Wau because he "felt the net closing in."⁴³¹

⁴²⁷Rosalind Russell, "Southern Sudan Fights Loosing Battle Against Hunger," Reuters, Ajiep, Southern Sudan, July 3, 1998.

⁴²⁸When the famine was a few months old, a standardized criteria for admittance to the feeding programs in Sudan was suggested: all children below 70 percent weight for height were to receive therapeutic feeding, and those between 70 and 80 percent weight for height were to receive supplemental feeding. OLS (Southern Sector), Emergency Update No. 15, September 16, 1998.

⁴²⁹Hugh Nevill, "In southern Sudan, it's sister against sister," AFP, Agangrial, Sudan, July 22, 1998.

⁴³⁰WFP, EMERGENCY REPORT No. 10 OF 1998, MARCH 6, 1998: SUDAN.

⁴³¹Interview by JEFF DRUMFRA of USCR with former Wau civil servant, World Vision food distribution site north of Tonj, Warab state, June 21, 1998

Between May and August 1998, displaced Dinka, who were in extremely bad physical condition, were fleeing back into Wau for at least three urgent reasons: continued raiding by muraheleen and government forces; SPLA and chiefs “taxation” or redistribution of their relief food (and looting by armed youth), described below; and not enough food being delivered into rural Bahr El Ghazal because of logistical difficulties in rapidly expanding the relief operation. An unknown number were searching for their children, after their recent abduction by the muraheleen, hoping to intercept them before they could be taken north.

There is precedent for garrison towns becoming magnets during a famine, notably with the flight from under served rural areas to the garrison towns in search of food in the 1988 famine. At that time, the death toll in the garrison towns was formidable as extensive diversion and delay on the government side took a heavy toll. In Aweil alone it was calculated by the UNDP that nearly 8,000 died in four months, June through September 1988; 30,000 survived. Of the surviving children, one quarter were severely malnourished, and another quarter moderately malnourished.⁴³² An estimated 100,000 internally displaced sought food in the 1988 famine in Wau—and were not allowed to leave—as of the end of October 1988.⁴³³

In 1998, the international community was airlifting food to Wau starting in May. The Dinka may have calculated that if they were inside a garrison town they would at least be safe from muraheleen raids and other attacks. The movement of returnees and displaced to these areas was due to this continued fighting and the general food insecurity in northern Bahr El Ghazal, according to the WFP. “The fighting is being conducted by small bands of armed men, who are loyal either to one or the other side of the ongoing civil war. . . . They are launching attacks and raiding villages, causing thousands to flee.”⁴³⁴

Wau and Aweil were among the six areas to which, weeks after imposing the flight ban, the government gave flight clearance.⁴³⁵ The government permitted a joint mission from the northern sector to assess humanitarian needs in Wau on February 23 and 24, 1998. It found a town missing 65 percent of its total population, and entire Dinka neighborhoods and displaced camps deserted.⁴³⁶ The WFP food aid to Wau, most of which had gone to the vulnerable population in the

⁴³²Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Trenton, N.J.: Red Sea Press, 1991), p. 10, quoting UNITED NATIONS DEVELOPMENT PROGRAMME, “SURVEY MISSION TO AWEIL, NOVEMBER 30–DECEMBER 1, 1988” (Khartoum).

⁴³³KEEN, *THE BENEFITS OF FAMINE*, p. 97; BURR AND COLLINS, *REQUIEM FOR THE SUDAN*, p. 132.

⁴³⁴WFP, EMERGENCY REPORT No. 28 OF 1998, JULY 10, 1998: SUDAN.

⁴³⁵OLS (Southern Sector), NORTHERN BAHR EL GHAZAL EMERGENCY SITREP No. 7, COVERING 8–10 MARCH, 16 MARCH 1998.

⁴³⁶WFP, EMERGENCY REPORT No. 10 OF 1998, MARCH 6, 1998: SUDAN.

two Dinka internally displaced camps, stopped with the fighting in January when that population fled.⁴³⁷ It did not resume until the influx of famine victims was underway, in May.

⁴³⁷Human Rights Watch interview, Nairobi, May 1, 1998.

During the month of May WFP registered 10,595 beneficiaries in need of relief food in Wau, out of which 7,477 (70 percent) were returning displaced persons.⁴³⁸ Famine migrants continued to enter Wau at the rate of about 60 persons a day in mid-May, and by the end of May were entering at the rate of 150 a day. They were reported to be coming from Achumchum, Akirop, Manyang, Ajiep, Thulachok and Panwaya.

Eighty percent of the total at that time were women and children under five years of age, and 530 children were placed in the supplementary feeding program. Local food prices, especially for sorghum, started to increase as more people returned.⁴³⁹ In May 1998 the overall malnutrition rate of children under five in Wau was 29 percent, of which some 9 percent were severely malnourished.⁴⁴⁰ As an alternative to overland deliveries, an airlift to Wau began on May 31, with five tons of food moved to Wau from El Obeid by air.⁴⁴¹

The president of Sudan in May 1998 announced a donation of 5,000 MT of sorghum to Niger to help it get over a difficult agricultural season,⁴⁴² revealing a callous disregard of the much more serious famine hitting southern Sudanese citizens, even those in government garrison towns.

In June, as the Wau caseload climbed, the agencies observed, "The returnees are in a poor nutritional state, and there has been a sharp rise in the numbers of

⁴³⁸The displaced who had never lived in Wau (mostly rural Dinka) soon outnumbered Wau residents among the beneficiaries. In August 1998 the former Wau residents constituted only 30 percent of the total registered relief population in Wau.

⁴³⁹WFP, EMERGENCY REPORT No. 22 OF 1998, MAY 29, 1998: SUDAN.

⁴⁴⁰FAO GLOBAL INFORMATION AND EARLY WARNING SYSTEM ON FOOD AND AGRICULTURE, SPECIAL ALERT No. 202, COUNTRY SUDAN, DATE: 15 MAY 1998: "GRAVE FOOD SUPPLY DIFFICULTIES IN SOUTHERN SUDAN AND A BLEAK PRODUCTION OUTLOOK FOR 1998"; WHO/UNICEF MISSION: NUTRITION.

⁴⁴¹WFP, EMERGENCY REPORT UPDATE AS OF 1 JUNE 1998 (SUDAN).

⁴⁴²"SUDAN DONATES GRAIN TO NIGER AS BARRE ENDS KHARTOUM VISIT," DPA, KHARTOUM, MAY 6, 1998.

malnourished under five children receiving assistance. The influx of returning residents and IDPs is continuing, at a rate of about 800 persons a day.⁴⁴³

As word got back that there was food and some safety in Wau, the magnet phenomenon took off. The rate of influx soared to 1,000 a day in June and by the end of June, returnees were arriving in Wau at close to 2,000 persons per day, in a poor nutritional state. The total beneficiary caseload reached 46,100 people on July 9.⁴⁴⁴ The rate of people entering Wau rose to 2,500 per day in early July, the highest rate reached until then.⁴⁴⁵

⁴⁴³WFP, EMERGENCY REPORT NO. 25 OF 1998, JUNE 19, 1998: SUDAN.

⁴⁴⁴WFP, EMERGENCY REPORT NO. 28 OF 1998, JULY 10, 1998: SUDAN.

⁴⁴⁵WFP, SUDAN DAILY BULLETIN NO. 1, JULY 6 -1998 (ROME, JULY 7).

Other government-held towns also received influxes of people, although on a smaller scale. In Aweil, at least 9,000 newly arrived people need humanitarian assistance.⁴⁴⁶ The total population of Aweil was about 14,000, of whom 5,000 were internally displaced; of those, 1,000 were less than one year old.⁴⁴⁷ In Abyei and Meiram, West Kordofan, more than 15,000 people were being fed by WFP.⁴⁴⁸

By the end of July, those who were arriving in Wau were in such poor condition—too malnourished and weak to prepare food for themselves—that an NGO, CARE International, began a special feeding program for them, providing cooked meals daily. It planned to open ten centers feeding up to 500 a day.⁴⁴⁹ Preparing the food was necessary for another reason also: the grains distributed by

⁴⁴⁶WFP, EMERGENCY REPORT No. 28 OF 1998, JULY 10, 1998: SUDAN.

⁴⁴⁷SCF, Sudan Emergency Bulletin Seven, October 15, 1998.

⁴⁴⁸WFP, EMERGENCY REPORT No. 28 OF 1998, JULY 10, 1998: SUDAN. IN THE 1998 FAMINE, THOUSANDS OF STARVING DINKA WENT NORTH TO ABYEI WHERE THEY RECEIVED NO FOOD ALLOCATION AT ALL IN 1997. AFRICAN RIGHTS, *FOOD AND POWER IN SUDAN*, P. 108. IN THE FAMINE SUMMER OF 1998, IN MEIRAM, ANOTHER SOUTHERN KORDOFAN TOWN (ON THE RAILWAY) TO WHICH THE DINKA FLED, THE DEATH RATES REACHED UNPRECEDENTED LEVELS OF ONE PERCENT PER DAY (100 DEATHS/10,000 PEOPLE/DAY), FAR HIGHER THAN ANY LEVELS RECORDED BEFORE FOR FAMINES IN AFRICA. *IBID.*, P. 95. George Mulala, "Sudanese family perish outside jammed food center," Reuters, Ajiep, Sudan, July 30, 1998.

⁴⁴⁹WFP, EMERGENCY REPORT No. 31 OF 1998, JULY 31, 1998: SUDAN.

the WFP in Sudan are unground and must be ground or milled. Many of the displaced had lost their grinding stones during attacks or flight; at one time, there were diesel-powered machines to grind grain in Bahr El Ghazal, but those were long gone.

The ICRC, never given to overstatement, found the situation in Wau “extremely alarming.” It began providing intensive food assistance (cooked meals on a daily basis) to more than 700 children, their parents, and elder siblings.⁴⁵⁰ Action Contre la Faim and the International Rescue Committee also had programs.⁴⁵¹

⁴⁵⁰ICRC, PRESS RELEASE, “EMERGENCY ASSISTANCE IN BAHR EL GHAZAL PROVINCE,” GENEVA, JULY 17, 1998.

⁴⁵¹Action Contre la Faim (ACF) announced it was sending a team to Wau to open three clinic and three therapeutic nutritional centers. “Hunger group to open food centers, clinics in Sudan,” AFP, Paris, August 4, 1998. ACF was expelled from SPLA areas by the SPLA in September 1997, on the pretext that it was engaged in spying for the government in the Labone area of Eastern Equatoria. ACF denied these charges and counterclaimed that it was expelled because it wanted to conduct a household survey to find out why in Labone, where adequate relief food was provided, the malnutrition rate was high; possibly the SPLA was diverting relief food. The ACF expulsion affected Bahr El Ghazal because ACF ran many supplementary feeding centers there, and was one of the few agencies with long presence in Bahr El Ghazal. The dispute with the SPLA was never resolved.

State Minister for Social Planning Hassan Osman Dhahawi (in charge of relief operations), visiting Wau with UNICEF director Carol Bellamy in July, said that up to fifty people were dying of hunger daily in Wau.⁴⁵² He said 60 percent of the arrivals were suffering from malnutrition.⁴⁵³

At the end of July, after the start of the cease-fire and better food deliveries to rural Bahr El Ghazal, the rate of influx to Wau began to drop to 700 daily, but the new arrivals were "in horrific physical condition, many having walked for weeks to reach this town," added the WFP.⁴⁵⁴

Migration of famine victims to Wau simply transferred the locale of demise for hundreds or perhaps thousands. In July, Save the Children reported that more than half of the children in Wau town were extremely malnourished and that nearly a quarter of these die as a result of their condition.⁴⁵⁵ The deputy governor of Western Bahr El Ghazal, Anthony Achor Michael, said the health situation in Wau had deteriorated beyond the control of government and aid agencies in the area.⁴⁵⁶

As the death toll in Wau rose, more international NGOs volunteered to assist in health and special feeding programs, in addition to the Islamic relief organizations already working in Wau, the Catholic Church, and the Sudan Council of Churches. By the end of July WFP expanded its air operation in order to keep three therapeutic and five supplementary feeding centers for 2,547 children stocked and to give 64,314 persons full general food rations, sending in 500 MT of relief food weekly.⁴⁵⁷

⁴⁵²ALFRED TABAN, "SOUTH SUDAN TOWN SWELLS WITH STARVING VILLAGERS," REUTERS, KHARTOUM, JULY 23, 1998.

⁴⁵³"MORTALITY, MALNUTRITION SOARING IN SOUTHERN SUDAN: OFFICIAL," AFP, KHARTOUM, JULY 22, 1998.

⁴⁵⁴WFP, EMERGENCY REPORT No. 31 OF 1998, JULY 31, 1998: SUDAN.

⁴⁵⁵Save the Children, Press Release, "More than Two Million at Immediate Risk," Westport, Connecticut, USA, July 2, 1998.

⁴⁵⁶Up to 30 die each day among starving displaced persons in Sudan," AP, Khartoum, July 18, 1998; WHO/UNICEF Mission: health status of the population.

⁴⁵⁷WFP, Press Release, "Severely Malnourished in Wau Begin Receiving Cooked

By early September, the rate of influx into Wau dropped off even more rapidly than it began. On August 31, 1998, there were only thirteen new arrivals into Wau. The registered relief population seemed to have leveled out at around 72,000.⁴⁵⁸ The death rate in August was very high, however, indicating that the emergency had not been contained. The deaths in Wau alone from July 12 (when reporting started) through August 11 were 1,324.⁴⁵⁹

“What we have noticed is that whenever rain comes, the second day deaths increase drastically,” said one Wau aid worker.⁴⁶⁰ Rains increased at the end of August, causing deaths from malaria, dysentery, pneumonia, and bronchitis. The deluge destroyed many thatched huts (tukuls) and temporary shelters, leaving more than 30,000 displaced homeless in Wau—including 17,000 orphans whose shelter was washed away by the rains, according to a Wau official.⁴⁶¹

In mid-October, Save the Children reported that one hundred internally displaced persons died over recent weeks in Wau, but the numbers pouring into Wau were reduced because there was greater food availability in rural southern Sudan and the heavy rains made movement hard.⁴⁶²

Displaced Children in Wau

In addition to suffering from an extremely high rate of malnutrition, children in Wau had other problems. About 16,000 southern Sudanese children were given up for adoption in Wau, on account of extreme poverty, hunger, and disease. The estimated 16,000 children ages six to eleven were taken into the care of the Sudan Council of Churches, CARE International, and Dawa Islamiya (an Islamic NGO). Pointing to the precarious social status and lack of protection for widows, many of these children were given up by widows, often mothers who had already lost some of their children to starvation. Some in the orphan class were unaccompanied children from the rural areas. One boy, age twelve, said his parents died on the way to Wau. He hoped to return to the village because he found life in Wau even harder than in the village.⁴⁶³

⁴⁵⁸WFP, Sudan Daily Bulletin No. 36, September 9, 1998.

⁴⁵⁹USAID, “Relief Efforts in Sudan Continue To Fall Short of Target,” August 28, 1998.

⁴⁶⁰Mohammed Osman, “Refugees From Famine in Sudan Town,” AP, Wau, Sudan, August 13, 1998.

⁴⁶¹Nhial Bol, “More than 30,000 Peasants Made Homeless by Heavy Rains,” IPS, Khartoum, September 1, 1998.

⁴⁶²Save the Children, “More than Two Million at Immediate Risk.”

⁴⁶³“Hunger, Poverty, Force Widows to Give Up Children,” IPS, Wau, Southern Sudan, November 19, 1998.

In November the ICRC began to register unaccompanied children with a view to facilitating the reestablishment of family contacts, collecting detailed data on more than 120 children by mid-November.⁴⁶⁴

⁴⁶⁴ICRC, "Update No. 98/05 on ICRC Activities in Sudan, Geneva, December 6, 1998.

Sadly, in the desperate rush to find food in Wau, thousands of children were left behind with relatives or totally abandoned in rural Bahr El Ghazal, according to the OLS. Their condition deteriorated rapidly.⁴⁶⁵ Preliminary interviews showed that almost 80 percent of these unaccompanied children had relatives and that most of them knew where they were: this confirmed that “hunger is the major cause of separation in” Bahr El Ghazal.⁴⁶⁶

Insecurity in Wau

Consistent with its past, Wau town was full of militia in 1998: PDF, murahleen, and Fertit militia. At least one agency believed that their menacing presence made it so unsafe for the displaced that Wau should be demilitarized of militia, although this was a political hot potato within Wau. Governor Charles Julu (who spent months in Khartoum because he was not safe in Wau after the militia attack on his house during the January fighting) would not dare suggest that the militia leave.

The suspicion that all Dinka were on the side of the SPLA was reflected in the arrangements the authorities designed for the displaced entering Wau: they established check points at five entrances to Wau, manned by security officials, through which the displaced were filtered and registered. There security officials detained many adult males and removed them to places unknown, according to their relatives.⁴⁶⁷

Visiting journalists observed that the streets of Wau were “bristling with government soldiers in the midst of rebel-held hills” and that the listless displaced persons waiting at the feeding centers were “guarded by militia with Kalashnikov rifles.”⁴⁶⁸ Nevertheless, they were not there to protect the displaced, and “[displaced households in Wau and Aweil complained that the food they received was taken from them by town residents.”⁴⁶⁹

⁴⁶⁵OLS (SOUTHERN SECTOR), EMERGENCY SITREP No. 11, JUNE 30, 1998.

⁴⁶⁶OLS (Southern Sector), Emergency Sitrep No. 14, August 1-31, 1998.

⁴⁶⁷Confidential communication, July, 1998.

⁴⁶⁸Erwin Jourand, “South Sudan famine victims await any benefits from cease-fire,” AFP, Wau, Sudan, July 21, 1998.

⁴⁶⁹WHO/UNICEF Mission: Food aid.

Indeed, the Joint Task Force received “several credible reports of diversions of humanitarian aid (particularly food) in Government controlled towns.” The Joint Task Force, which was looking into diversion in the rural areas, received these reports from people who had left the rural areas where there was no food and went to Aweil and Wau to search for food. They told the Joint Task Force that they were forced to leave those garrison towns because of the torture and harassment they encountered there.⁴⁷⁰

In August the government—even before the U.S. bombing of a pharmaceutical plant in Khartoum⁴⁷¹—withheld travel permits for foreigners. The “normal” time for issuance of such a permit took two weeks, but the process stopped for unexplained reasons. UNICEF announced that failure to issue these permits to forty extra medical and logistics staff from UNICEF and other agencies prevented them from increasing the number of feeding centers in Wau: the agencies wanted to double the six feeding centers already opened.⁴⁷²

Then the relief operations in Wau were adversely affected by the U.S. bombing of a factory in Khartoum on August 20, killing one person and injuring ten. The U.S. simultaneously bombed Islamist military camps in Afghanistan. Two U.N. staff members were shot in Kabul, Afghanistan, shortly thereafter, and the U.N. and other agencies pulled their U.S. and some other western staff out of Khartoum, Wau, and other government-controlled areas for a brief time. The International Rescue Committee operations in Wau were terminated.⁴⁷³ The Sudan

⁴⁷⁰Joint Task Force report, p. 5.

⁴⁷¹This bombing and the simultaneous U.S. bombing of mujahedeen camps in Afghanistan were said to be in retaliation for the August 7 bombings of the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania, killing almost 250 and injuring thousands.

⁴⁷²Philip Wailer, “UNICEF: Inability to get visas hindering famine relief effort,” AP, Geneva, August 18, 1998.

⁴⁷³John C. Hammock and Sue Lautze, “Sudan, The other casualty: famine relief; Missile strikes disrupt humanitarian aid for 2 million,” *Boston Globe*, August 30, 1998.

government briefly accused a relief plane that landed in Khartoum just before the missile attack of spying for the U.S.⁴⁷⁴

In Wau the various armed groups continued to threaten the general population. A shooting incident erupted in Wau between two opposing militia forces on September 12, forcing a suspension of food distribution that day.⁴⁷⁵

As a separate security measure, the Wau authorities decided to relocate displaced people from Wau to the East Bank of the Jur River. The ICRC helped build 1,000 tukuls (mud huts), occupied by 3,500 people by early December, and a dispensary.⁴⁷⁶

Taxation of Relief Food by the SPLA and the "Tayeen" system

⁴⁷⁴"Sudan Claims Relief Plane Spied," AP, Naibori, August 30, 1998.

⁴⁷⁵WFP, Sudan Daily Bulletin No. 44, September 14, 1998.

⁴⁷⁶ICRC, "Update No. 98/05 on ICRC activities in Sudan," Geneva, December 6, 1998.

The OLS Review found that, in contrast to government prohibitions on access, "The pattern of restriction takes a different form on the part of opposition movements and factions; here the pattern has been one of looting, intimidation and aid manipulation."⁴⁷⁷

In the 1994-97 period, the SPLA used its veto on occasion to prevent OLS from landing in places controlled by Kerubino. And on numerous occasions the SPLA and SSIA have declared particular places insecure and in danger of attack, requiring the OLS to evacuate staff. When the staff left, these forces have, more than once, looted the abandoned aid compounds of items of value.⁴⁷⁸

The SPLA says the few SPLA soldiers caught taking food aid from civilians have been tried by court martial. It claimed, "We have our own resources and have our own needs. We are selling our own resources to feed our soldiers."⁴⁷⁹ While the SPLA has access to valuable timberland around Yei near the Ugandan border, it is not clear what resources, if any, it has hundreds of kilometers north in Bahr El Ghazal. Kerubino denied that any SPLA soldiers were taking food meant for civilians. He said the problem was that there was not enough food reaching the famine-stricken region.⁴⁸⁰

⁴⁷⁷ *OLS Review*, p. 56.

⁴⁷⁸ Human Rights Watch interview, Nairobi, May 1, 1998.

⁴⁷⁹ CORINNE DUFKA, "AID FOOD JUST IN TIME FOR SUDAN'S STARVING," *REUTERS*, AJIEP, SUDAN, MAY 4, 1998.

⁴⁸⁰ Charles Omondi, "Kerubino defends SPLA soldiers," *Nation* (Nairobi), July 30, 1998.

Despite SPLA claims to the contrary, many displaced in rural Bahr El Ghazal complained to relief workers that the SPLA was taking relief food from them. One complained in April that there was no food in Mapel, and whatever little came in had to be "shared" with the SPLA soldiers.⁴⁸¹ A fifty-year-old man who fled to Wau in search of food complained that after the Arab raiders stole all his cattle, the little he had to eat was "stolen by everyone, including the rebel soldiers."⁴⁸² A chief complained, "Our homes have been looted. . . . (The SPLA) took everything away."⁴⁸³ At the same time, some displaced entering Wau said that the SPLA tried to prevent men from leaving some areas, going so far as to shoot them.⁴⁸⁴

Estimates of the amount of food diverted by the SPLA in Bahr El Ghazal in 1998 started at 10 percent and ranged up to a high of 65 percent made by Bishop (now Archbishop) Cesar Mazzolari of the Diocese of Rumbek (Buheirat or Lakes state).⁴⁸⁵ Aid workers said that in some areas where the SPLA did not have widespread support, it demanded 10 to 20 percent of the food given to needy families.⁴⁸⁶ The press began to pick up these complaints.

⁴⁸¹Human Rights Watch interview, Lokichokkio, May 9, 1998.

⁴⁸²JAMES C. MCKINLEY, JR., "FUELED BY DROUGHT AND WAR, STARVATION RETURNS TO SUDAN," *NEW YORK TIMES*, ANTHONY, SUDAN, JULY 24, 1998.

⁴⁸³MOHAMMED OSMAN, "REFUGEES FROM FAMINE IN SUDAN TOWN," AP, WAU, SUDAN, AUGUST 13, 1998.

⁴⁸⁴Human Rights Watch interview, Nairobi, May 2, 1998. No further details were available.

⁴⁸⁵HUGH NEVILL, "AID FOR SUDAN ENDING UP WITH SPLA: RELIEF WORKERS," AFP, RUMBOK, SUDAN, JULY 21, 1998. The bishop is based in Nairobi and frequently visits his flock in SPLA-held territory.

⁴⁸⁶LOUIS MEYLER, "SUDAN AID DROPS FACE OBSTACLES," AP, MAPER, SUDAN, AUGUST 8, 1998.

The Findings of the Joint Task Force: the Tayeen System and the Chiefs

UNICEF, WFP, nongovernmental relief organizations, and SPLM/SRRA representatives set up a task force to conduct an assessment of the diversion in late July, in response to concerns about the efficacy of feeding programs. UNICEF's executive director Carol Bellamy met with the SPLA leadership in Nairobi to discuss reasons food was not reaching the intended target in late July, among other things.⁴⁸⁷ The WFP lodged a strong protest in July about theft of food aid with the SRRA, the relief arm of the SPLA.⁴⁸⁸ The SPLA shot back with its own public criticism of the U.N. operations.⁴⁸⁹

A chart of the findings of the Joint Task Force is attached as Appendix A. One important finding, not highlighted or even well known before the Task Force investigation, was the role of the local authorities (chiefs and leaders of the communities) in relief food diversion. Their role, described by the Joint Task Force, makes it clear that diversion is not solely the work of armed parties to the conflict.

⁴⁸⁷HUGH NEVILL, "AGENCIES, REBELS SET UP TASK FORCE ON FOOD DIVERSION," AFP, NAIROBI, JULY 23, 1998.

⁴⁸⁸MARTIN DAWES, "THEFT HAMPERS SUDAN AID EFFORT," BBC NEWS, WORLD: AFRICA, AJIEP, SOUTH SUDAN, JULY 22, 1998.

⁴⁸⁹Manoah Esipisu, "Rebels say Sudan U.N. relief agencies inefficient," Reuters, Nairobi, July 27, 1998; see "U.N. hits back at Sudan rebels' accusations of corruption," DPA, Nairobi, July 27, 1998.

The chiefs and SPLA commanders organized the collection of contributions in food, known as the “Tayeen” system, from the households, a practice that began with the inception of the SPLA and was viewed “as the support deservedly due to the volunteer SPLA soldiers who come from and continue to live in and protect the same community.”⁴⁹⁰ This appears to have been a system also designed to protect civilians from ad hoc stealing by hungry soldiers, or worse. This Tayeen system was applied to those with sufficient resources to afford the contribution; the poor were excused from contributions—until the famine.

After the famine began, the Joint Task Force found that relief food distributed to vulnerable groups targeted by OLS agencies would often be collected for redistribution by local authorities, out of sight of the U.N. food monitors. The recipients would be told to go to a central point, usually a lual (large hut) or riang (open area) where the chiefs would amass the relief food and then redistribute it according to their priorities.

This introduction of Tayeen collection into the activity of relief food distribution meant that the poor, ordinarily excluded from Tayeen payments, had to make a contribution from relief rations. “The incorporation of the Tayeen practice into the relief food distribution process is unjustifiable,” concluded the Joint Task Force.⁴⁹¹

The chiefs acted according to understandable cultural factors which were nevertheless at variance with international relief norms initially used during the famine of identifying and targeting the most vulnerable, i.e., those under five year olds who measure less than 70 percent of the normal height and weight, nursing mothers, and other vulnerable groups. One fundamental problem was that in many locations a general feeding program (for all the population) was required but there was not enough food for that. Other problems were the chronic lack of education in the south, lack of trained monitors, and insufficient understanding by the relief community and local leaders of each others’ priorities and needs.

⁴⁹⁰Joint Task Force Report, p. 5.

⁴⁹¹Ibid.

The groups shortchanged were 1) displaced or nonresidents who had no local representative or a chief to speak for them, nor any local kin;⁴⁹² 2) those with a family member in a feeding center; and 3) persons of low social status locally, particularly widows (including resident widows with relatives).

Those who benefited included members of the chief's family and other powerful people in the community, such as the formerly wealthy whose cattle had been recently raided. Having slipped into vulnerability, they perceived that they were entitled to a share of the relief food coming into the community, and the chiefs included them in the division of scarce resources, even though this group might have been comparatively adequately fed.⁴⁹³

The chiefs are responsible for the welfare of those over whom they preside, usually a sub-clan, clan or other traditional grouping. Nonresidents who are not related to this group (often the internally displaced) are more likely to be marginalized because they are not within the chief's responsibilities. As the war and famine have contributed to the breakdown of kinship ties, even some internally displaced with relatives in the community may not be included.⁴⁹⁴

Migration in search of food has been one response of the Sudanese to war and famine. Save the Children pointed out that when the armed conflict forces large numbers of people to flee their homes,

⁴⁹²In Panthou, a survey by MSF reported a death rate for internally displaced children that was very much higher than for resident children: 43.8 deaths per 10,000 people per day for displaced children under the age of five, compared with 2.6 deaths per 10,000 people per day for resident children under the age of five. The overall level of malnutrition among under fives was 53.4. OLS (Southern Sector), Emergency Sitrep No. 14, August 1-31, 1998 (Nairobi).

⁴⁹³Joint Task Force Report, pp. 6-8.

⁴⁹⁴Ibid. p. 16.

Some migrate from one emergency food drop to another. Others move northward, where there is less fighting but just as few resources and services. Far from home and unable to provide for themselves, many are now entirely dependent upon external support for their survival. More and more unaccompanied children are arriving at feeding centers, often malnourished and ill.⁴⁹⁵

Those migrating in search of food in 1998 were such a common phenomenon in southern Sudan that they even earned their own nickname in the communities that became overwhelmed by their presence: they were called "C-130 invitees," referring to the large Hercules aircraft used by WFP to airdrop food.⁴⁹⁶

⁴⁹⁵Save the Children Alliance Press Release, "More than Two Million at Immediate Risk," Westport, Connecticut, U.S., July 2, 1998.

⁴⁹⁶Joint Task Force Report, p. 16.

Another marginalized group was families with a member in a feeding center. Chiefs lacked understanding of the purpose and beneficiaries of this supplemental feeding program where rations are usually given only to the individual. Cutting the whole family off from general rations reinforced the tendency of the head of household to share the small rations with the rest of the family members.⁴⁹⁷

Even within the chiefs' communities, however, there are some clearly qualifying for relief (by international standards) who were excluded from redistribution, namely those of low social status. Widows are among the most marginalized groups and they were often excluded from the redistribution in practice.⁴⁹⁸

The SPLA benefited from the redistribution. Individual SPLA soldiers also benefited from their ability to take food from anyone by virtue of their guns. It does not appear that this was frequent enough to be the main cause of diversion, however. Rather, it was the SPLA's failure to act responsibly in areas it controlled, and its still weak administrative structure, that permitted others to divert relief food.

The persistence of large relief centers in SPLA areas such as Ajiep, and the persistence of very high death rates and malnutrition rates there, suggests that the SPLA may have had a hand in causing the population to gather in strategic areas, in order to benefit from the relief food that finally flooded the area. The relationship between these epicenters and the SPLA remains to be studied.

Young Men Armed to Protect the Cattle Camps

Similarly, the SPLA did not or could not prevent young armed Dinka men (not in the SPLA) from looting. The adolescent and young men of each Dinka family are traditionally charged with herding and pasturing the cattle. These young armed Dinka were called *Tiit Weng* or *Ghel Weng*, literally guarding (tiit) or protecting (ghel) the cattle or cows (weng). Far from their homes, they received milk as their rations, together with fish available in the watering places during the dry season.

They abandoned the use of spears years ago as cattle raiders, most notably murahleen and neighboring Nuer militias, were armed. The Nuer cattle raids stepped up in 1995-96, targeting their Dinka neighbors across the swamps north of Yirol and Rumbek and east of Tonj, Gogrial, Twic and Abyei counties.

⁴⁹⁷Ibid.

⁴⁹⁸Ibid.

The drought of 1997-98 limited the milk and fish normally available to them and among other things led them to return to their villages earlier than usual. Faced with a lack of food at home (especially for those who lost cattle to raiding), some turned to looting after food distributions, asserting their status as defenders of the land and cattle.⁴⁹⁹

New Measures Taken to Ensure Food Reaches the Hungry

The measures the parties to the Joint Task Force Report took included SPLA taking strong and significant steps to disarm and arrest bandits, armed civilians and military deserters engaged in looting and robbery.⁵⁰⁰ The arrest of active duty SPLA for looting, robbery, or other crimes was not mentioned as a measure taken, however, which is a drawback with significant human rights dimensions.

Other measures taken included distributing food more frequently, where possible on a weekly basis, expanding the number of wet feeding centers, distribution of general rations to families as they leave the child feeding centers to help avoid the problem of exclusion from the general ration process, and other steps including increasing the number of food monitoring staff and training.⁵⁰¹ Unfortunately, the long list of steps taken to improve the distribution systems did not specifically mention widows, although they were identified in the Joint Task Force Report as especially needy.

To test whether these measures had an impact, the WFP conducted post-distribution monitoring in November, and found that in Ajiep, where weekly distributions were given to families with members in selective feeding programs, an estimated 60 to 65 percent of the ration was consumed by the family. Some 20 to 25 percent was exchanged for other foods such as fish, meat, salt, and wild food, and non-food items such as tobacco. Approximately 10 to 15 percent was voluntarily shared with other members of the community.⁵⁰² In the case of families receiving

⁴⁹⁹Ibid. p. 8.

⁵⁰⁰News Release, "OLS and the SRRA Announce New Measures to Help Ensure Food Reaches Hungry in Southern Sudan," Nairobi, September 9, 1998.

⁵⁰¹Ibid. WFP, which had twenty-five field staff at the beginning of 1998, was going to increase their number from eighty-five (in October) to 125.

⁵⁰²WFP, Sudan Bulletin No. 65, December 6-13, 1998, December 18, 1998.

general rations (to population as a whole), however, an estimated 40 percent of the ration was shared or redistributed by the families, the rest being consumed or exchanged.

The WFP team found that the community perception was that everyone has been affected by the same problems and so everyone is vulnerable. On the other hand, it seems the community accepts the proposition that families with members in feeding programmes are worse off, and so should not be expected to share their rations.⁵⁰³

In other communities the pattern was slightly different. In Panthou, post-distribution monitoring indicated that 70 percent of the ration was consumed or traded by the targeted households, and about 30 percent was shared with other households, mostly relatives. In Ajak, about 25 percent of the ration distributed to targeted households was redistributed to or shared with the rest of the community.⁵⁰⁴

It appears that efforts to assure that the neediest received the rations allocated to them were making some headway. The U.N. remained concerned, however, that despite the Joint Task Force recommendations, "diversions persisted at year-end." It noted that "Attempts to impose taxes on NGOs and refusal to grant travel authorisations constrained humanitarian activities in areas controlled by the SPLA."⁵⁰⁵

Cease-fire Brought Relief

The government and SPLA, after extensive international prodding led by Derek Fatchett, Britain's Foreign and Commonwealth Office Minister, agreed to a three-month cease-fire (or "safe corridors" plan) for humanitarian purposes for Bahr El Ghazal, starting July 15, 1998.⁵⁰⁶ This cease-fire came at the request of the international community and relief agencies, which cited numerous instances where

⁵⁰³Ibid.

⁵⁰⁴Ibid.

⁵⁰⁵OCHA, "United Nations Consolidated Inter-Agency Appeal for Sudan, January-December 1999," New York, January 25, 1999.

⁵⁰⁶"Sudanese rebels announce unilateral cease-fire for three months," AP, Nairobi, July 15, 1998; "Sudanese Rebels Announce Cease-Fire for Three Months," AP, Nairobi, July 16, 1998; UNICEF immediately urged the parties to extend the three-month Bahr El Ghazal cease-fire in time and area. "UNICEF chief warns cease-fire not enough for southern Sudan," AP, Nairobi, July 23, 1998.

fighting was preventing food deliveries to desperately needy people.⁵⁰⁷ It was extended until January 15, 1999,⁵⁰⁸ and then until April 15, 1999.⁵⁰⁹

⁵⁰⁷WFP, Press Release, "WFP Executive Director Catherine Bertini calls on international community to help end fighting in Southern Sudan," New York, July 10, 1998.

⁵⁰⁸"Sudan, Rebels to Extend Cease-Fire," AP, United Nations, New York, October 12, 1998. The SPLA announced it was extending the cease-fire in Bahr El Ghazal to Western Upper Nile, where pro-government militias were fighting each other and the SPLA had no troops. "Sudan rebels say extending ceasefire in south," Reuters, Nairobi, October 8, 1998. The government said it wanted to extend the cease-fire throughout Sudan, but ultimately only agreed to a Bahr El Ghazal cease-fire.

⁵⁰⁹Ian Fisher, "Warring Parties in Sudan Extend Cease-Fire in Famine Area," *New York Times*, January 16, 1999.

The increase in volume of food delivered after the cease-fire (coinciding with the build-up of OLS) was marked: WFP delivered 10,300 MT of food aid in July to southern Sudan, and 16,800 MT in August, 70 percent by air.⁵¹⁰ Food deliveries to Bahr El Ghazal in September were about 15,000 MT.⁵¹¹

Experience has shown that most temporary cease-fires are agreed to when they can serve military purposes, such as an occasion to reposition and resupply troops. A cease-fire that truly halts famine-producing military campaigns and raids would be essential to halt the major causes of famine.

Higher levels of aid in rural areas in August and September, the July 15 cease-fire, and heavy rains led to a reduction in rural famine migrants going to Wau. Some famine victims were even attracted from adjacent areas. There was a reconciliation meeting between the Twic Dinka in eastern Bahr El Ghazal and their neighbors, the western Nuer of Bentiu in September 1998, and as a result tens of thousands of Nuer began to arrive in Twic County seeking food in October 1998, since no relief was getting through to their insecure area where two pro-government militias were battling it out.⁵¹²

There is precedent for a cease-fire being helpful in the Bahr El Ghazal famine area. A cease-fire from May through October 1989 in this area prevented a descent into famine comparable to 1988, because the murahleen raiding stopped and planting took place.⁵¹³

⁵¹⁰WFP, Emergency Report, No. 36 of 1998, September 11, 1998: Sudan.

⁵¹¹WFP, Emergency Report No. 38 of 1998, September 25, 1998: Sudan.

⁵¹²"Famine Takes Hold in Bahr El Ghazal as Unrest is Feared for 1999," *Sudan Democratic Gazette* (London), Year IX, No. 101, October 1998, p. 5. See the chapter on Western Upper Nile below.

⁵¹³African Rights, *Food and Power in Sudan*, p. 95. FROM MAY TO SEPTEMBER 1989 THERE WAS A NATIONAL CEASE-FIRE (EXCEPT IN THE CENTRAL NUBA MOUNTAINS); EARLY OLS OPERATIONS WERE TIED TO "CORRIDORS OF TRANQUILITY." THIS PERMITTED PLANTING WITHOUT INTERFERENCE BY THE RAIDERS. THEN IN 1990, BREAKING WITH

THE PAST PATTERN, THERE WAS A TRUCE ALONG THE BORDER BETWEEN THE SPLA AND MISSEIRYA AND RIZEIGAT (BAGGARA SUBGROUPS) WHICH CONTINUED-- INTERMITTENTLY-- UNTIL 1996. *OLS REVIEW*, P. 172. IT ALLOWED PEOPLE TO CIRCULATE BETWEEN THEIR HOMES AREAS AND RELIEF CENTERS IN GOVERNMENT-HELD AREAS, AS CIRCUMSTANCES REQUIRED. *IBID.*

Unfortunately, the 1998 raids did not stop with the Bahr El Ghazal cease-fire, although they slowed down. Shortly after the cease-fire agreement was announced, the government proclaimed that the murahleen of the Rizeigat (Baggara) tribe destroyed three camps belonging to the SPLA in Bahr El Ghazal. Rizeigat paramount chief Said Mohammed Musa Madibo claimed to federal authorities that his forces killed ninety-eight persons, found forty-two injured rebels, and retrieved a large number of cattle and sheep stolen by the rebels.⁵¹⁴ This is exactly what was not supposed to happen under the cease-fire.

⁵¹⁴"SUDANESE MILITIAMEN REPORT KILLING 98 REBELS IN BAHR AL-GHAZAL," DPA, KHARTOUM, JULY 23, 1998.

X. POLITICAL COMPLICATIONS BODING ILL FOR FUTURE RELIEF

The 1998 Famine in Bahr El Ghazal is Brought Under Control

By the end of 1998, it appeared that the famine in Bahr El Ghazal had been brought under control. There were many reasons for this, most of a temporary nature. The 1998 harvest was, in some places, better than expected.⁵¹⁵ The OLS, for once adequately funded, geared up and delivered massive amounts of aid, flooding the famine region with food. A UNDP representative said, "The Bahr El Ghazal region required 15,000 metric tonnes [of food aid] every month, which was also delivered. . . . The area is out of the intensive care unit but it is still in a hospital ward."⁵¹⁶ The cease-fire had brought an end to most raiding and displacement.⁵¹⁷ Therapeutic feeding programs were phased out in many locations in southern Sudan, indicating that nutritional conditions were improving in many areas during the harvest period.⁵¹⁸

Delivery by barge was proceeding. A convoy of seven barges chartered by WFP left the northern river port of Kosti on November 30 with 2,500 MT of food and was expected to arrive in Juba in early January 1999, dropping off 1,500 MT of relief food to thirty-three locations along the way (392,000 people), divided almost evenly between rebel and government areas. This barge convoy is the third to Juba

⁵¹⁵FAO, Crop and Food Supply Assessment Mission to Southern Sudan, November 18, 1998. In southern Sudan, the rains stabilized from mid-July and "resulting yields are far better than last year."

⁵¹⁶"Relief Beats Famine in South Sudan," Reuters, Khartoum, December 3, 1998.

⁵¹⁷See U.S. Committee for Refugees, "Sudan in Late '98: Updated Findings and Recommendations Based on Completed USCR Site Visits," Washington, DC, December 1998.

⁵¹⁸WFP, Sudan Bulletin No. 65, December 6-13, 1998, dated December 18, 1998.

since May 1998.⁵¹⁹ So far it was not plagued by ambushes and hostage-takings by various armed groups.

⁵¹⁹"Relief Beats Famine in South Sudan," Reuters, Khartoum, December 3, 1998. Some 1,000 MT are earmarked for Juba, to last more than two months. Prior convoys sent in May and August 1998 delivered more than 4,000 MT of food along the Nile. Ibid.

The U.N., the Sudanese government, and the SPLA, meeting under the chairmanship of the recently-appointed secretary-general's special envoy for humanitarian affairs for the Sudan, Ambassador Tom Eric Vraalsen, reached agreement in Rome in mid-November to facilitate delivery of relief food by train under military escort to Wau, and to permit agencies to deliver food by road across the lines that separate the two main warring parties.⁵²⁰ They also agreed to provisions to improve the security of aid workers, according to Russel Ulrey, regional aid coordinator for the WFP. The two sides agreed not to lay land mines in agreed humanitarian access corridors, to press for the release of any aid workers taken hostage, and to make sure aid workers received information about impending military actions.⁵²¹

The use of the railroad and roads was said to cost between 50 and 80 percent less than air delivery, which prompted the WFP to hold back on its plans to appeal for a \$100 million increase in the \$154 million food relief program for 1998-99.⁵²²

Prospects for Renewed Famine in 1999

The U.N. warned that during 1999, "more specific locations are at risk of developing into disaster zones than at any previous time in OLS history."⁵²³ It concluded that emergency assistance must be maintained "for at least the first nine months of the new year at similar levels [to 1998]." It warned that all humanitarian actors "must accept responsibility for the fact that reduced funding will potentially condemn millions of Sudanese to destitution, disease and, in hundreds of thousands of cases, possible starvation."⁵²⁴

⁵²⁰Mike Crawley, "Breakthrough in Sudan talks helps food delivery," Dawn/LAT-WP News Service, London, November 23, 1998.

⁵²¹David Ljunggren, "Sudan, rebels agree to boost aid workers' safety," Reuters, London, November 19, 1998.

⁵²²Crawley, "Breakthrough in Sudan food talks helps food delivery."

⁵²³OCHA, "Consolidated Appeal for 1999," p.2.

⁵²⁴Ibid.

The outlook for Sudan, after fifteen years of continuous conflict, is grim. The U.N. says in no uncertain terms that the war has sapped Sudan's people to such an extent that "only a stop to the conflict and massive state investment can possibly rehabilitate communities to a point where they are once again sustainable."⁵²⁵ The U.N. can only provide enough in order to ensure basic survival, and sometimes it cannot do even that, given problems of access and funding.

⁵²⁵Ibid., p. 7.

Many agencies cautioned against premature optimism and predicted, as they had been doing since mid-1998, that the need for massive amounts of assistance for Bahr El Ghazal would persist until the 1999 harvest was collected, in October 1999.⁵²⁶ The U.S. Committee for Refugees concluded that all factors in favor of mitigating the famine peaked in late 1998: full funding for OLS which was operational at a higher than ever level; southern Sudan flooded with relief food; adequate harvests in some locations; and a cease-fire. It warned that these favorable conditions were all to expire in early to mid-1999, and this would provoke another serious famine.⁵²⁷

A November 1998 UNICEF survey found that cases of malnutrition among young children in several locations in Bahr El Ghazal were "unacceptably high," although they showed a marked improvement in nutrition compared to an August survey. Where there was malnutrition of 43 percent in Wau in August, by November the rate in Wau was down to 9.6 percent and down to 27.8 percent at the displaced persons Eastern Bank Camp on the outskirts of Wau.⁵²⁸

The need for massive amounts of food aid continued: "Although there has been improvement, it's still going to be a grim year ahead for those recovering from the 1998 crisis," said a WFP spokesperson. "That's why we will continue to pour in food, not only so that the very weak can continue to survive, but so others can start to recover. It's still a long way off."⁵²⁹ The WFP explained that more than two million people would need at least 150,000 MT of food aid until October 1999 when the harvest is expected. "It takes years for people to recover once caught in such a vicious cycle of desperation," said another WFP spokesperson.⁵³⁰

⁵²⁶Karl Vick, "Aid Agencies Warn Anew That Sudan Faces Famine," *Washington Post*, Nairobi, December 24, 1998.

⁵²⁷Remarks of Jeff Drumtra, Press Conference, U.S. Committee for Refugees, Washington, DC, December 10, 1998; USCR, "Sudan in Late '98."

⁵²⁸Judith Achieng, "Malnutrition On The Rise," IPS, Nairobi, December 23, 1998.

⁵²⁹"Aid Agencies Warn S. Sudan Could Revert To Acute Famine," AP, Nairobi, December 22, 1998.

⁵³⁰Achieng, "Malnutrition On The Rise."

The U.N. coordinator for all Sudan relief operations, Philippe Borel, warned, "Even a few weeks of insecurity, especially in Bahr el Ghazal, could produce the kind of crisis we were confronting earlier this year [1998]."⁵³¹

"Insecurity" means military activity. The immediate and primary concern of relief agencies was that the three-month Bahr El Ghazal cease-fire that started on July 15, 1998, was extended another three months until January 15, 1999, would be renewed, which it was, until April 15, 1999. The ability to plant and harvest depends on the extension of the cease-fire, at least until October 1999.

⁵³¹Karl Vick, "Aid Agencies Warn Anew That Sudan Faces Famine."

A wild card has reappeared in Bahr El Ghazal: Kerubino is back in government-controlled southern Sudan, hoping to return to Bahr El Ghazal to link up with his militia,⁵³² which may qualify as the worst possible development in human rights and famine containment terms.

A Rift Between Garang and Kerubino Precedes Kerubino's Re-redefection to the Government

In mid November 1998, there was a short clash in Nairobi between bodyguards of Garang and Kerubino, leaving one of Garang's bodyguards dead. The SPLA claimed that Kerubino was about to defect to Khartoum. In hindsight, this appears to have been the case.

According to press reports, government officials admitted that Kerubino was in Unity (Wihda) state with his relative Major General Paulino Matiep, the local pro-government warlord, in early January 1999,⁵³³ reportedly seeking negotiations to rejoin the government side and requested a military escort from Upper Nile to Bahr El Ghazal to link up with his militia.⁵³⁴

⁵³²Matthew Bigg, "Sudan warlord defects back to government," Reuters, Nairobi, January 5, 1999.

⁵³³Kerubino is a Dinka from Bahr El Ghazal and Paulino is a Bul Nuer; it is said that Paulino is married to Kerubino's daughter.

⁵³⁴Matthew Bigg, "Sudan warlord defects back to government," Reuters, Nairobi, January 5, 1999. Another report claimed that Kerubino flew to Khartoum in late December 1998 with ten of his sons, was received by Riek Machar, and asked to rejoin the SSDF. "Sudan: the Fall and Rise of a Warlord," IPS, Khartoum, January 5, 1999. It is highly unlikely Kerubino would have gone to Khartoum before clarifying his relationship with the government. When it comes to Kerubino, however, nothing is entirely impossible.

The Secretary for South Sudanese Affairs in the National Congress (formerly NIF), Augustino Aremo, told the press that the concerned Sudan government agencies were considering three options: 1) whether to use Kerubino to liberate SPLA areas of Bahr El Ghazal; 2) whether to keep him as a political leader to encourage SPLA defections; or 3) whether to strip him of his previous positions, pardon him (on account of the attack on Wau and his defection to the SPLA), and let him live as an ordinary citizen.⁵³⁵ He also was quoted as saying Kerubino could be appointed Bahr El Ghazal commander if he recaptured Tonj.⁵³⁶ Ten days later, however, the secretary-general's special envoy for humanitarian affairs for the Sudan, Ambassador Tom Eric Vraalsen, having visited Khartoum, said that the government was concerned about the activities of Kerubino (reported to have defected back to the government with only sixty men).⁵³⁷

It was apparent trouble was brewing in November 1998 between Garang and Kerubino when Kerubino complained, at a Nairobi news conference characterized as "rambling" by one correspondent, that SPLA agents had searched his house in Nairobi and repossessed his official car.⁵³⁸ He denied allegations that the November 10 search of (or raid on) his house were occasioned by the suspected presence there

⁵³⁵"Kerubino reportedly seeking to rejoin Sudan's government side," AFP, Khartoum, January 4, 1998.

⁵³⁶"Sudan: the Fall and Rise of a Warlord," IPS, Khartoum, January 5, 1999.

⁵³⁷"Sudan: Ceasefire for three months," U.N. OCHA Integrated Regional Information Network (IRIN), Update No. 588 for Central and Eastern Africa, January 15, 1999.

⁵³⁸Matthew Bigg, "Sudan rebel leader complains of harassment by SPLA," Reuters, Nairobi, November 13, 1998.

of a communications radio he used to talk with Khartoum.⁵³⁹ He also denied he was thinking of returning to the government's side.⁵⁴⁰ Garang rather undiplomatically commented, "Many south Sudanese are traumatized by the war including their leaders who sometimes do not know what they are doing."⁵⁴¹

Kerubino was trying to return to southern Sudan in November: he complained that the SPLA office in Nairobi had refused to book him on a flight to Bahr El Ghazal, where he wanted to go and rejoin his forces.⁵⁴² One account says that Kerubino was trying to charter a plane to take him and his family back to his base in Bahr El Ghazal.⁵⁴³

⁵³⁹"Sudanese Rebels Wrangle in Nairobi," AANA, Nairobi, November 30, 1998.

⁵⁴⁰Judith Achieng and Nhial Bol, "Sudanese Rebel Leaders Hunt Down Each Other in Kenya," IPS, Nairobi/Khartoum, November 19, 1998.

⁵⁴¹Matthew Bigg, "Sudan rebel leader complains of harassment by SPLA," Reuters, Nairobi, November 13, 1998.

⁵⁴²"Sudanese rebel group denies harassing its commander," AFP, Nairobi, November 16, 1998.

⁵⁴³Achieng and Bol, "Sudanese Rebel Leaders Hunt Down Each Other."

The Kenyan police later said that they prevented him from catching a plane to the government-held town of Bentiu.⁵⁴⁴ Kerubino, his deputy Dr. Amon Wantok, and his three top aids indeed were detained by Kenyan police at the Nairobi airport on Saturday November 14 at 6:00 a.m. when they were to board a chartered plane for southern Sudan. After being held at the Kenyan Airport Police Unit, the five men were taken to the Muthangari Police Station in Nairobi at 11:00 a.m. that day. That police station is about 200 meters from the residence of John Garang. Kerubino claimed the five were arrested on orders from John Garang, who sent an emissary to supervise the arrests,⁵⁴⁵ a claim Garang denied.

According to Kerubino, the police humiliated his party, ordering them to remove their shoes and locking them in the cells. He claimed that Garang's armed militia was summoned by the police to the police station, arriving in four vehicles. Kerubino was turned over to this militia, which drove with him to his residence to seize his vehicles and communications equipment, then drove him back to the police station. The police, who said that Kerubino had been suspected of maintaining contacts with Khartoum, later searched for illegal weapons, and found an illegal radio, which they confiscated.⁵⁴⁶

In the evening, Kerubino claimed, he and the other four "hostages" were taken to a yard at the back of the station, and "unleased" (Kerubino's term) by the Kenyan police to the Garang militia which was waiting. A fight ensued.⁵⁴⁷

It was clear that there was fighting between Garang and Kerubino's armed militias in Nairobi in the vicinity of Garang's residence. According to SPLA spokesman Deng Alor Kuol, a Kerubino "hit squad" raided Garang's house but the attack was foiled by "the alertness of the Kenyan police." He accused Kerubino of trying to assassinate SPLA leader John Garang and the Sudanese government of having a hand in this attack. The SPLA spokesman said that Kerubino had been

⁵⁴⁴"Sudanese Rebels Wrangle in Nairobi," AANA, Nairobi, November 30, 1998.

⁵⁴⁵Steven Muiruri, "New Twist in Gen. Garang Episode," Africa News Service, *Nation*, Nairobi, November 18, 1998.

⁵⁴⁶"Sudanese Rebels Wrangle in Nairobi," AANA, Nairobi, November 30, 1998.

⁵⁴⁷Muiruri, "New Twist in Gen. Garang Episode."

demanding that he be appointed Garang's deputy while at the same time trying to persuade other SPLA leaders to "stage a coup" against Garang. "He wanted to take over the SPLA leadership so that he can go back to Khartoum and negotiate a better deal for himself," the SPLA spokesman alleged.⁵⁴⁸ The SPLA's statement said, "The National Islamic Front (NIF) government through its embassy in Nairobi has a long hand in this game since the arrival of Kerubino in Nairobi." It claimed Kerubino was being used by Khartoum to stage attacks in Nairobi similar to the attempted assassination of Egyptian president Hosni Mubarak in Ethiopia in 1995.⁵⁴⁹

⁵⁴⁸John Nyaga, "Sudanese rebels accuse sometime ally of assassination bid," AFP, Nairobi, November 18, 1998.

⁵⁴⁹Achieng and Bol, "Sudanese Rebel Leaders Hunt Down Each Other."

Kerubino disputed the account of the thirty-minute exchange of fire at or near Garang's residence, claiming that it was Garang who wanted to kill him, and that the man killed was one of his supporters. In January 1999, however, the Kenyan police charged three men who allegedly tried to assassinate John Garang with the murder of James Monywir Dogi Bol, an SPLA member. The accused were Justine Obute, Kul Garong, and Amat Malual.⁵⁵⁰

Later on the night of the attack on Garang's residence, Kerubino's supporters went to the offices of the SPLA relief wing, the SRRA, and attempted to loot it, according to the SPLA, but a night watchman with the help of a "Kenyan vigilante group" foiled the move.⁵⁵¹ The Kenyan police confirmed that there had been an attack on the SPLA office.

Following the shoot-out at Garang's residence, Kerubino and his men took refuge at the Zambian High Commission.⁵⁵² Kerubino said that he took refuge there because the Kenyan police were going to hand him over to Garang's men who would have taken him to the border and killed him. He also accused Garang's forces of killing his uncle's sixteen-year-old son and beating other young relatives after abducting them a few days previously. He also denied he was trying to defect to the government.⁵⁵³

Kerubino and his men were persuaded to leave the Zambian High Commission by Kenyan officials on Monday, November 16. The whereabouts of Garang was uncertain at that time, and he was said to have gone underground. The two leaders were reportedly staying in Kenya subject to further instructions from the Kenya government.⁵⁵⁴ The status of the SPLA and Kerubino supporters was brought into

⁵⁵⁰Sudanese Catholic Information Office, *Sudan Monthly Report* (Nairobi), January 15, 1999, referring to January 7, 1999.

⁵⁵¹Owino Opondo, "Gun-Fight in Nairobi Exposes Rift in SPLA," Africa News Service, *East African* (Nairobi), November 25, 1998.

⁵⁵²Opondo, "Gun-fight in Nairobi Exposes Rift in SPLA."

⁵⁵³"Kerubino says he will not rejoin Sudan government side," AFP, Nairobi, November 19, 1998.

⁵⁵⁴Opondo, "Gun-fight in Nairobi Exposes Rift in SPLA."

question because, although they were considered refugees, they were heavily armed; one of the two leaders was alleged to have imported more than one hundred soldiers from Sudan for his security detail in Nairobi, armed with submachine guns and AK-47 assault rifles, although they were alleged to have no firearms certificates from the Kenyan government.

Another element in the plot is that the Kenyan police were alleged to be divided, with police from Muthangari supporting Garang while those from Kabete were in defense of Kerubino. The Kenyan police declined to comment on this.⁵⁵⁵

⁵⁵⁵Muiruri, "New Twist in Gen. Garang Episode."

Immediately southern ex-rebels in Khartoum and top government officials urged Kerubino to return to Khartoum for his safety. Lawrence Lual Lual, a signatory of the Peace Agreement, claimed Kerubino would be pardoned by President Bashir, and praised Kerubino as a brave man for attempting to remove Garang, adding, "We need more anti-Garang groups to try their best to get rid of him."⁵⁵⁶ He said that Kerubino would be reinstated in the army and claimed that the "incident of Wau" was not serious and would be forgiven. One government newspaper in Khartoum, however, said that Kerubino must account for the loss of lives in Wau, Aweil, and Gogrial caused by his attacks on them in late January 1998.⁵⁵⁷

Sudanese church leaders in Nairobi met separately with Garang and Kerubino in an effort to encourage peace and reconciliation. They said that they feared that the quarrel in Nairobi, if extended to the ground, could lead to "killing ourselves again massively like what happened in 1991" a reference to the fighting that followed the Riek Machar split from the SPLA.⁵⁵⁸ These reconciliation efforts failed when Kerubino returned to government-held southern Sudan to make a deal with the government.

Until the last moment, Kerubino continued to deny that he would return to Khartoum. "This is ridiculous. Going back to Khartoum would not be good for our people. Our people are fighting for self-determination," he said in November 1998.⁵⁵⁹

Kerubino's posture of repentance toward the rural Dinka of Bahr El Ghazal—that he apologized for joining the "Arabs" and attacking his people—lasted less than one year.

Cereal Deficits in Bahr El Ghazal

⁵⁵⁶Achieng and Bol, "Sudanese Rebel Leaders Hunt Down Each Other."

⁵⁵⁷Ibid.

⁵⁵⁸"Sudanese Church Leaders Meet SPLA Rival Groups," AANA, Nairobi, December 7, 1998.

⁵⁵⁹"Kerubino says he will not rejoin Sudan government side," AFP, Nairobi, November 19, 1998.

Another worrying factor is that, although the harvest was good in many regions, the FAO predicted that five states (Northern Bahr El Ghazal, Lakes (Buheirat), Warab, Jonglei and Bahr el Jebel) will be in cereal deficit and food aid will be required throughout 1999, especially in Bahr El Ghazal region, as normal trade routes and infrastructure have broken down. The surplus production in the traditional agricultural sectors in Upper Nile and Western Equatoria would probably not be accessible through market forces, "due to the segmentation of the population." It predicted that the surplus produced by mechanized farms in Upper Nile state would likely be marketed in northern and central parts, with little traded southwards.⁵⁶⁰ Indeed, it appeared that producers of sorghum (the principal staple) were going to export 200,000 tons of sorghum to Eritrean, Middle Eastern, and European markets.⁵⁶¹

Military Utility of the Rail and Road Repair

The delivery plans may be over optimistic and road and rail routes may not work out, forcing a resort again to more expensive airdrops. While delivery by rail costs less than air, the train and track are of great military value to the government of Sudan, and have been used exclusively for military purposes for several years. Prior attempts to deliver relief food on this railway have come to naught.⁵⁶²

According to the *Indian Ocean Newsletter*, the WFP, the U.S., and France would finance the railway's rehabilitation costs,⁵⁶³ although U.S. Ambassador Dick McCall, the U.S. humanitarian coordinator for Sudan, told Human Rights Watch in November 1998 that the U.S. made it clear that it opposes use of the railway.⁵⁶⁴ According to another article, the WFP plan is to send a train monthly with sixty-

⁵⁶⁰FAO, Crop and Food Supply Assessment, Southern Sudan, November 16, 1998.

⁵⁶¹"Sudan signs deals to export 200,000 T of sorghum," Reuters, Khartoum, December 8, 1998.

⁵⁶²See Appendix C.

⁵⁶³"Human Railway," *Indian Ocean Newsletter* (Paris), no. 832, November 7, 1998.

⁵⁶⁴Human Rights Watch interview, Ambassador Dick McCall, after OFDA/BPRM/InterAction Meeting, Washington, DC, November 19, 1998.

four wagons each carrying twenty-five MT of food. Such a train would bring the equivalent of one hundred airdrops.⁵⁶⁵

⁵⁶⁵Crawley, "Breakthrough in Sudan food talks helps food delivery."

Repair of the railway between Babanusa and Wau as contemplated will result in substantial military advantage to the government of Sudan. The Minimum Operational Standards for Rail Corridors and Cross-line Road Corridors Agreement tries to minimize this by providing that “no military or commercial trains will depart from any location along the corridor en route to Wau two weeks prior to, or after, a humanitarian convoy.”⁵⁶⁶ If a convoy goes to Wau every two weeks, under this agreement the government will not be able to use the repaired track to move military supplies, troops, murahleen, or their horses. It is highly unlikely that the government will permit such frequent convoys. Therefore the SPLA will undoubtedly try to stop the government from using the repaired track, by ambush or sabotage of the track.

The military trains to Wau frequently have carried agents of human rights abuses and famine: murahleen, their horses, and army soldiers, who loot the villages along the line for cattle and grain, and capture the women and children as war booty. The government has permitted these abuses to continue unchecked for years, since they serve a military purpose in the government’s eyes: weakening the Dinka civilian population that aids the SPLA.

Thus, there is a strong possibility, based on history, that repair of the track will not only be a waste of money (if it is sabotaged by the SPLA), but will actually result in a worsening of the famine situation and require additional relief, not to mention enabling human rights abuses. In this sense, repair of the track may be counterproductive from a famine relief and human rights point of view.

Repairing the roads does not involve the same danger, since the roads pass from the Ugandan and Kenyan borders and thus are not susceptible of use by the murahleen. Any roads, however, can be used by mechanized forces, and both the government and the SPLA have many tanks that can move more quickly over roads than through dense undergrowth or high grass. Fuel for these tanks and heavy artillery can be moved more easily over road, as well.

While lowering the cost of the transport of food aid, repair of both track and roads carries with it the possibility of facilitating and spreading the conflict. Agencies should closely monitor the relationship and be prepared to switch to alternative means of delivery, even more expensive means of delivery, if their modes of transportation are ultimately facilitating the commission of human rights abuses.

The government’s pattern of obstructing relief by refusing access has been well documented, as has the SPLA’s penchant for using relief centers for its own

⁵⁶⁶This tripartite agreement was signed by the South Sudan Coordinating Council (for the government), the SPLM, and OCHA on November 18, 1998 in Rome.

benefit. If this delivery system is to work, manipulations and refusals of access—by government, rebels, and warlords—must be promptly responded to and stopped. Indeed, the OLS, U.N., and all NGOs working in the relief operation need to devise an effective response to future manipulations and denials of access.⁵⁶⁷

⁵⁶⁷See U.S. Committee for Refugees, “Sudan in Late ‘98,” Washington, DC, December 10, 1998. The USCR advocates declaring southern Sudan a “humanitarian autonomous zone” for purposes of delivering humanitarian relief whenever and wherever required. Whatever the approach, one should be selected and enforced.

XI. FAMINE IN GOVERNMENT-CONTROLLED WESTERN UPPER NILE

The Upper Nile region, whose western part is Wihda or Unity state, “is considered to be one of the most challenging environments and the least developed areas in southern Sudan,” according to the annual United Nations consolidated appeal for Sudan. “Although many population centers can potentially be reached by river, there is little or no access by road to many parts of the region, and access by air is limited by the substandard quality of airstrips.”⁵⁶⁸ Western Upper Nile is predominately Nuer.⁵⁶⁹ Next to the Dinka, the Nuer are the most numerous ethnic group in southern Sudan. In the nineteenth century they prevailed militarily over the Dinka and conquered Dinka territory despite Dinka numerical superiority.⁵⁷⁰

Two Pro-Government Militias Fight Over the Oil Fields, Causing Famine

The oil fields in Western Upper Nile are crucial to the government’s hopes for economic recovery. In 1998, construction was completed on the pipeline to carry the crude to refineries in the north⁵⁷¹—just such a scheme as in the early 1980s provoked strong protests by southerners.⁵⁷²

⁵⁶⁸OCHA, U.N. CONSOLIDATED INTER-AGENCY APPEAL FOR SUDAN, 1999.

⁵⁶⁹According to one authority, the Nuer do not call themselves ‘Nuer.’ They are “Nath” or “Naath.” Nuer is the name given them by the Dinka and other outsiders. Naath means “people.” Bodley, *Cultural Anthropology: Tribes, States, and the Global System* (London and Toronto: 1994).

⁵⁷⁰Kelly, *The Nuer Conquest*; see also Hutchinson, *Nuer Dilemmas*, pp. 31-32.

⁵⁷¹“China Completes 1,110-km Oil Pipelining Project in Sudan,” Asia Pulse via COMTEX, Beijing, December 14, 1998. According to this article, the U.S.\$215 million oil pipeline was completed ahead of schedule.

⁵⁷²Muriel Allen, “Oil a Political Weapon in Southern Sudanese Politics,” Chamber World Network International Ltd., Middle East Intelligence Wire, *Middle East Times*, July

11, 1997; *see below*.

Indeed, the SPLA regards the oil exploration as one of the reasons for the present war. An SPLA spokesperson said, "The National Islamic Front government is trying to exploit the oil to strengthen its grip of domination over the Sudanese people. The oil fields remain a legitimate military target, and we will seek every possible way to deny the NIF's exploitation of the resources . . . for its own ideological purposes."⁵⁷³ The NDA confirmed that its leadership decided to consider companies operating in oil and gold extraction to be legitimate military targets.⁵⁷⁴

A consortium including Malaysian, Canadian, British, Argentinean, German, and Chinese companies is responsible for the \$1.6 billion oil development scheme.⁵⁷⁵ Energy and Mining Minister Awad Jazz said that the country would be self-sufficient in oil in 1999, saving some \$450 million a year in oil import bills.⁵⁷⁶ The pipeline from Unity field to a new terminal to be built at Port Sudan on the Red Sea would have an initial capacity of 150,000 barrels per day, to be expanded to 250,000 bbl/d by 2002.⁵⁷⁷

That this fabulous potential for oil wealth exists side by side with a famine that affects more than 150,000 people in Western Upper Nile is no accident. It is the consequence of government desire to establish control over the area by using militias—since 1983—to loot and attack and displace the local population. The 1998 Western Upper Nile famine has been largely the product of unrestrained attacks on the civilian population by two pro-government militias, both headed by Nuer commanders. One is the SSDF, termed an army rather than a militia, which is supposed to incorporate all former SPLA fighters and factions who switched their allegiance to the government, and incorporate other southern pro-government militias that were never rebels. The SSDF is headed by Riek Machar, the chairman

⁵⁷³"Arakis: High Risk Oil Play," Silicon Investor Home Page, April 27, 1998; <http://www.gasandoil.com/goc/news/nta81149.htm> (January 28, 1998).

⁵⁷⁴"Sudan: Gold and Oil Companies as Military Targets," 1998 IPR Strategic Business Information Database, April 14, 1998.

⁵⁷⁵Michela Wrong, "Sudan: Oil seen as new lifeblood," *Financial Times* (London), June 11, 1998; *see* "Sudan Begins Construction of Oil Pipeline," PANA, Khartoum, May 26, 1998. Another government official, Hassan al-Tom, director general at the ministry of energy and mining, estimated a \$300 million yearly savings. Alistair Lyon, "Sudan pipeline key to future oil plans," Reuters, Khartoum, August 28, 1998.

⁵⁷⁶"Sudan To Be Self-Sufficient In Oil By 1999 - Report," AP, Khartoum, November 24, 1998.

⁵⁷⁷Alistair Lyon, "Sudan pipeline key to future oil plans," Reuters, Khartoum, August 28, 1998.

of the South Sudan Coordinating Council, the government body established to govern the government-controlled areas of the south.

The other militia involved in the fighting in Western Upper Nile is that belonging to Paulino Matiep, an Anyanya II commander of a Nuer militia based around Bentiu, who joined Riek's forces in 1992 after Riek had parted company with the SPLA and its leader, John Garang.

The fighting between the two forces was over political and military control of Unity state and the oil fields. A side effect of this struggle has been to displace more civilians from the oil-rich areas.

Background to Oil Development in Southern Sudan

Oil has been an important element in north-south relations since the Bentiu oil field was discovered in 1978, when Nimeiri was president and the Addis Ababa autonomy agreement for the south that settled the first civil war was in effect (1972 - 83). Following the discovery, the central government took several measures which southerners believed were intended to cheat them of benefits of the southern oil wealth to which they were entitled under the Addis Adaba agreement.

One change that raised southern suspicions in 1978 was the rapid replacement of 130 southern soldiers in the Bentiu military garrison, commanded by a Dinka army officer, Captain Salva Kiir,⁵⁷⁸ with 600 soldiers from the north, as if to assert physical control over the potential oil fields, according to a leading southern politician who witnessed these events.⁵⁷⁹ In 1980 a second oil field was discovered in the Bentiu Area Council two hours by vehicle north of Bentiu; it was given the Arabic name of Heglig (thorn tree), and to southerners that was another attempt to assert northern control over southern assets. In that same year, officials in Khartoum tried to transfer the rich oil, agricultural, and grazing lands of Upper Nile and Bahr El Ghazal to the northern province of Southern Kordofan merely by redrawing the map. Southerners protested in the streets, a commission was appointed, and President Nimeiri accepted its recommendation to stay with the 1956 boundaries, leaving the oil fields in the southern mostly Nuer province of Upper Nile.⁵⁸⁰

Paulino Matiep's Warlord Role vis-a-vis the Oil Fields

⁵⁷⁸Commander Salva Kiir is now second in command in the SPLA.

⁵⁷⁹Alier, *Southern Sudan*, p. 240.

⁵⁸⁰Alier, *Southern Sudan*, pp. 239-40.

Paulino Matiep, a Bul Nuer from Bentiu, has been a militia power in Western Upper Nile for at least two decades. The Bul Nuer area of Western Upper Nile, according to a scholar of the Nuer, was “historically one of the most isolated and economically ‘underdeveloped’ Nuer regions.”⁵⁸¹ The Heglig oilfield, however, is in the Bul Nuer area. Paulino was never in the SPLA under its commander John Garang, but was a warlord who has since about 1984 been affiliated with the Khartoum government, which supplied his arms. Although the first civil war was settled in 1972 with a regional autonomy agreement for the south, local disputes in Upper Nile (and Bahr El Ghazal⁵⁸²) in the late 1970s and early 1980s led to the formation of a number of anti-government guerrilla groups all calling themselves Anyanya II, after Anyanya, the southern separatist rebel movement that fought the government in the first civil war from 1955-72.⁵⁸³ Paulino formed an Anyanya II militia in 1978 in Bilpam, Ethiopia, according to one of his soldiers.⁵⁸⁴

⁵⁸¹Hutchinson, *Nuer Dilemmas*, p. 288.

⁵⁸²Anyanya II was beginning to form in dispersed areas of Bahr El Ghazal by 1980. Francis Deng, *War of Visions*, p. 331.

⁵⁸³Anyanya II advocated complete independence for the south, in contrast to the SPLA goal of a “united, secular Sudan.” The leadership of Anyanya II was dominated by Nuer officers.

⁵⁸⁴Human Rights Watch interview with former SSIA combatant, Lokichokio, May 11, 1998. Paulino had been in Anyanya and was integrated into the Sudan army as a result of the Addis Ababa agreement. He was based with Battalion 104 in Akobo on the Ethiopian border when he and other southerners rebelled against the Sudan government and fled to Ethiopia in

Pursuant to the Nimeiri government's militia strategy, according to a reliable source, the "Bentiu area, with the richest oil reserves, was where the initial [Misseriya, Baggara Arabs] raiding had been concentrated."⁵⁸⁵ In late 1984, the Eastern Jikany Nuer and the Lek Nuer of the Bentiu area were overrun by a Misseriya militia armed with machineguns by the central government.⁵⁸⁶ According to a well-informed anthropologist, the murahleen of the Misseriya were "instructed to clear the oil-rich lands of Western Upper Nile of its Nilotic inhabitants. . . . These traumas were soon compounded by massive air bombardments, extensive slave and cattle raids, encroaching rinderpest epidemics, and, ultimately, unprecedented famine."⁵⁸⁷ Many Nuer were forced from their homes, their herds steadily decimated, and their families and communities increasingly split apart and destroyed.⁵⁸⁸

1975. In about 1978, apparently homesick, Paulino returned to Bentiu and formed his own militia. Human Rights Watch interview, Biel Torkech Rambang, U.S. representative of UDSF, Washington, DC, December 14, 1998. UDSF is the political group formed by Riek Machar of the ex-rebel, pro-government forces.

⁵⁸⁵Keen, *The Benefits of Famine*, p. 93.

⁵⁸⁶*Ibid.*, p. 79.

⁵⁸⁷Hutchinson, *Nuer Dilemmas*, p. 5.

⁵⁸⁸*Ibid.* p. 100.

This was in part a response to pressure on the central government to provide adequate security so that the work of Chevron Oil Company in the Bentiu oil fields could recommence after a February 1984 SPLA attack caused its suspension. Among other things, President Nimeiri began to negotiate with the Nuer leaders of Anyanya II in the Bentiu area, who were in a dispute with the SPLA. A government cease-fire agreement was reached with some Anyanya II groups, including Paulino's, and they were armed and equipped by the Sudan army, with whom they worked in close collaboration after that.⁵⁸⁹

From 1984 to 1987, another primary function of Anyanya II was to attack SPLA Dinka recruits moving from Bahr El Ghazal through Western Upper Nile to training camps in Ethiopia. In those years Anyanya II was described as "one of the most serious military obstacles to the supremacy of the SPLA in Upper Nile."⁵⁹⁰

Meanwhile, on January 1, 1986, the Anyanya II commander Gordon Kong (a Jikany Nuer) defected to the SPLA with the bulk of the Anyanya II army.⁵⁹¹ In 1987 and 1988 a partial truce was negotiated between SPLA forces in the region and various Baggara Arab communities in neighboring southern Kordofan.⁵⁹² By late 1987, the SPLA had wooed back most of the Anyanya II leaders, with the exception of Paulino's group and a few others. It appears that one reason Paulino's group did not join the SPLA with other Anyanya II groups was that the SPLA wanted to withdraw the Bul Nuer units from their home area for a period of training in Ethiopia,⁵⁹³ leaving their civilian population—who had suffered from Misseriya militia raids—unprotected.

Paulino Matiep assumed command of the remnants of Anyanya II after Gordon Kong switched his allegiance to the SPLA. By 1988, this was a small,

⁵⁸⁹DeWaal, "Militias," pp. 79-80. Nevertheless, Chevron never returned to operate the oil fields, which were abandoned until the late 1990s.

⁵⁹⁰Ibid., p. 78.

⁵⁹¹Hutchinson, *Nuer Dilemmas*, p. 6; see Alier, *Southern Sudan*, pp. 275-76. The author gives the date of Gordon Kong's switch to the SPLA as 1988.

⁵⁹²Hutchinson, *Nuer Dilemmas*, p. 100-01, n. 50.

⁵⁹³DeWaal, "Militias," p. 80.

fragmented, and weak force which suffered persistent and regular desertions to the SPLA ranks, while Paulino spent most of his time that year in Khartoum for prolonged medical treatment for a variety of disorders.

In September 1988 the Anyanya II battalion in Mayom, Western Upper Nile, his center of military power, rebelled and joined the SPLA.⁵⁹⁴ Riek Machar, then SPLA zonal commander of Western Upper Nile, participated in the capture of Mayom.

⁵⁹⁴Alier, *Southern Sudan*, pp. 275-76.

The government sent Omar El Bashir, then an army officer and later the 1989 leader of the coup d'état that brought the NIF to power, to recapture Mayom from the SPLA. Bashir and Paulino fought together, and pushed Riek out of Mayom shortly thereafter, forging a strong bond in the process. Paulino later recommended Paul Lilly, also a Bul Nuer, for a position with the government.⁵⁹⁵

A historian of the Nuer notes that Anyanya II never had substantial support throughout the Nuer, and argues that many of its recruits were motivated by outstanding feuds with those Nuer who were recruited by the SPLA. "While an Anyanya II 'politburo' continued to reside in Khartoum, and some Nuer militiamen around Bentiu, Malakal, New Fangak, and Abyei continued to be supported by the government, the main force of the Anyanya II was absorbed into the SPLA."⁵⁹⁶

Paulino and Riek Join Forces (later SSIM/A) in 1992

Riek Machar left the SPLA and formed what became the SSIM/A in 1991, and Paulino joined Riek's forces in 1992. The unification of all outstanding forces of the Anyanya II army with Riek's faction was accomplished through the negotiations of Nuer prophets Wutnyang Gatakek⁵⁹⁷ and Ruel Kuic.⁵⁹⁸ According to a representative of Riek's 1998 government-aligned political group, the UDSF, the extent of Paulino's military efforts against the Sudan government were attacks on some government barges;⁵⁹⁹ for the most part, SSIA fought the SPLA, not the government, so Paulino's incorporation into the SSIA and abandonment of his friend Bashir (by then president of Sudan) is not as contradictory as it seems.

⁵⁹⁵Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

⁵⁹⁶Douglas H. Johnson, *Nuer Prophets: A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries* (Oxford: Clarendon Press, 1994), p. 342.

⁵⁹⁷Hutchinson, *Nuer Dilemmas*, p. 339.

⁵⁹⁸Ruei Kuic was a Nuer prophet from the Zeraf island area active in these reconciliation negotiations. Johnson, *Nuer Prophets*, p. 324.

⁵⁹⁹Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

After the SSIM/A conference in Akobo in October 1994 Paulino was made acting SSIM governor of the area around Bentiu, based in Mankien. When Riek Machar signed the Political Charter in 1996 and the Peace Agreement in 1997, Paulino went with him into the alliance with the government, although Paulino was not a signatory to either document. It appears that, even in their current association with the government, Paulino's Anyanya II has not sent troops to fight on other government fronts (such as Damazien or Juba), preferring to remain as a home guard, according to one of Paulino's long-term soldiers. They were needed, among other things, to defend the Nuer against cattle raiding by the murahleen, which continued even in 1998, despite truces.⁶⁰⁰ They were also needed to guard the oil fields.

Paulino and Riek: Fighting in 1997-98

After the Peace Agreement, and prior to the elections for southern governors in late 1997, the areas controlled by the SSIM/A and the government garrison towns located in them were combined politically. Thus, parallel political posts such as governor were combined. In Unity state, this meant that the government town of Bentiu was combined with the SSIM/A territory surrounding it to form one Unity state with one appointed governor, Paulino Matiep. Paulino, however, fell ill again and went back and forth between Bentiu and Khartoum. In his absence, the deputy governor, Simon Jok Gatwech, was acting governor until he too fell ill. Tito Biel, a military commander, became deputy governor and then acting governor.

After the decision was made to permit elections for southern governors in late 1997, President Bashir dismissed all the sitting (appointed) governors. In preparation for the election, Tito Biel was named acting governor and Paulino was removed as governor by the central government.

Paulino Matiep was not among the three candidates for governor chosen by Riek Machar and President Bashir for Unity state in late 1997. According to Riek's spokesman, Paulino did not declare himself for the position because he spoke neither Arabic nor English.⁶⁰¹ Paulino supported Paul Lilly, who had been governor of the government-held garrison town of Bentiu and was a NIF adherent. Riek supported his SSIM/A colleague, Taban Deng Gai for governor.

⁶⁰⁰Human Rights Watch interview, Lokichokkio, May 11, 1998.

⁶⁰¹Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

In preparation for the electoral campaign, agents of Taban Deng were sent to Unity state to mobilize his followers. Paulino, according to Riek supporters, arrested these agents and detained them at his headquarters in Mankien, preventing them from campaigning. Tito, as acting governor, ordered SSDF soldiers to secure the release of these detainees, on the grounds that Paulino, who was no longer governor, had no authority to detain anyone. Tito's SSDF forces clashed with Paulino's men outside Mankien in 1997, and they fought until the beginning of 1998, with Ler changing hands several times.⁶⁰² In this fighting, the hospital run by an Italian nongovernmental organization, Coordinating Committee for Voluntary Service (COSV), in Nhialdu was burned down.⁶⁰³ They clashed in December along a front line west of and close to Duar, and along the Nhial Dhui-Wichok-Turkey-Kwoic corridor, with Paulino west of the line and Tito east.⁶⁰⁴ Paulino was finally prevailed upon by Riek and Nuer elders to release the electoral agents.⁶⁰⁵

Taban Deng Gai was elected governor of Unity state in early December 1997. Paulino's dissatisfaction with the election results was said to have led to another round of fighting between Paulino and Tito, by then the SSDF commander of the area. One news article reported that the government prevented Paulino from leaving Khartoum to rejoin his forces in a bid to calm down the situation, but that did not work. According to this article, some 200 Nuer fighters were killed in pitched battles in January 1998.⁶⁰⁶

⁶⁰²Human Rights Watch telephone interview, Biel Torkech Rambang, January 21, 1999.

⁶⁰³Human Rights Watch interview, Lokichokkio, May 6, 1998.

⁶⁰⁴Confidential document, May 19, 1998.

⁶⁰⁵Ibid.

⁶⁰⁶"KERUBINO GIVES NIF A RUN FOR THEIR MONEY WHILE SPLA WATCHES," *SUDAN DEMOCRATIC GAZETTE* (LONDON), YEAR 14, NO. 93, FEBRUARY 1998.

According to Riek Machar, however, only thirty-eight people were killed in more than a week of clashes in January 1998. The troops on both sides, all purportedly members of the SSDF which Riek heads, had been guarding the oil concession. According to Riek, the fighting was over the governorship.⁶⁰⁷ The SPLA broadcast an offer of help to Paulino,⁶⁰⁸ which apparently was ignored. The SPLA offered its own version of the fighting: it said Paulino's troops had attacked the oil installations in a dispute over the elections and the issue of oil revenues. The SPLA further claimed that some of the rebel troops that "expelled" Chevron in 1984 were now working under Paulino.⁶⁰⁹

⁶⁰⁷"38 REPORTED DEAD IN FIGHTING BETWEEN SUDAN FORCES," REUTER, KHARTOUM, JANUARY 19, 1998.

⁶⁰⁸"SUDANESE OIL FIELDS ARE MILITARY TARGET FOR SUDANESE REBELS," ALEXANDER'S GAS & OIL CONNECTIONS, JANUARY 28, 1998.

⁶⁰⁹"Oil Operations Threatened, Scores Killed in Clashes - Rebel Movement," *Al-Hayat* (London), in Arabic, January 28, 1998.

Riek Machar complained to President Bashir in a mid-1998 letter that since September 17, 1997, Unity state had been “the theatre of a criminal war. Paulino Matiep is waging an aggressive and destructive war against the [SSDF] and innocent civilians resulting in the destruction of homes, property and services infrastructures.”⁶¹⁰ He noted that Paulino was supplied directly by the government with large quantities of arms and other military equipment,⁶¹¹ and expressed astonishment that the government would back Paulino to fight against the governmentally-sanctioned official army of the south, the SSDF:

To my great surprise I was informed recently [mid-1998] by the Minister of Defense that in fact Paulino Matiep is a General in the Sudan army and enjoys all the rights and privileges of a General. If this is the case, the question to be asked is, in whose interest does the Sudan army fight against the SSDF which is its ally. It would have been understandable for Paulino to defect from the SSDF to join Garang's movement. But we cannot understand why Paulino defects from the SSDF to join the Sudan army and then turns into an enemy of the SSDF and to fight it with the military resources of the Sudanese state to which we all belong⁶¹²

Paulino created his own faction, the South Sudan Unity Movement/Army (SSUM/A), apart from Riek's SSDF, and reportedly received a letter from President Bashir recognizing this entity.⁶¹³ According to many sources, the government sought to make Paulino into a counterbalance to Riek Machar, a role that Kerubino had played before his defection.⁶¹⁴ Riek supporters suspected that the government was motivated by a desire to push Riek out of the oil fields. They feared that the Khartoum government hoped to delay matters and divide southerners so that the self-determination referendum would fail and Khartoum north would not be blamed for it.

Riek said that Paulino destroyed one general and three specialized kala azar hospitals, valued at \$350 million. Paulino also stole cattle, and burned and destroyed villages and school buildings and the headquarters of the Ler district, according to Riek.

⁶¹⁰Letter, Riek to Bashir, Appendix F.

⁶¹¹Ibid.; see Michela Wrong, “Sudan: Mirage of peace shimmers over drought-hit country,” *Financial Times* (London), July 30, 1998.

⁶¹²Letter, Riek to Bashir, Appendix F.

⁶¹³Human Rights Watch interview, Nairobi, April 29, 1998.

⁶¹⁴Ibid.; Human Rights Watch interview, Lokichokio, May 17, 1998.

One of the most disappointing aspect[s] of this situation is that the victims of this senseless destruction are the very people who have been singing and praising the new era of peace ushered in by the Khartoum Agreement. Now their reward is the destruction of their lives and property.⁶¹⁵

⁶¹⁵Ibid.

Riek also complained that the army had apparently rejected the formation of the SSDF as the military force in the south, judging from its financing and backing of Paulino and its "repeated refusal . . . to supply the SSDF with ammunition, weapons, uniforms and other military materials to the degree that the SSDF has become unable to maintain security and stability or protect the peace agreement."⁶¹⁶

Riek pointed out that if the responsibility for security was not fully handed to the South Sudan Coordinating Council (SSCC) and the governors of the southern states, the Peace Agreement as a whole "will be threatened and will be rendered empty of its content and therefore meaningless."

One other threat to peace which is by no means less dangerous than the ones mentioned above, is the total lack of financial resources for its implementation. . . . It is a fact that the Council in the last four months had received something less than 2% of its budgetary allocations.⁶¹⁷

Of course the security of the oil fields was paramount to the government of Sudan, anxious for the economic windfall. The government in May accused the SPLA of trying to control the oil fields by raids on the border of southern Kordofan province and Bahr El Ghazal, but claimed that the SPLA had been repulsed.⁶¹⁸

An oil field defense force was believed to have been constituted under Paulino's command; the *Indian Ocean Newsletter* reported that it included former Iranian Pasdaran and South African military advisers recruited by "a specialized security firm." It reported that Paulino bought himself a "fine white stallion" to review his private army. The Sudan government denied that any Iranians were involved in Bentiu, and did not exclude the possibility of Chinese aid in training Sudanese nationals to provide security to work sites and wells.⁶¹⁹

⁶¹⁶Ibid.

⁶¹⁷Ibid.

⁶¹⁸"SPOKESMAN ACCUSES REBELS OF ATTEMPTING TO CONTROL OIL FIELDS," AFP, KHARTOUM, MAY 16, 1998.

⁶¹⁹"SUDAN: HI-TEC PROTECTION FOR PIPELINE," *INDIAN OCEAN NEWSLETTER* (PARIS), MAY 23, 1998.

A large labor force of some 5,000 Chinese was brought in near to start construction of the Bentiu-Port Sudan oil pipeline.⁶²⁰ The NDA, the military-political opposition umbrella group, alleged that some 2,000 Chinese were prisoners who agreed to work in this remote and disease-ridden area in exchange for a reduction in their sentence.⁶²¹

With the expansion of the oil business, many northern Sudanese have moved in to what has historically been the land of the Nuer. This immigration threatens to change the ethnic composition of Western Upper Nile in a way that could affect the referendum on self-determination. Governor Taban Deng of Upper Nile state in May 1998 conceded that 100 percent of his (Nuer) people would vote to secede, although he preferred unity.⁶²²

Bentiu continued to be served by OLS (Northern Sector) from Khartoum and the rest of the Western Upper Nile area by OLS (Southern Sector) from Lokichokio, Kenya, despite the fact that in 1996 the SSIM/A, the dominant armed rebel group in this region, abandoned any pretense of rebel status and signed the Political Charter with the government. Aside from a possible desire to make a statement about autonomy from Khartoum, the SSIM/A perhaps had another reason

⁶²⁰In April 1998 the Energy and Mining Minister of Sudan, Dr. Awad Ahmed Al-Jaz, announced that the Public Chinese Petroleum Company would begin work with around 5,000 Chinese employees working in the field of petroleum in Sudan. He said that tens of Chinese companies operating in Sudan in the fields of petroleum, mining, energy, agriculture, industry, and roads. "Establishment of Petroleum Pipe-Line To Begin Early Next May," SUNA, Beijing, April 22, 1998.

⁶²¹"2,000 Chinese prisoners building Sudanese oil pipeline: opposition," AFP, Cairo, August 19, 1998. The NDA alleged the prisoners were promised a \$5,000 salary per year plus their freedom after two years. Ibid.

⁶²²MATTHEW BIGG, "SUDAN OIL STATE FAVOURS SECESSION, GOVERNMENT DOESN'T," REUTERS, NAIROBI, MAY 12, 1998.

for wanting to continue to be served by the southern sector: historically it has been more responsive to needs in the south than has the northern sector.

Fighting Between the Two Pro-Government Militias Devastates Civilians and Pushes Aid Agencies Out

The Bentiu area of Unity state suffered flooding in 1996 and drought in 1997. These conditions resulted in two years of poor harvests and poor food security. Normally this area provides surplus food for the more southern areas.⁶²³ The fighting also was having an effect on civilian survival by late 1997. The February 1998 U.N. appeal for funds for emergency operations in Sudan stated that its goal in Unity state was to "provide 700 MTs of relief food for 27,290 displaced and war-affected beneficiaries during the hunger gap period from April to July [1998]."⁶²⁴ Due to fighting between Riek Machar's forces and those of Paulino Matiep, and the looting, burning, and displacement of civilians, however, the food situation rapidly deteriorated. For the month of June 1998, the U.N. planned to bring 1,093 MT of relief food to 151,850 beneficiaries in Unity state,⁶²⁵ a steep increase over February's projected tonnage and beneficiaries.

Despite the need, relief agencies had to pull out of the area on June 29. A statement by the medical NGO Medecins Sans Frontiers (MSF) said that its withdrawal came as a result of the fighting. A number of buildings in Ler (Unity state) had been burned down, and the MSF and other compounds looted. MSF said it had been providing therapeutic and supplementary feeding to 751 children.⁶²⁶

⁶²³Confidential document provided by author, dated May 18, 1998.

⁶²⁴OCHA, U.N. CONSOLIDATED INTER-AGENCY APPEAL FOR SUDAN, 1998. This would be sufficient for forty-three days of full rations, assuming 2,100 kilocalories/person/day.

⁶²⁵WFP, EMERGENCY REPORT NO. 26 OF 1998, JUNE 26, 1998: SUDAN. This would be sufficient for twelve days of full rations for this population, also based on 2,100 kilocalories/person/day.

⁶²⁶"AID AGENCIES PULL OUT OF SUDANESE REGION," AFP, NAIROBI, JULY 7, 1998; MSF PRESS RELEASE,

They did not leave too soon. Fighting broke out again. Paulino attacked Riek's forces in Ler and Akon in the first week of July, according to Riek Machar,⁶²⁷ who told a Khartoum newspaper that it was "fierce fighting."⁶²⁸

A Paulino spokesman denied responsibility. He claimed that Paulino had agreed to a cease-fire but Riek had scrapped the agreement and made a preemptive attack on the Paulino forces at a camp near Bentiu, which was repelled.⁶²⁹ The spokesman denied Paulino burned villages or caused loss of life.⁶³⁰

"INSECURITY HINDERS PROVISION OF HUMANITARIAN ASSISTANCE IN SOUTHERN SUDAN," NAIROBI, JULY 7, 1998.

⁶²⁷ ALFRED TABAN, "PRO-GOVERNMENT FACTIONS CLASH IN SUDAN," REUTERS, KHARTOUM, JULY 7, 1998.

⁶²⁸ "INTER-FACTION FIGHTING REPORTED IN SOUTHERN SUDAN," AFP, KHARTOUM, JULY 7, 1998.

⁶²⁹ "PRO-GOVERNMENT FACTIONAL FIGHTING STILL RAGES IN SOUTH SUDAN," AFP, KHARTOUM, JULY 12, 1998.

⁶³⁰ "NEARLY 50 DIE IN SUDAN CLASHES," AFP, KHARTOUM, JULY 19, 1998.

On July 15, the government entered into a cease-fire agreement in Bahr El Ghazal with the SPLA, but the government-aligned Nuer militias continued to fight each other. The government sent a fact-finding mission in early July to investigate the clashes between the two government militias. The government delegation found that "vast damage was inflicted on government installations and development projects while 49 people have been killed"⁶³¹ in Western Upper Nile. The delegation blamed the damage on Paulino's forces. A Riek official, Makwaj Tenj Yok, accused Paulino of violating the peace agreement and trying to "mar the image" of pro-government factions in the eyes of the SPLA prior to the peace talks scheduled for August 1998 in Addis Ababa. Paulino claimed he was committed to the peace agreement and would accept a solution proposed by Khartoum, but said that he and Riek Machar had a disagreement over the military leadership of the SSDF.⁶³²

The WFP attempted to return to Ler in mid-July to distribute food. When one of the militia forces attacked Ler the two WFP workers had to flee, wading at night waist-high through mosquito-infested swamps.⁶³³

The two sides agreed on a "cessation of hostilities" and pledged not to fight each other again, according to an announcement by the Sudan government on July 21, a week after a separate cease-fire was put into effect in Bahr El Ghazal with the SPLA.⁶³⁴ In areas of Sudan that experience seasonal rains and flooding, a "wet season cease-fire" occurs almost annually due to logistical constraints alone.

The result of the fighting was the displacement of tens of thousands of civilians, according to a government newspaper in July 1998. The fiercest fighting was in Ler, where 250 houses, fifty shops, and 2,500 cattle compounds were destroyed.⁶³⁵ Throughout the fighting there were major losses for the OLS programs due to looting and burning: refrigerators, veterinary equipment, vaccines and other medicines, camp equipment, and so forth.⁶³⁶

The tragic situation in Upper Nile has not received as much attention as Bahr El Ghazal, possibly because of the continued and unpredictable fighting and security problems. Some journalists, however, did manage to record cases as pitiful as anything in nearby Bahr El Ghazal. One involved an eight-year-old orphaned

⁶³¹To which development projects the delegation referred was unclear, because aside from NGO health and assistance programs, the only development has been in the oil fields.

⁶³²"PRO COS FIGHTING FACTIONS," AFP, KHARTOUM, JULY 15, 1998.

⁶³³"AID WORKERS HIDING IN BUSH AFTER SENDING SOS," AFP, NAIROBI, JULY 16, 1998.

⁶³⁴"PRO-GOVERNMENT FACTIONS REACH CEASEFIRE IN SOUTHERN SUDAN," AFP, KHARTOUM, JULY 21, 1998.

⁶³⁵"CIVILIANS DISPLACED BY SUDAN FIGHTS," AP, KHARTOUM, JULY 27, 1998.

⁶³⁶OLS (Southern Sector), Emergency Sitrep No. 14, August 1-31, 1998.

Nuer boy who was too small to keep up with the other people running from the fighting and learned from an early age—after his mother died of typhoid—to scavenge for food for himself. He followed soldiers in order to lick the pot when they had finished; some families would let him stay a day or two, but pushed him out after that, because they did not have enough for their own children. A childless woman in Lankien, Upper Nile, took him in, but then he began to lose his sight as his foster mother fell sick with asthma.⁶³⁷

⁶³⁷Lotte Hughes, "I know no one will take care of me if I go blind," *Times* (London), July 22, 1998.

In late August-early September 1998, there was fighting between Paulino and Riek again; apparently Paulino captured Bentiu, Matkenj, and Nekai in late August and was driven out two weeks later, according to press reports citing a military source.⁶³⁸ In an interview in Khartoum in mid-September, Paulino claimed that the fighting was still going on. He claimed that the SPLA was supplying Riek with ammunition and soldiers. Paulino said the fighting started on September 5 when his forces were withdrawing from Ler, a town he took in June. He said Riek's SSDF forces attacked and drove his forces out of Wankei, about 120 kilometers (seventy-five miles) northwest of Ler, burning down Wankei, killing innocent people and abducting children. His troops, Paulino continued, had recaptured Wankei and were pursuing Riek's troops towards Ler.⁶³⁹

A government spokesman said that the conflict led to "serious human losses and material damage."⁶⁴⁰ Others said at least 400 were killed and thousands displaced since late August factional fighting. Paulino's forces were said to have regained a swathe of land southwest of Bentiu after being chased out of Bentiu by Riek's men.⁶⁴¹

The four cease-fires arranged by the government between the two government militias in nine months clearly were not working.⁶⁴² In late September Riek

⁶³⁸"Pro-government troops retake Sudanese towns," AFP, Khartoum, September 7, 1998.

⁶³⁹Alfred Taban, "Clashes bring turmoil to Sudan oil zone," Reuters, Khartoum, September 15, 1998.

⁶⁴⁰Mohamed Osman, "400 Reported Dead in Sudan Battles," AP, Khartoum, September 14, 1998.

⁶⁴¹Ibid.

⁶⁴²Alfred Taban, "Clashes bring turmoil to Sudan oil zone," Reuters, Khartoum, September 15, 1998. The article says that the government stopped supplying arms to the two

announced a vow to stop clashing with Paulino's forces, and Paulino announced a truce with Riek's forces, according to a government news agency.⁶⁴³ Ler and Mankien were cleared by the OLS (Southern Sector) Security Office for resumption of relief activities on October 8, 1998, with the proviso that the situation was fluid and agencies should spend a minimum amount of time on the ground; it was discovered that the compound of the medical relief agency Medecins du Monde (Doctors of the World) in Mankien had been looted prior to that date.⁶⁴⁴

leaders since their conflict intensified in January, but does not cite a source for that assertion.

⁶⁴³Matthew Bigg, "Sudan rebels target garrison town," Reuters, Nairobi, September 30, 1998.

⁶⁴⁴WFP, Sudan Bulletin No. 53 for October 6-8, 1998, dated October 8, 1998.

Despite the clearance, it was not until December that guarantees by the warring factions of security for aid workers permitted WFP to air-drop 375 MT of food in the area, the first since July 1998. Relief workers observed that Ler, once a hub for food and health services, was a ghost town, having been raided three times since June, the raiders having looted, burned homes, and destroyed schools.⁶⁴⁵ Looting of NGO compounds forced the shut-down of the Ler hospital and other key facilities.⁶⁴⁶ Most agencies had not resumed work even in early 1999.

The U.N. observed that more OLS personnel were evacuated from Upper Nile due to insecurity than from any other OLS operational area. It noted that in January 1999, humanitarian coverage in this region was lowest of all major OLS areas, and warned that “[c]urrent trends indicate that much of the region may rapidly develop into an acute emergency on the scale of Bahr Al Ghazal last year, particularly if insecurity continues to generate displacement and prevent humanitarian agencies from mounting life-saving interventions.”⁶⁴⁷

SSDF Losing Influence Among Ex-Rebels

Riek's SSDF also was criticized by other southerners. From another direction, Col. Abdallah Majuk (spokesperson for an SSDF group), Col. Ibrahim Chuol (commander of the SSDF Fifth Brigade), and Col. Osman Garang Bol (head of the SSDF First Brigade of Nyamlell in Northern Bahr El Ghazal⁶⁴⁸) accused Riek of “racism and secessionism” and of targeting their forces because they were Muslims. They claimed Riek Machar expelled them and closed their offices in Khartoum

⁶⁴⁵“WFP Resumes Food Aid To Sudan,” PANA, Nairobi, December 10, 1998.

⁶⁴⁶OCHA, Consolidated Appeal for Sudan, 1999, p. 20.

⁶⁴⁷Ibid., p. 10.

⁶⁴⁸Nyamlell goes back and forth from government to SPLA hands. At the time of this writing, it was in SPLA hands. It is an area that has suffered greatly from murahleen raids that loot cattle and capture women and children to use as slaves. The presence of Riek's SSDF there would suggest a connection between the SSDF—or at least this commander—and the murahleen slave raiders.

because their group advocates unity and because the majority of its fighters (claimed to be 14,000) were Muslims. They also complained that they had not been paid since August 1997.⁶⁴⁹

⁶⁴⁹MOHAMED ALI SAËED, "CONFLICTS RAGE ON IN SUDAN, DESPITE HUMANITARIAN CRISIS," AFP, KHARTOUM, JULY 29, 1998.

In October, Lawrence Lual Lual, the leader of the Bahr El Ghazal Dinka pro-government militia after the defection of Kerubino, announced that his group had withdrawn from the United Democratic Salvation Front political coalition to protest the actions of Riek. He complained that Riek had removed all Lual's nominees for posts in the central and state governments, had appointed Riek's own people to command the Bahr El Ghazal troops, and had not paid the salaries of the troops. Lual said 400 of his group of 1,500 were cooperating with Paulino's anti-Riek Machar pro-government militia.⁶⁵⁰

Defections from Paulino's Forces

In an unexpected development, Paulino's deputy commander Philip Pipan Machar and about 1,000 members of Paulino's pro-government militia defected to the SPLA, the second major defection of southern government militias to the SPLA in 1998 (Kerubino's being the first). Riek Machar made the announcement of the defection in October 1998, saying he had received a message from the SPLA about it. He said that the government was aware of a deal allegedly signed in August 1998 between the SPLA's John Garang and Paulino Matiep. There was no confirmation of this, and Paulino was said to be en route to Bentiu. Although Riek did not say when the defection took place, he said that the defecting forces were concentrated in the Bentiu area.⁶⁵¹

A few weeks later, Adam al Tahir Hamdoun, presidential adviser on peace affairs, announced that the number of those who had defected from Paulino was only twenty-five, of whom five had since returned to their base at Bentiu. He

⁶⁵⁰Alfred Taban, "Pro-government ally splits from Sudan coalition," Reuters, Khartoum, October 11, 1998.

⁶⁵¹"1,000 pro-government militias defect to Sudanese rebel group," AFP, Khartoum, October 24, 1998; "Pro-government troops join rebels in Southern Sudan," Reuters, Khartoum, October 24, 1998.

claimed that the leader of the defection was upset over a power struggle in which Paulino had been destroying villages that backed Riek.⁶⁵²

The SPLA claimed that the defecting forces were “based in the oil area of Bentiu and the town of Mayom.”⁶⁵³ In a separate defection, about 200 SSDF fighters in another oil area in Upper Nile returned to the SPLA fold, the SPLA’s statement claimed. These defections placed SPLA fighters within twenty-seven kilometers (seventeen miles) of the Adrail oil deposits in Upper Nile.⁶⁵⁴

⁶⁵²“Sudan confirms defection of militia leader to rebel group,” DPA, Khartoum, November 10, 1998.

⁶⁵³“More southern Sudanese fighters returning to rebel ranks: SPLA,” AFP, Cairo, October 31, 1998.

⁶⁵⁴Ibid.

In November 1998 Riek announced that "total peace" had been restored in Unity state after Paulino declared a truce in November. According to a Riek spokesperson, Paulino sent a message to Adam al Tahir Hamdoun, the presidential peace adviser, saying he was convinced it was necessary to stop the bloodshed and reach a permanent peaceful resolution of the crisis. Riek added that they were trying to woo back Philip Pipan, who defected from Paulino in October because he was tired of the internal (Nuer) fighting.⁶⁵⁵

Riek's representative claims that Philip Pipan was successful in pushing the remnants of Paulino's forces from the Bul Nuer area. When Paulino's men saw that they would not prevail against Philip and the SPLA, they approached Riek and joined him, leaving Paulino with no forces. "Paulino is a gone case. The war is now over in Western Upper Nile. No one will listen to him. Many people died" because of him, the UDSF representative declared.⁶⁵⁶

Relief Operations Resume in Western Upper Nile After Months of Suspension

Food aid was suspended in July 1998 for security reasons. In December 1998, the WFP announced that it had been able to resume food aid to Western Upper Nile. Some 375 MT of food were air-dropped following a lull in the fighting and security guarantees by the warring factions. WFP had access to Ler and Mankien and found that Ler, once a hub for food and health services, was a ghost town. The militia factions had raided Ler three times since June, looting and burning homes and destroying schools, the end of September 1998 being the last attack.⁶⁵⁷

The WFP estimated that 24,000 heads of cattle were stolen by the factions, and that because crops and seeds were looted in the raids, families had little success in cultivation.⁶⁵⁸ It found that the population of Ler was displaced mostly northwest in the Adok area, which was not accessible to the WFP team; few returned to Ler but those who did said that many lost their household belongings and that a large proportion of their cattle was taken in the raids. The team observed an unusually

⁶⁵⁵"Sudan pro-government southern rebels end feud," Reuters, Khartoum, November 15, 1998.

⁶⁵⁶Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

⁶⁵⁷"WFP Resumes Food Aid to Sudan," PANA, Nairobi, December 10, 1998.

⁶⁵⁸Ibid.

high number of livestock sales in Ler, apparently people selling their remaining cattle in order to buy grain. Those without cattle seemed to be surviving on kinship support and wild foods, and all lacked fishing equipment.⁶⁵⁹

⁶⁵⁹WFP, Sudan Bulletin No. 60, November 4-6, 1998, November 6, 1998.

In December 1998, the OLS worried that the Western Upper Nile situation was comparable to Bahr El Ghazal twelve to eighteen months before, where there were no crops to harvest because people fled instead of planting. The spokesperson for OLS said, "I think our worst nightmare is an acute emergency in Bahr El Ghazal combined with Upper Nile. We're going to be very hard pressed to deal with both at once."⁶⁶⁰

Development of the Oil Fields Proceeds Apace

Revenue from development of natural resources has the potential of prolonging the war, reported to cost the government a million dollars a day to prosecute in a country where people earn less than U.S. \$2 a day.⁶⁶¹

The government of Sudan is doing everything possible to accelerate the exploitation of Sudan's major oil reserves, located in Upper Nile. The completion of the U.S. \$1 billion pipeline from Unity Field in the Bentiu region to the new terminal being built at Port Sudan was on "a very tight schedule," Energy and Mining Minister Awad Jazz said, but one that they hope to meet by June 1999. A 50,000 barrel per day (bpd) refinery costing U.S. \$600 million is to be built north of Khartoum for domestic needs, financed with the government's share of the revenue from the pipeline. The government is counting on construction of the pipeline sparking new interest by foreign oil companies in Sudan.⁶⁶² The minister said forty-seven international companies were engaged in oil and mining projects inside the country in 1998.⁶⁶³

⁶⁶⁰Karl Vick, "Aid Agencies Warn Anew That Sudan Faces Famine."

⁶⁶¹Oxfam GG (Great Britain), "Getting back on the road to peace," London, August 28, 1998.

⁶⁶²It would take about fifteen years to recover the cost of the pipeline from transit fees that would be charged to users, a government minister said. Alistair Lyon, "Sudan pipeline key to future oil plans," Reuters, Khartoum, August 28, 1998.

⁶⁶³"Sudan To Be Self-Sufficient In Oil By 1999 - Report," AP, Khartoum, Sudan, November 24, 1998. Sudan had signed twelve agreements with international companies for

mineral and gold prospects, and exported five tons of gold in a Sudanese-French joint venture.

Arakis bought its interest in 1993 in the former Chevron areas (blocks 1, 2, and 4) north of Bentiu, and began drilling several new wells in the Heglig and Unity fields and reopening other wells Chevron had drilled. Oil produced from the wells, an average of 2,000 bbl/d in 1996, was processed and consumed domestically.⁶⁶⁴ Arakis entered into a consortium in December 1996 called the Greater Nile Petroleum Operation Company (GNPOC) in order to continue and expand development in these fields, where reserves were estimated from 660 million to 1.2 billion barrels of oil. Arakis held 25 percent (through its wholly owned subsidiary the Sudan Petroleum Project), the China National Petroleum Corporation held 40 percent, Malaysia's Petronas Carigali Overseas Sdn. Bhd. Held 30 percent, and Sudanese government Sudapet Limited held 5 percent of GNPOC.⁶⁶⁵

⁶⁶⁴"Oil Electricity Profile, Sudan," U.S. Energy Information Administration, Washington, DC, October 1998; Arakis Press Release, "Arakis Announces Pipeline Under Construction," Calgary, Canada, May 7, 1998; *see* "Black gold crucial to Sudanese peace," Calgary, *Africa Analysis*, No. 297, May 15, 1998.

⁶⁶⁵"Oil Electricity Profile, Sudan," USEIA; Arakis Press Release, May 7, 1998.

U.S. companies will not be players in this scramble to exploit the oil. Sanctions have been imposed by the U.S. on U.S. companies and individuals doing business in Sudan as a result of the 1993 decision by the Department of State to place Sudan on its list of countries supporting terrorism. These sanctions were tightened starting with a vote in the House of Representatives in July 1997 to force U.S. companies to sever all commercial ties with Sudan on the grounds that Sudan was accused of sponsoring terrorism,⁶⁶⁶ in response to the revelation that the Clinton administration had exercised its discretion to provide an exemption to allow Occidental Petroleum Corporation to close a multimillion-dollar oil deal in Sudan. Occidental has since pulled out, but the legislation proceeded, and plugged a loophole that had been left by Treasury Department rules in August 1996, which gave the president the authority to grant exemptions to the law.⁶⁶⁷ The sponsor of the legislation argued that development of the oil fields would help the Sudan government fund terrorism.⁶⁶⁸ The Clinton administration, which opposed the legislation, by November 1997 had changed its position and by executive order imposed tight sanctions on U.S. companies and individuals doing business with Sudan.⁶⁶⁹

According to one article, this executive order prohibiting U.S. transactions with Sudan was a serious blow to Arakis, then the lead company in the oil development project, because it prevented this Canadian company from tapping the vast U.S. bond market for its crucial cash needs.⁶⁷⁰ However, one of the two biggest shareholders of Canadian-chartered Arakis was the Boston-based fund, State Street Research.⁶⁷¹

⁶⁶⁶David Ivanovich, "USA: House Votes to Blacklist U.S. Oil Industry Ties to Syria, Sudan," Knight-Ridder/Tribune Business News, *Houston Chronicle* (Texas, U.S.A.), July 9, 1997.

⁶⁶⁷Kimberley Music, "House Approves Limiting President's Ability to Bypass Trade," *The Oil Daily*, July 10, 1998.

⁶⁶⁸David Ivanovich, "USA: House Votes to Blacklist U.S. Oil Industry Ties to Syria, Sudan," Knight-Ridder/Tribune Business News, *Houston Chronicle* (Texas, U.S.A.), July 9, 1997.

⁶⁶⁹"White House Statement on New Sanctions on Sudan," White House, Washington, DC, November 4, 1997: Declaration of Emergency and Imposition of Sanctions, based on Sudan's sponsorship of international terrorism, efforts to destabilize neighboring countries, and its "abysmal human rights record."

⁶⁷⁰Jeffrey Jones, "Cash crunch may force sale of Canada's Arakis Energy," Reuters, Calgary, Canada, July 7, 1998.

⁶⁷¹Ibid.

The development of the oil resources proceeded at an accelerated pace. Pipeline construction began in May 1998 and was carried out simultaneously along several stretches of the pipeline right of way. The oil consortium was pursuing an aggressive upstream development program on the concession to achieve a minimum 150,000 barrels per day of crude oil deliverability by mid-1999. The Heglig, Unity, Toma South, El Nar, and El Toor fields would be included in the initial production plans, with a central processing facility at Heglig. The crude oil would then be transported through the main pipeline to the marine oil terminal near Port Sudan for export.⁶⁷²

⁶⁷²Arakis Press Release, "Arakis Announces Pipeline Under Construction," Calgary, Canada, May 7, 1998.

In August 1998 Arakis agreed to a friendly takeover by Talisman Energy Inc., in which Arakis shareholders would receive one share of Talisman for ten shares of Arakis.⁶⁷³ Talisman is a major Canadian corporation (formerly British Petroleum Canada) and among the top sixty companies on the Toronto Stock Exchange; it is also traded on the New York Stock Exchange. The Canadian Inter-Church Coalition on Africa (ICCAF) called for its supporters to protest the takeover to Talisman before the deal was closed,⁶⁷⁴ but it was approved by Arakis shareholders on October 7 and finalized.⁶⁷⁵ The ICCAF later called on the Canadian foreign minister to take action against Talisman. It sought to have Talisman and other Canadian companies working in Sudan placed on the Area Controls List, which would require all exports from Canada to Sudan (including equipment and technology) to have an export permit. It also sought to have the Canadian government impose economic sanctions on Sudan under the Special Economic Measures Act. The Inter-Church Coalition stated that it believed the oil was being used to fuel military activities including the operation of tanks, personnel carriers, and planes that bomb hospitals and displaced persons camps in the war in southern Sudan.⁶⁷⁶

A Canadian foreign ministry official said that the Special Economic Measures Act has a high threshold: there must be a breach of international security to invoke that act. Whether, in the absence of a Security Council resolution, Sudan's admitted funding the abusive Ugandan Lord's Resistance Army might qualify is not yet clear. In addition, the Canadian Area Control List providing for export controls is as yet a

⁶⁷³"Arakis CEO says Sudan to support buyout," Reuters, Calgary, Canada, August 17, 1998.

⁶⁷⁴"Talisman Takeover of Arakis: Urgent Action Required," Inter-Church Coalition on Africa, 129 St. Clair Ave. West, Toronto, ON Canada M4V 1N5, www.web.net/~iccaf.

⁶⁷⁵"Arakis Holders Approve C\$265.8 Mln Purchase by Talisman Energy," Bloomberg, Calgary, Canada, October 7, 1998.

⁶⁷⁶"Canadian corporate involvement in Sudan Action against Talisman Energy Inc. Needed urgently, Canadian agencies tell Axworthy [minister for foreign affairs]," Inter-Church Coalition on Africa, November 18, 1998.

very blunt instrument that does not have an exemption for humanitarian supplies, the official added.⁶⁷⁷

As Canada is a member of the Security Council and in February 1999 its president, it remains to be seen what steps that government will take regarding Sudan and its Canadian-directed oil development project that promises to be an important source of financing for the war in which so many human rights abuses have been committed.

⁶⁷⁷Human Rights Watch telephone interview, December 15, 1998.

XII. HUMAN RIGHTS ABUSES IN GOVERNMENT-CONTROLLED AREAS

Government Forces Summarily Execute Thirteen Southerners in Aweil

Kwac Makuei, a Dinka from Aweil, was in Anyanya, then was elected to the Regional Assembly from Aweil after the Addis Ababa agreement.⁶⁷⁸ He joined Anyanya II and then joined the SPLA, and was arrested in 1984 by Kerubino, then his superior in the SPLA. He escaped from a bush jail where he was held without trial in 1992, then joined Riek.⁶⁷⁹ After the Political Charter was signed Kwac went to Aweil and was important in mobilizing the intellectuals in Aweil. He was elected governor of Northern Bahr El Ghazal in December 1997. He also commanded SSDF troops there, vigorously and successfully fighting off the SPLA/Kerubino attack on Aweil on January 28-29, 1998.⁶⁸⁰

Twelve of his bodyguards reportedly were summarily executed by government forces in Aweil a few months later, in June 1998. The press carried a story about an attack on the governor's official residence, portraying it as an attack by "unidentified gunmen."⁶⁸¹

Riek Machar, belatedly learning of the attack, first met with President Bashir and was promised an investigation. None was carried out, so he sent a protest letter to Bashir.⁶⁸² In it, Riek said, "As you are aware, the state of Northern Bahr el Ghazal witnessed in the past few days the extremely dangerous and bloody events perpetrated by some armed elements of the government." He asked for an investigation and punishment of the guilty.⁶⁸³

⁶⁷⁸Alier, *Southern Sudan*, p. 160.

⁶⁷⁹Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

⁶⁸⁰See Appendix E.

⁶⁸¹"Thirteen die in attack on south Sudanese governor's residence," AFP, Khartoum, June 18, 1998.

⁶⁸²See Appendix F for the text of the letter, which was obtained from a reliable source close to the UDSF.

⁶⁸³Ibid.

A committee was formed to investigate the army area commander and his subordinate and those responsible for the execution. The committee went twice to the area (after three false starts) and never wrote a report.⁶⁸⁴

According to a spokesperson for the UDSF, the executions had their origin in a fight in the Aweil market between a Kwac bodyguard and a member of army intelligence. It was broken up and the bodyguard returned to Governor Kwac's residence, while the military intelligence officer went back to the army barracks. The police commander in Aweil, who is Kwac's son, reportedly advised Kwac's bodyguards that they should not cause trouble and asked them to deposit their arms with him, which they did. Then they dispersed.

According to the same sources, soldiers in cars later came to the police headquarters to find out where the offending bodyguard was. The police commander said he was not there. The soldiers went to Governor Kwac's house looking for the bodyguard. They arrested all those found inside (it is unclear if the offending bodyguard was among them): twelve bodyguards and one civilian, all adult male southerners, all unarmed. The soldiers took them to the military barracks in the cars, and there the thirteen unarmed men were reportedly lined up and executed by firing squad. The victims were all southerners, the executioners all northerners.

⁶⁸⁴Human Rights Watch interview, Biel Torkech Rambang, December 14, 1998.

There was tension over the incident, word of which spread to Wau and Malakal, because of the racial aspects of the killing. The police in Aweil calmed the situation down.⁶⁸⁵

Riek said he was upset because he was not informed of the event as soon as it happened, and because the executed men had been among those who helped repulse the SPLA attack on Aweil, and “recaptured the tank which the SPLA had captured from the government army.”⁶⁸⁶ Riek complained that the investigation committee failed to travel to Aweil “for unknown reasons.” He continued,

My own firm conclusion is that the government is condoning and supporting those who committed the crime and not showing any seriousness in finding the solutions which are expected by everybody. The governor of Northern Bahr el Ghazal [Kwac Makuei] has concrete evidence showing that he was the one who was deliberately targeted for assassination.⁶⁸⁷

Southern Militias Disarmed in Khartoum

⁶⁸⁵Ibid.

⁶⁸⁶Letter Riek to Bashir, Appendix F.

⁶⁸⁷Ibid.

Pursuant to the Peace Agreement, former rebels were permitted to retain their weapons. There were reports that the Sudan army felt that the government made a mistake to allow the rebels to keep their arms, citing the defection of Kerubino and his simultaneous attack on Wau as an example.⁶⁸⁸ The SSDF, however, did not envision integration into the Sudan army until after the referendum on self-determination was held and separation turned down, an event at least four years in the future. In the event of separation the SSDF saw itself as the army of the new state.⁶⁸⁹

Relations between the SSDF and the government army were none too good. Riek Machar, as the commander of the SSDF, complained to President Bashir in mid-1998 that he heard reports that the

Sudan army is totally opposed to the provision of the Khartoum Peace Agreement which allows for the formation of a military force in the South, the SSDF. The Army's rejection of the SSDF is very evident from some of the issues we have raised above [the uninvestigated massacre of thirteen southerners in Aweil by government soldiers, and the arming of Paulino in Western Upper Nile by the army]. This is also clear from the repeated refusal by the Army to supply the SSDF with ammunition, weapons, uniforms, and other military materials to the degree that the SSDF has become unable to maintain security and stability or protect the peace agreement.⁶⁹⁰

The southern ex-rebel militias in Khartoum were a demonstrable wild card. More than once they fought among each other. Following a murky February 1998 incident in Khartoum in which two SSDF soldiers were killed, allegedly by soldiers loyal to Kerubino (who had defected back to the SPLA just weeks before the

⁶⁸⁸"Former Sudanese rebel commander justifies deaths of two of men," DPA, Khartoum, June 26, 1998.

⁶⁸⁹"Sudan militia commanders to move to Juba," Reuters, Khartoum, September 3, 1998.

⁶⁹⁰Letter, Riek to Bashir, Appendix F.

incident), Riek Machar ordered the rebel factions in and around Khartoum to hand over their arms to the SSDF.⁶⁹¹

⁶⁹¹“Sudan's former rebels told to hand over arms,” Reuters, Khartoum, February 18, 1998.

It appears that this was not done, but that the SSDF made attempts to disarm these armed militiamen. In June 1998, a shootout between the SSDF and the Paulino faction in Al Jiraif neighborhood in the capital left two southerners dead. Although they had been fighting in Western Upper Nile for months, this was their first clash in the capital.⁶⁹² Months later, an SSDF spokesperson said that an SSDF military court would try SSDF members arrested for their participation in this fighting.⁶⁹³

In June 1998, two ex-rebel soldiers were killed and three injured in an attack on an SSDF rest house in Khartoum in unclear circumstances.⁶⁹⁴ SSDF Deputy Chief of Staff Peter Bol said that they were shot resisting disarmament. The objects of attack may have been forces of Lawrence Lual Lual, head of the Bahr El Ghazal contingent of SSDF since Kerubino's defection. He condemned the killing and asked that the captain who ordered the attack be disciplined.⁶⁹⁵

On another occasion, the army had to be called in to break up a fight between armed men of the SSDF and Paulino's faction at a wedding in August 1998 in Omdurman. Several police officers were injured and a police station was burned down. Khartoum residents were said to be nervous about the presence of so many armed (southern) militia in Khartoum.⁶⁹⁶

⁶⁹²"Sudan troops halt militia clash in Khartoum," Reuters, Khartoum, August 9, 1998.

⁶⁹³"Sudan militia commanders to move to Juba," Reuters, Khartoum, September 3, 1998.

⁶⁹⁴"Two held for questioning after Sudan slaying," AFP, Khartoum, June 25, 1998; "Two killed in attack on Sudanese faction offices in Khartoum," AFP, Khartoum, June 25, 1998.

⁶⁹⁵"Former Sudanese rebel commander justifies deaths of two of men," DPA, Khartoum, June 26, 1998.

⁶⁹⁶"Quarreling Sudanese militiamen turn on police: report," AFP, Khartoum, August 9, 1998.

It was announced in September that the pro-government southern militias would move their military headquarters from Khartoum to Juba in October. All the guesthouses for SSDF troops in Khartoum had been evacuated except one for wounded fighters in Omdurman, SSDF Deputy Chief of Staff Peter Bol said.⁶⁹⁷ That same month, Riek announced that the government was going to form a joint committee of SSDF and the government army, with each side to appoint twenty representatives, to provide SSDF with military supplies—and to intervene to settle differences between the southern factions that signed the Peace Agreement.⁶⁹⁸

⁶⁹⁷"Sudan militia commanders to move to Juba," Reuters, Khartoum, September 3, 1998.

⁶⁹⁸"Sudan to set up joint committee of army, rebel defectors," AFP, Khartoum, October 28, 1998.

Apparently not all the SSDF forces left the Khartoum area. On October 1998, the SSDF said a group of thirty-eight of Paulino's forces opened fire on an SSDF camp in the Khartoum suburb of Kalakala. The 450 men in the camp were unarmed (aside from a guard at the gate) and allegedly were beaten with clubs by Paulino's men. Paulino strongly denied any involvement by his men in the attack, blaming SSDF internal differences within Riek's group.⁶⁹⁹

Sudanese army and police, uniformed and plainclothes, launched a three day operation to disarm guards of leaders of southern rebel movements, starting on November 19, 1998.⁷⁰⁰ The government claimed that the leaders had notice of this move, but the leaders protested that they had no notice.⁷⁰¹

Two battalions of soldiers with tanks asked to search the house of SSDF leader Riek Machar. The guards refused; Riek was on a visit to Upper Nile state. The soldiers left and later returned, fired two warning shots, then disarmed the guards and searched the house. The police, in riot gear, temporarily cordoned off one of the main streets in Khartoum where Riek's house was located, causing a panic.⁷⁰² Another report said that two of Riek's bodyguards were injured by the

⁶⁹⁹"Rift in Sudanese pro-Khartoum faction leads to clash: report," AFP, Khartoum, October 22, 1998.

⁷⁰⁰"Sudan Disarms Pro-Government Militias in Khartoum," Reuters, Khartoum, November 19, 1998; "Former Guards of Southern Leaders Disarmed in Khartoum," PANA, Khartoum, November 22, 1998.

⁷⁰¹"Pro-Khartoum militias slam Sudan govt arms raid," Reuters, Khartoum, November 28, 1998.

⁷⁰²"Sudan Disarms Pro-Government Militias in Khartoum;" "Sudanese government

army's first attempt to take his house. Riek cut his trip short and returned to Khartoum to discuss the incident.⁷⁰³

Other southern militia leaders whose houses were targeted included Lam Akol, minister of transportation, whose bodyguards dug in to resist the search of the residence; Lawrence Lual Lual, whose house was searched at gunpoint; and Kwac Makuei.⁷⁰⁴ Also raided were the houses of Paulino Matiep and Ismail Kony.⁷⁰⁵ Pro-government newspapers said the army confiscated heavy weapons, long-range artillery launchers, radio communication sets, and military uniforms. The government issued orders to arrest any person wearing uniforms belonging to the former southern rebels, although people could still be seen on the streets in those uniforms.⁷⁰⁶

begins operation to disarm former rebels," DPA, Khartoum, November 19, 1998.

⁷⁰³Nhial Bol, "Tension Builds, as Attempts to Disarm Militias Intensify," IPS, Khartoum, November 20, 1998.

⁷⁰⁴Ibid.

⁷⁰⁵"Sudan Disarms Pro-Government Militias in Khartoum," Reuters, Khartoum, November 19, 1998.

⁷⁰⁶Nhial Bol, "Tension Builds, as Attempts to Disarm Militias Intensify," IPS, Khartoum, November 20, 1998.

The government said that it took this action to stabilize the security situation in Khartoum, but some merchants complained that unidentified soldiers (perhaps government soldiers) looted their shops at gunpoint.⁷⁰⁷ The SPLA shortly thereafter invited its former allies who defected to the government to rejoin the fight against the government, calling the raids a nail in the coffin of the Peace Agreement.⁷⁰⁸

Five leaders of southern pro-government armed factions, including Transport Minister Lam Akol and Animal Resources Minister Joseph Malwal, issued a public statement condemning the government for seizing weapons from their homes in raids. "This behaviour is considered an affront to southerners and a lack of confidence in them. We would like to register our unreserved condemnation of this irresponsible behaviour."⁷⁰⁹

Riek Machar also denounced the disarmament raids. "It was absolutely wrong," he said. He pointed out that those who were disarmed were bodyguards of ministers and commanders who were not ever involved in any incident that endangered residents of Khartoum. He maintained that only Paulino's militia should have been disarmed.⁷¹⁰

Allegations of SSDF Abuses in Juba

The SSDF in 1998 moved its military headquarters to Juba, the main city in southern Sudan located in Eastern Equatoria far to the south of Unity state and the oil fields.⁷¹¹ Shortly after its arrival, however, the SSDF wore out its welcome. The governors of three states asked that they be removed, on the grounds that the SSDF forces were "unruly." Governor Henry Jada of Bahr El-Jabal state said that the

⁷⁰⁷Ibid.

⁷⁰⁸Rosalind Russell, "Sudan rebels invite government factions back to fold," Reuters, Nairobi, November 20, 1998.

⁷⁰⁹"Pro-Khartoum militias slam Sudan govt arms raid."

⁷¹⁰Alfred Taban, "Sudan militia leader condemns disarmament," Reuters, Khartoum, December 7, 1998.

⁷¹¹"Sudan militia commanders to move to Juba," Reuters, Khartoum, September 3, 1998.

militiamen had been a source of insecurity there. He described a series of human rights abuses committed against the civilian population.

‘They have been shooting in the air every night, harassing people, robbing people and raping girls and other peoples’ wives. . . . Many of them took goods from market traders without paying for them. When the traders ask for their money, they say go and ask Riek.’⁷¹²

The governor complained that the factions frequently clashed amongst themselves and some had been killed in a feud in Juba in November.⁷¹³

Riek Machar defended his troops in Juba, saying that reports of their misbehavior were greatly exaggerated. He rejected calls for their removal, and pointed out that they had been busy defending Juba and Equatoria from an SPLA attack.⁷¹⁴

Finally, after six militiamen were killed and several wounded in a grenade attack in Juba on January 9, 1999, the government ordered all pro-government armed factions to leave Juba. Governor Henry Jada said an unidentified attacker hurled the grenade at a Murle militia camp,⁷¹⁵ and the government suspected Riek’s faction of the crime. Jada claimed Riek’s group also exchanged fire with another faction in January 11.⁷¹⁶ The SSDF deputy chief of staff said if such an incident occurred it was a tribal clash and had nothing to do with the SSDF.⁷¹⁷ The commander of the government army in Equatoria denied anyone was killed but said several were injured before the government troops contained the situation, and that only two pro-government factions were ordered out of Juba.⁷¹⁸ Further contributing to the confused situation, a militia leader in Juba, Gatwich Gat Kouth, said he had pulled out of the SSDF with half the SSDF forces in Juba, and formed a separate faction, SSDF-2, because of Riek’s alleged human rights abuses. These included an

⁷¹²Alfred Taban, “Sudanese authorities seek to evict unruly militias,” Reuters, Khartoum, December 3, 1998.

⁷¹³Ibid.

⁷¹⁴Alfred Taban, “Sudan militia leader condemns disarmament,” Reuters, Khartoum, December 7, 1998.

⁷¹⁵The Murle militia is based on the Murle ethnic group, from the Ethiopian-Sudan border south of Akobo.

⁷¹⁶“Sudanese pro-government militia clash in Juba,” Reuters, Khartoum, January 12, 1999.

⁷¹⁷“Pro-government factions fight in Sudan,” AFP, Khartoum, January 12, 1999.

⁷¹⁸“Pro-government militias ordered out of south Sudan’s main town,” AFP, Khartoum, January 15, 1999.

alleged assassination attempt on him, and the killing of his mother and bodyguard in a December 20 attack on Gatwich's home in Juba.⁷¹⁹

UDSF Forms a Political Party

⁷¹⁹Alfred Taban, "Sudan militia splits from pro-government coalition," Reuters, Khartoum, January 21, 1999.

The government in late 1998 passed a law permitting the formation of political associations; political parties as such have been banned since the coup in 1989. Riek formed a political association out of the United Democratic Salvation Front (UDSF), his umbrella political group for ex-rebels, and resigned from the National Congress (NIF) to become leader of the UDSFP. Ali Tamim Fartak, former governor of Western Bahr El Ghazal who was defeated in the December 1997 gubernatorial elections by Riek's candidate Charles Julu, called upon Riek to resign from the position of president of the Coordinating Council, on the grounds that he showed a "lack of trust in the NC leadership which is also the government's leadership." Riek refused to resign.⁷²⁰

⁷²⁰"South Sudanese movement to form independent party," AFP, Khartoum, January 8, 1999; "Sudan's breakaway politicians urged to quit gov't jobs," AFP, Khartoum, January 24, 1999; "South Sudan leader refuses to give up government role," AFP, Khartoum, January 28, 1999.

XIII. THE SPREAD OF FAMINE IN THE NUBA MOUNTAINS

The Nuba Mountains are special: they are in the center of Sudan, not the south, and not contiguous to any other territory held by the rebel SPLA nor to a border. The Nuba are Africans, believed to be almost equally divided between Christians and Muslims, and speaking some fifty different dialects of ten distinct language groups. Their lingua franca is Arabic. The Nuba are not a tribe but comprise the fifty sub-tribes living in the Nuba Mountains. They include peasant farmers; some tribes own significant numbers of cattle.⁷²¹

The mountains, actually hills, provided protection from many raiders over the decades as the Nuba sought to preserve their unique and tolerant culture. Their geography can be a weakness, however: the Nuba Mountains remain one of the most isolated places on earth because of a years-long government blockade on all commerce, trade, and relief operations into the rebel areas there, where an estimated 400,000 live.⁷²² The war in the Nuba Mountains is between the government forces, including the Nuba militia (*nafir al shaabi*), and the SPLA. Nuba civilian leaders led by a school teacher and elected assemblyman Yousif Kuwa were long involved in a civic struggle against second-class citizenship. After the SPLM/A was formed, attracted by its “united secular Sudan” platform, the first Nuba joined the SPLA and recruited young Nuba men for training in the SPLA camps in Ethiopia. They began military action against the government in the Nuba Mountains in 1989; they had not participated in the first civil war which was lead by southern separatist rebels.

The rebel areas of the Nuba Mountains are under siege by the government, whose blockade seeks to strangle the economy and force starving civilians into government garrison towns. As a result, “Ten years of continuous insecurity causing

⁷²¹Kevin Ashley, Paul Murphy and Kate Biong, “Nagorban and Heiban County, 27/2/98–16/3/98,” Nairobi (“1998 Nuba Needs Assessment”), p.3.

⁷²²For background, see African Rights, *The Nuba of Sudan: Facing Genocide* (African Rights: London, 1995).

out migration and death reduced the rural [Nuba] population from an estimated one million people to 350,000-400,000 people," according to a March 1998 needs assessment of the Nuba Mountains.⁷²³

Despite periodic agreements the SPLA reaches with private small traders to sell such basics as used clothes, salt, and sugar in small Nuba markets, the government has successfully cut off commerce to the area, so even these basic items are rarely available. As a result, almost all Nuba wear threadbare clothes, even many SPLA soldiers. Many civilians have no clothes and have to share a garment with other family members. Teachers in the rebel areas report that some children come to school naked, and nakedness has not been the Nuba custom for decades. Others without clothes stay away from school, too ashamed of their nakedness to venture out.

The siege is coupled with periodic military incursions where villages are burned down, crops and animals looted, and all civilians found alive taken off as captives. The government focuses on displacing those they cannot capture from fertile valleys into the higher and less fertile hills. Therefore even those not captured may be driven to garrison towns by hunger.

In addition to being caught up in large-scale military incursions and aerial bombardments, those who stay in rebel areas are at risk of capture by small government military units operating with Nuba collaborators (nafir al shaabi) that infiltrate an area and pick off farmers working alone in their fields, capturing or killing them. Those captured are then forced to porter the crops and herd the animals the soldiers and collaborators have stolen to the garrison towns, where the captives are sent to government "peace camps."

⁷²³1998 Nuba Needs Assessment, p. 1.

These peace camps ring garrison towns and are in turn “protected” by PDF and military guards to prevent the captives from escaping to their homes. In the camps, torture and ill-treatment are common, and women and girls are subjected to sexual abuse by PDF and soldiers, according to several accounts.⁷²⁴ Family members are severely punished if one manages to escape.⁷²⁵ Those who have escaped from peace camps say they are not paid for the work they are forced to do for the authorities (clearing land, cleaning, hauling water). If they want to eat, they must work for individual soldiers and PDF.⁷²⁶

The rural Nuba are usually self-sufficient in food, since their land is fertile. In 1991-92 and again in 1998, however, they have suffered terrible shortages of food as a result of the combined pressures of drought and scorched-earth government military tactics. A food assessment done by nongovernmental organizations in March 1998 estimated 20,000 were “unable to meet their minimum survival needs while remaining in their homes.”⁷²⁷

The 1998 crisis was a result of military attacks that displaced many Nuba from fertile valleys: in July 1996, after planting was complete, the government attacked locations in Erre Payam (district), Heiban County, displacing 15,000 to 20,000 people.

⁷²⁴See African Rights, *Facing Genocide*.

⁷²⁵Human Rights Watch interview, Nuba Mountains, May 17, 1998.

⁷²⁶Human Rights Watch interview, Nuba Mountains, May 16, 1998

⁷²⁷1998 Nuba Needs Assessment, p. 2.

The next year, at the beginning of the cultivating season (April/May), government attacks displaced more than 20,000 from Nagorban County plains in two directions: some fled to SPLA-controlled mountains, others to the government garrison towns (and peace camps). These displaced Nuba lost their seeds, stored food, and an estimated 75 percent of their animals. Cultivation in the mountains was limited by lack of seeds, poor soil, low and erratic rainfall, and other factors. The fertile valleys, now abandoned, between Nagorban and Heiban Counties were the main suppliers of food to the two counties.⁷²⁸ The estimated population was 65,000 to 70,000 in Nagorban County and 100,000 in Heiban County, a figure established by a polio vaccination program in late February 1998.⁷²⁹ Of those 45,000 displaced, 25,000 to 30,000 who were displaced from the valley remained in SPLA areas. Of these, 20,000 were in need because their survival means had been exhausted.⁷³⁰ The displaced worked for others, ate wild foods, and traded off their remaining livestock. Because of the poor harvest and increased demands, food prices in the market in February 1998 were triple those in February 1997.⁷³¹

International relief is provided in the Nuba Mountains only on the government side. Some food, usually an inadequate amount, goes to peace camps through Islamic and a few non-Islamic NGOs. According to U.N. statistics, approximately 172,789 displaced and returnees directly affected by the war lived in seventy-two "peace villages" in the government-controlled areas of the Nuba Mountains in 1997. The U.N. planned to provide relief food to 56,450 of these people during the hunger gap from April to July 1998.⁷³²

The government has prevented U.N. efforts to conduct even a needs assessment in SPLA areas, despite the explicit promise on May 20, 1998 by Sudan's foreign minister, Mustafa Osman Ismail, to U.N. Secretary Kofi Annan that such a mission could proceed. After a compromise was reached regarding the composition of the assessment team and its point of departure (Malakal), the government withdrew permission for the team to proceed.

⁷²⁸1998 Nuba Needs Assessment, p. 1.

⁷²⁹Ibid, p. 3.

⁷³⁰Ibid., p. 4.

⁷³¹Ibid.

⁷³²OCHA, U.N. Consolidated Appeal for Sudan for 1998.

The government used the pretext that an ambush in which three relief workers were killed had to be investigated first. On June 9, 1998, a Sudanese Red Crescent worker, Magboul Mamoun, and two employees of the WFP, El Haj Ali Hammad and Sumain Samson Ohiri, were killed and three others were injured in an ambush in the Nuba Mountains, fifty kilometers southeast of Kadugli. The three men were part of a relief convoy, traveling in a U.N.-marked truck.⁷³³ The government accused the SPLA of the attack, but the SPLA vehemently denied this, claiming in turn that the government may have "caused this incident so that it can use it as a reason to declare a total ban on relief work in the Nuba Mountains."⁷³⁴

The Sudanese government demanded that two conditions be met before the needs assessment could proceed: the submission of the investigative report the U.N. undertook on the murder of three humanitarian workers in early June, and the inclusion of a government representative in the mission.⁷³⁵ The government was given a summary of the U.N. findings, in which the U.N. Security Coordination office concluded that the culprits were unknown and unidentifiable. The U.N. asked the government to follow up on this investigation, but nothing further was received by the U.N. from the government on this matter.⁷³⁶

In late July, the U.N. secretary-general personally telephoned President Bashir to appeal to him to honor the commitment given on access to the Nuba Mountains. This was followed by a personal letter from the secretary-general to the President.⁷³⁷

The result of the government siege and flight ban is that only a handful of agencies operate modest programs in the Nuba Mountains. The programs are

⁷³³International Federation of the Red Cross and Red Crescent Societies, Press Release, "Killed in the line of duty," Geneva, June 11, 1998; Alfred Taban, "Three aid workers shot dead during Sudan mission," Reuters, Khartoum, June 10, 1998.

⁷³⁴"SPLA denies killing relief workers in Nuba Mountains," AFP, Nairobi, June 11, 1998.

⁷³⁵OCHA, Minutes of the OCHA/InterAction Meeting, United Nations, June 26, 1998.

⁷³⁶Human Rights Watch telephone interview, Tony Raby, OCHA Desk Officer for Sudan, United Nations, January 4, 1999.

⁷³⁷Ibid.

irregular and exposed to much greater risk than OLS programs because they operate “illegally” and all flights into the rebel areas are under threat of government attack.

The international community has not brought to bear the kind of pressure on the Sudan government concerning the Nuba Mountains that it has marshaled on behalf of the south, with some exceptions. Some governments, such as the Irish, Italian, and U.S., have spoken out, but they alone they cannot stem the developing famine.

The newly appointed U.N. secretary-general’s special envoy for humanitarian affairs in Sudan, Ambassador Tom Eric Vraalsen, announced on January 15, 1999 that the government had agreed in principle that U.N. missions could open in the Nuba Mountains.⁷³⁸ He was said to have the government’s approval for the U.N. to send a needs assessment mission to the Nuba Mountains in February 1999, having agreed that U.N. staff from headquarters would participate—and specifically, that no OLS staff would accompany them. The Nuba SPLA governor, Yousif Kuwa, agreed to the mission as well. Whether this is a new beginning or yet another false start remains to be seen.

⁷³⁸OCHA, “Sudan: Ceasefire extended for three months,” IRIN Update No. 588 for Central and Eastern Africa, January 15, 1999, citing Ambassador Vraalsen.

XIV. SOLUTIONS: A CASE FOR AID CUTOFF?

Armed men and their callous lack of concern about human life, particularly southern black African life, caused the famine of 1998, as they did the famine ten years before. In 1998 the armed culprits are the government's armed forces and its militias, including the PDF, the murahleen, the Kerubino and Paulino Matiep militias, and the SSDF of Riek Machar; and the SPLA.

Although it is fashionable in some circles to blame this war and other famines and disasters on the OLS and international NGOs, they do not have the power to cause the famine. While the actions of the U.N. and some NGOs to recognize and to halt the famine may have been inadequate in hindsight, many donors initially chose to disbelieve early reports from the OLS and NGOs warning of impending disaster. Time was wasted in debates on terminology ("was it famine," "pre-famine," "food crisis")⁷³⁹ and opportunities were lost while pot-shots were taken at favorite targets such as "relief pornography."⁷⁴⁰

⁷³⁹See George Alagiah, "Hungry for the Truth," *Guardian* (London), May 25, 1998, responding to some British aid agencies' criticism that his reporting exaggerated the crisis.

⁷⁴⁰See "The Rest of the Story," *Brill's Content* (New York), December 1998/January 1999, pp. 38-39, commenting on a photograph in southern Sudan by award-winning Tom Stoddard of an emaciated child on hands and knees staring up at a well-dressed figure who has stolen relief food the boy was given. The photograph appeared with others in "A Famine Made by Man," *U.S. News and World Report* (New York), September 14, 1998, pp. 38-43.

Clare Short, the United Kingdom's secretary of state for international development, said in May that there was little point in trying to get aid to the starving unless there was a cease-fire and access guarantees.⁷⁴¹ This was later vindicated, according to the *Independent* among others.⁷⁴² Ms. Short claimed later in May, however, that the public emergency appeal which raised millions of pounds for the private charities to feed the starving in southern Sudan was "unnecessary" and misleading. She said governments could fund all the emergency aid required.⁷⁴³ After the extent of the famine became known, she was rebuked for these statements by Parliament's International Development Committee, which pointed out that United Nations appeals to member governments for funds to help Sudan's people had raised barely half the sum requested for 1998, and noted that estimates of the number of Sudanese people needing humanitarian assistance had risen from 250,000 in late 1997 to 2.5 million in June 1998. The committee report said, "we consider it to have been premature of the Secretary of State to announce in such bald terms that there was no lack of money or resources for Sudan."⁷⁴⁴

Aid to Bahr El Ghazal has been intermittent at best, in 1995 meeting only 19 percent of the assessed need, pursuant to agency estimates of population and need.⁷⁴⁵ Nevertheless, some see an intimate link between the provision of aid and the continuation of the war.

Critics of the aid regime believe that an economy has developed on the basis of international allocation of assets (food and non-food items provided as relief) to the region, and that these assets are in effect used by the political and military elites to keep themselves in power. This war has become a "permanent emergency," convenient as a source of international finance for elites especially when little other investment is reaching this impoverished country.⁷⁴⁶

⁷⁴¹"Famine Victims Need Peace Not Charity," *Sunday Telegraph* (London), May 3, 1998.

⁷⁴²"How aid can make a lasting difference," *Independent* (London), November 21, 1998.

⁷⁴³OWEN BOWCOFF, "SHORT ATTACKS 'UNNECESSARY' CHARITY APPEAL FOR SUDAN," *DAILY TELEGRAPH* (LONDON), MAY 21, 1998.

⁷⁴⁴"BRITISH MPs BACK CHARITIES IN SUDAN APPEAL ROW," REUTERS, LONDON, AUGUST 6, 1998.

⁷⁴⁵*OLS Review*, p. 161.

⁷⁴⁶MARK DUFFIELD, "NGOS, DISASTER RELIEF AND ASSET TRANSFER IN THE HORN: POLITICAL SURVIVAL IN A PERMANENT EMERGENCY," *DEVELOPMENT AND CHANGE* (SAGE, LONDON, NEWBURY PARK AND NEW DELHI), VOL. 24 (1993), PP. 131-57; SEE DUFFIELD, "THE EMERGENCE OF TWO-TIER WELFARE IN AFRICA: MARGINALIZATION OR AN OPPORTUNITY FOR REFORM?" *PUBLIC ADMINISTRATION AND DEVELOPMENT*, VOL. 12 (LONDON: JOHN WILEY & SONS, LTD, 1992), PP. 139-54; Duffield, "Relief in War Zones: Toward an Analysis of the New Aid Paradigm," *Third World Quarterly*, vol. 18 (3) (1997); Duffield, "Post-Modern Conflict: Warlords, Post-

Others contend that humanitarian assistance fuels the conflict by being diverted by the various armies to feed their own troops, among other things. They argue that the objective should be to make aid less wasteful, more accountable, more transparent, and more coherent. They believe that it is even possible to turn aid around to work for peace. Stopping the flow of food to the troops might affect the parties' desire to settle the conflict, they argue, and even if aid is not prolonging the war, it is certainly not doing anything to bring the war to an end.

Still others take a less subtle approach. There are some who advance the theory that if aid is cut off, both parties will be faced with needy populations demanding food, and will be forced to negotiate an end to the war. The parties will have to behave "responsibly."⁷⁴⁷

The latter theory is pernicious. It ignores the direct role these armed parties have, through their human rights abuses, in causing the food shortages. There is nothing in Sudanese human rights history to suggest that the main parties to the armed conflict—that is, the government and its militias, and the SPLA—will put the needs of civilians ahead of military considerations, and behave "responsibly." Furthermore, if aid is cut off, the main victims would be not "the government's civilians," but southerners they consider to be rebel supporters, as was the case in 1988 and is the case today.

The government has proven, with each denial of access to rebel-held areas, that it is willing to sacrifice the needs of marginalized populations on the theory—of which there is little proof—that if the civilians do not receive aid, the SPLA will not be able to carry on the fight. This is most dramatically illustrated by the government's years-long refusal to permit even a United Nations needs assessment team into the Nuba Mountains, despite demonstrated need. Nothing in the government of Sudan's current acquiescence to access to Bahr El Ghazal suggests that the government has abandoned this "draining the sea" approach, and therefore its actions should be kept under close scrutiny by the international community to assure that it does not back out of the new attitude it adopted in May 1998.

Adjustment States and Private Protection," *Journal of Civil Wars* (April 1998).

⁷⁴⁷"FOOD FOR WAR," *FINANCIAL TIMES* (LONDON), MAY 15, 1998 ("DONORS FREE THE PROTAGONISTS FROM RESPONSIBILITY FOR THEIR ACTIONS, THUS REDUCING THE PRESSURE TO REACH A SETTLEMENT.").

The government of Sudan agrees with claims that international relief “fuels” the conflict, and believes that food and other aid helps the SPLA: this is obviously behind flight bans and other restrictions on access. The government prefers to ignore that its garrison towns and corrupt officials, too, benefit from the relief aid going to them. As recently as May 1998 government agents in Raga, Western Bahr El Ghazal, managed to divert food, as duly noted by the WFP: “The road operation to pre-position food in Wau started in mid-March, but only some 160 tons of food out of a planned 400 tons reached Wau by road, as the trucks were delayed at Raga by the Peace Forces for more than one month.”⁷⁴⁸ As during the 1988 famine, Raga, 200 miles west of Wau, was an outpost where relief food intended for the Dinka in Wau got stuck permanently.⁷⁴⁹ The government also seems to forget that the SPLA sieges of garrison towns, particularly Juba, the largest and most distant from the north, have been thwarted by international airlifts of relief food. Lutheran World Federation and WFP flew in food to Juba, relieving the siege there, in 1988.⁷⁵⁰ Put more bluntly by another study, “food aid has kept Juba alive for over eight years.”⁷⁵¹

The SPLM/A has not shown any great concern about the welfare of residents of garrison towns, nor even about the welfare of people living under its jurisdiction. It reportedly has tried to stop people from leaving SPLA territory to enter garrison towns in search of food, although this obviously was not a sustained effort. It has on occasion caused people to move to relief centers, thus increasing the likely flow of aid to those centers—and to SPLA forces nearby. It is likely that its actions and inactions were partly to blame for the continued high rate of malnutrition in famine epicenters.

Like the government, the SPLA has harshly criticized the OLS operations, although on different grounds.⁷⁵² Some SPLM leaders even call for an end to the OLS because of its “connivance” with the government of Sudan to deny assistance to the Nuba Mountains and for its subservience and acquiescence to Khartoum dictates over relief flights clearance. They believe humanitarian intervention has contributed to the sustenance of war, and is creating dependency and eroding traditional coping mechanisms.

The SPLA also complains that the relief scheme has turned traditional family relations on their heads: where the husband used to provide food, now the wife, the

⁷⁴⁸WFP, EMERGENCY REPORT No. 22 of 1998, May 29, 1998: Sudan.

⁷⁴⁹In 1997 NEARLY 9,000 MT OF SORGHUM DESTINED FOR STARVING DINKA DISPLACED IN WAU WAS PILLAGED AT RAGA WITH THE CONNIVANCE OF LOCAL OFFICIALS. BURR AND COLLINS, *REQUIEM FOR THE SUDAN*, PP 75-80.

⁷⁵⁰Burr and Collins, *Requiem for the Sudan*, pp. 145-46.

⁷⁵¹African Rights, *Food and Power in the Sudan*, p. 238.

⁷⁵²See the discussion regarding the Joint Task Force, above.

agencies' preferred beneficiary for many reasons, controls the food and the husband has to "beg" from her. They object to the practice of targeting certain sectors of the community and excluding the fighters as a recipe for friction.⁷⁵³ The SPLA claims that it is unreasonable to expect civilians to withhold food from SPLA soldiers who are, after all, their relatives. It objects to the artificiality of targeting food programs to the "vulnerable" according to western standards, rather than following local priorities for food distribution.⁷⁵⁴

As the Joint Task Force discovered, however, local traditional priorities may neglect the internally displaced, widows, and those in supplemental feeding programs. This neglect is another illustration of the breakdown of kinship ties under the stress of displacement and famine. It is also evidence of the traditional shortchanging of widows.

The OLS' respect for government sovereignty was an especially sore point to the SPLA and others during the two-month government Bahr El Ghazal fight ban in 1998. The OLS seeks and receives, on a monthly basis, government and rebel permission for each location served. It is U.N. policy to respect the sovereignty of a member state—despite the fact that in Sudan sovereignty exists in name only over extensive rebel-controlled areas.

⁷⁵³SPLA communication to Human Rights Watch, July 1998.

⁷⁵⁴See "In the Countryside of Bahr El Ghazal; People Make Do with Precious Little While the OLS Food Helps the NIF Regime to Convert the Population To Islam In Wau Town," *Sudan Democratic Gazette* (London), Year IX, No. 101, October 1998, pp. 6-7.

The sovereignty dilemma arises because the government has exploited sovereignty to defeat the humanitarian purposes of the OLS and to manipulate food aid for military advantage, and the international community protests only when the situation is desperate. The government has succeeded in instituting a very tight regime with little OLS relief in the government-controlled areas, and the OLS is said to have acquiesced in this, to have traded access in the north (abandoning the perhaps two million internally displaced in Khartoum and an estimated 400,000 in the rebel areas of the Nuba Mountains) for access in the south.⁷⁵⁵

The OLS is also criticized because it has acquiesced in the charade of the government's flight bans for "security reasons," even in the south. In particular critics note that the OLS, WFP, and the U.N. did not protest loudly or effectively enough in February and March 1998 when all Bahr El Ghazal was subjected to a flight ban. Others criticize OLS and WFP for not flying in defiance of the government ban during the first months of the famine. Aside from the practical limitations a non-approved flight entails (insurance is not available and the risk of a shoot-down exists), such a step must be authorized not at the OLS (Southern Sector) level but at a higher level of the U.N.

Whatever its limitations, at least four factors make the OLS the main game in the current famine situation, as almost all have recognized: the need for large quantities of food; the need for speed of delivery; a dearth of infrastructure, with dirt roads and bridges made impassable by the elements, land mines, sabotage, or attacks; and geography: remote and inaccessible locations in a vast area of harsh climate.

⁷⁵⁵"THE EQUIVOCAL AUTONOMY OF OLS IN THE SOUTH HAS THUS BEEN PURCHASED AT THE EXPENSE OF DISPLACED AND WAR-AFFECTED POPULATIONS IN THE NORTH." *OLS REVIEW*, P. 60.

Non-OLS NGOs provide some assistance to rebel areas in need. They include the ICRC, a large organization operating in most of the conflict zones of the world independently of the U.N. and other NGOs. The ICRC, with safety guarantees from both sides, resumed operations in Sudan in June 1998 after a nineteen-month break following the kidnapping of its staff by Kerubino, then with the government.⁷⁵⁶ Operating outside of OLS on both sides of the lines, it runs a surgical hospital with 560 beds for the war wounded and for other emergency medical needs occurring in rebel-held territory in Lopiding, northern Kenya.⁷⁵⁷ It has been engaged in famine relief on both sides in locations such as Wau and Tonj and also maintains a medical facility in government-controlled Juba.⁷⁵⁸

Other non-OLS NGOs include Norwegian People's Aid.⁷⁵⁹ Their airborne operations are not regular because charters are costly; the long distances consume expensive fuel and flight insurance is a limitation, as noted. While they maintain flexibility and challenge the OLS, they do not have the experience or capacity that ICRC, UNICEF, or the WFP have to mount large-scale operations.

Operating under the OLS umbrella is cost effective for smaller NGOs which can share the cost of flights. In fact some NGOs were operating outside OLS in

⁷⁵⁶Rosalind Russell, "Red Cross returns to Sudan after 18-month absence," Reuters, Nairobi, May 14, 1998.

⁷⁵⁷"Dozens of Sudanese war-wounded stream into Red Cross hospital," AFP, Nairobi, September 29, 1998. The ICRC hospital is staffed by seventeen expatriates and 150 national employees, admits 2,000 patients and carries out 5,000 operations each year. ICRC, "Update No. 98/05 on ICRC Activities in Sudan," Geneva, December 8, 1998.

⁷⁵⁸ICRC, Press Release, "Emergency assistance in Bahr Al Ghazal province," Geneva, July 17, 1998.

⁷⁵⁹See Burr and Collins, *Requiem for the Sudan*, pp. 243-44 (NPA provided aid for southerners in SPLA villages in the early 1990s).

mid-1998 because their application to join OLS was stalled because OLS was short of funds.⁷⁶⁰

While the ways in which relief has been diverted for the benefit of the parties and other politically powerful groups have been studied, it does not follow that an aid cutoff will bring an end to fighting, because the parties to the conflict are not solely motivated nor sustained by emergency relief. The 1988 famine demonstrated that war could persist despite an extremely low level of food assistance to famine victims and a staggering number of civilians deaths. The Dinka were impoverished in large part because of the forcible transfer, by military means, of Dinka cattle and other wealth (but not relief food) to the Baggara, and became vulnerable to famine. Yet the SPLA did not surrender and was not defeated, and the government did not win. The 1998 famine is making the same point.

In the Nuba Mountains, if relief is fueling the war, it is the relief that is going to government "peace camps." No relief is permitted by the government to the rebel side. The Nuba rebel leaders are not trying to dismantle OLS; they want it extended to civilians in their jurisdiction, where there is need. In the long term they are more interested in strengthening education, health, and public administration through OLS than in food supplies, on which they say they do not want to become dependant.

The pressure to jettison OLS continues. We do not expect the government to explain how, once emergency OLS relief is ended, those who are dependent on it will survive, since the government has never shown concern about that. We do expect, however, that those outside the government who endorse such extreme approaches—including the SPLM/A which claims to be the de facto government of large parts of southern Sudan—will provide more facts to support their theory that an aid cut off will lead to peace. Certain questions must be addressed: When OLS is dismantled, how long will it take for the armed parties to negotiate to end the war? What economy will take the place of the aid-dependent one? Who will be the beneficiaries, and who the losers, in that new economy? Will it provoke out-migration (as did the famine in 1988), further weakening the southern rural economy, with lethal consequences? How many will migrate north? Which northern communities will receive them? Will they need or receive assistance? How many will migrate to garrison towns? How will they support themselves there? How many will cross over to neighboring countries as refugees?

How many southerners no longer receiving relief can be expected to suffer food deprivation, terrible sanitation conditions, illness, and no medical assistance,

⁷⁶⁰Human Rights Watch interview, Sudan, May 7, 1998.

and finally die? What is the cutoff point of tolerable deaths? One thousand? One hundred thousand? There are also moral questions arising from the sacrifice of the few (or the few tens of thousands of vulnerable children, elderly and infirm) for the many who could gain by a cutoff of aid and a theoretical end to the conflict.

The perspective of UNICEF was set forth by Carol Bellamy, its executive director, on a visit to Sudan. "I just 100 % reject the idea that by keeping people alive that a crisis that requires a political solution is extended. . . . We . . . are not prepared to say, 'Now, if a few more people die, maybe they would get the war over with.'"⁷⁶¹

⁷⁶¹HUGH NEVILL, "AID AGENCIES FEEDING TWO ARMIES IN SUDAN," AFP, Nairobi, July 27, 1998.

This is not to say that OLS operations could not be improved.⁷⁶² The challenge is to do so in a way that does not deal a death blow to southerners, who are barely managing to survive as it is. Nothing justifies throwing out the baby with the bathwater. The fault lies with the armed parties who abuse human rights and thus create the famine. If the aim is to end the conflict—which is among other things over control of territory and resources far more valuable than relief food—there should be far more direct ways to achieve it.

The movement to find a political solution to the conflict (that does not involve using food aid as a tool) has been gaining momentum among relief NGOs⁷⁶³ and even U.N. agencies. Agencies which do not usually take a position on war and peace issues have been spurred by the famine to ask for an end to the war. The WFP's director, Catherine Bertini, made this call in July 1998.⁷⁶⁴ The OLS has long pointed out that "massive relief assistance" is not "a viable or desirable long-term solution to the humanitarian emergency," and that it is important for the international community to push for political solutions that will bring peace and security to Sudan.⁷⁶⁵

⁷⁶²See *OLS Review* and Joint Task Force Report, among other studies.

⁷⁶³See Sudan Focal Point-Europe conference paper presented at Conference: Sudan - A Cry for Peace, Stockholm, October 16-17, 1998, analyzing the setback to the peace process caused by the U.S. bombing of Khartoum on August 20, 1998, and the prospects for peace. Sudan Focal Point-Europe, Weinberg 62, P.O.Box 1900964, 31134 Hildesheim Germany.

⁷⁶⁴WFP director urges the world to end war in Sudan, "AFP, Nairobi, July 10, 1998; WFP, Press Release, "Statement of Catherine A. Bertini, Executive Director of WFP to the Committee on International Relations, House of Representatives: The crisis in Sudan," August 4, 1998, web posted at <http://www.reliefweb.int>.

⁷⁶⁵OLS, "An OLS Position Paper: The Humanitarian Emergency in Sudan," Nairobi, July 31, 1998.

In late 1998, four international NGOs working in Sudan (Save the Children Fund, CARE International, Oxfam,⁷⁶⁶ and MSF) appealed for a resolution and end to the war. They met with the U.N. Security Council on October 26 to present a position paper and argue that greater political will and effort be applied to finding a solution to the war, which, unimpeded, will go on for many more years, with famine as the byproduct.⁷⁶⁷ The encounter was only the second time the members of the Security Council had agreed to meet with private aid organizations. The agencies received a commitment that the Security Council would move on Sudan, and shortly thereafter the U.N. sent Under-Secretary for Political Affairs Kiernan Prendergast to the region to revive peace efforts.⁷⁶⁸

The agencies argued that regional peace efforts by IGAD “achieve little for the fundamental reason that both the government and the SPLA act as though their interests are better served by war than peace.” None were willing to suspend relief operations, however, although critics have argued that the outside aid may be helping to prolong the war. “This is not an option; far too many people would die,” said an official of CARE International. They urged the U.N. to persuade the Sudanese government and the SPLA to extend a temporary cease-fire agreed to in the province of Bahr el-Ghazal to all of southern Sudan and maintain it throughout 1999. Unless that happens, both sides might withdraw their forces from Bahr El Ghazal (where a cease-fire is in place) and step up fighting in other parts of the country, they warned.⁷⁶⁹

Shortly thereafter, the Sudan government accused these organizations of mixing politics with humanitarian work in the south. “Some NGOs conceal political purposes in their humanitarian activity, to serve the political ends of countries hostile to the Sudanese cultural (Islamic) [*sic*] orientation,” said Major General Hassan Osman Dhahawe, minister of state for social planning.⁷⁷⁰ He claimed that

⁷⁶⁶Oxfam GB’s paper entitled “Getting back on the road to peace,” London, August 28, 1998, also pointed out that the momentum for peace suffered a severe setback because of the U.S. missile attack on a pharmaceutical plant in Khartoum. The paper presented alternatives on how to restart the peace process.

⁷⁶⁷OCHA, Minutes of OCHA/InterAction Meeting, October 30, 1998. See Save the Children Fund, CARE International and Oxfam GB, “Sudan: Who has the will for peace?” (October 22, 1998), webposted on December 1, 1998, at www.sudan.net/wwwboard/news/41329.html.

⁷⁶⁸Paul Lewis, “Private Aid Groups Press U.N. To Help End Sudan’s Civil War,” *New York Times*, United Nations, November 1, 1998.

⁷⁶⁹Ibid.

⁷⁷⁰“Sudan accuses NGOs of serving hostile political ends,” AFP, Khartoum, December 28, 1998.

CARE, MSF, Oxfam, and Save the Children Fund, the four organizations that met with the Security Council to lobby for peace, issued damaging and misleading reports on the famine. This attack was somewhat puzzling, since the government had lobbied for a complete cease-fire several times in 1998. The minister specifically rejected as “baseless” an MSF quote in a news report that in July about 120 people were dying daily in Ajiep;⁷⁷¹ the source of his information was not revealed, however. Ajiep has been in SPLA hands throughout the famine.

The search for solutions goes on as war-time human rights abuses induce famine and threaten thousands of Sudanese men, women, and children with death by starvation or military assault.

⁷⁷¹Ibid.

**APPENDIX A:
THE RANKING OF THE COMPLEX SET OF FACTORS
CONTRIBUTING TO THE 1998 FAMINE**

Prepared by the SPLM/SRRA-OLS Joint Targeting and Vulnerabilities Task Force
in SPLM-controlled Areas of Bahr El Ghazal, Final Report, August 27, 1998
(Nairobi)

Phase 1 February/March	Phase 2 April - May	Phase 3 June - to date
Flight Ban/Limited Access	Flight Clearance but Limited Capacity	Increased capacity but problems continue
1. GOS imposed blanket flight suspension, limited access to airstrips and the delayed clearance of additional C-130 heavy lift cargo aircraft.	1. Lack of Capacity - Food - Planes - Fuel - Roads - Staff - Truck - non-food items	1. Distribution Systems - Failure of Targeting - Some groups marginalized/left out - Redistribution - even distribution/non needs based. - Favoritism
2. Poor planning and lack of contingency planning by OLS meant that it was unable to effectively mitigate the impact of the flight suspension through the use of road access	2. Distribution Systems - Failure of Targeting - Some groups marginalized/left out - Redistribution - even distribution/non needs based. - Favoritism	2. Contribution/Tayeem
3. Poor roads and a lack of road transporters.	3. Contribution/Tayeem.	3. Under Capacity - Lack of cargo space for non-food items, support for feeding centers and general ration.
4. Centralization of relief services with clearance of 4 locations (drew large numbers of people to these few sites where they received very little).	4. Looting/banditry/theft.	4. Slow/late reassessment of needs, still causing underestimation of target population

Phase 1 February/March (Cont.)	Phase 2 April - May (Cont.)	Phase 3 June - to date (Cont.)
5. Restricted ability to carry out effective rapid assessment - led to delays in identifying the severity and magnitude of the needs (underestimation of numbers)	5. Lack of assessment (no UNICEF/NGO global nutrition survey and underestimation of population in need).	5. Looting/banditry/theft
6. Banditry/looting/theft.	6. Lack of UNICEF presence on ground to assess and coordinate.	
7. Lack of UNICEF presence on ground to assess and coordinate.		
<p>Other factors that have contributed significantly to all problems at all Phases:</p> <ul style="list-style-type: none"> ● Disagreement over population figures ● Underestimation of population in need ● Poor communications and coordination between the agencies, SRRA, civil authorities, the community and, the targeted beneficiaries 		

APPENDIX B: THE ETHNIC GROUPS OF WAU

Wau, originally established as a military camp by commercial slave traders in the nineteenth century, was an ethnically mixed town. Its early residents included some non-Arab, non-Muslim southern African peoples such as the Luo, Fertit, and Dinka from the rural areas around the town, and a substantial number of ex-soldiers and former slaves who had become detribalized, losing their ethnic ties, speaking Arabic and becoming Muslims.⁷⁷² Some *jellaba* (a diaspora trading community so called because they wore the long white cotton jellabiya robe) -- or petty traders who were Arabic-speaking Muslims from different parts of northern Sudan -- came to Wau as agents of wealthy Kordofan and Darfur slave traders.⁷⁷³

During the French-British rush to occupy Fashoda on the White Nile (near Malakal), the French entered Sudan from the west, subdued the local population, and set up Fort Dessaix (now Wau) in 1889.⁷⁷⁴ Wau also had a Muslim West African component (Fellata, who migrated to Sudan following trade routes to Mecca). The Arabized Baggara cattle nomads, who as raiders of rural Bahr El Ghazal played a part in twentieth century Wau, lived north of Bahr El Ghazal, in Darfur and Kordofan, but did not settle in Wau.⁷⁷⁵

⁷⁷²Sikainga, *SLAVES INTO WORKERS*, pp. 53-54.

⁷⁷³Richard Gray, *A HISTORY OF THE SOUTHERN SUDAN 1839-1889* (LONDON: OXFORD UNIVERSITY PRESS, 1961), p. 67.

⁷⁷⁴Sikainga, *THE WESTERN BAHR AL-GHAZAL*, p. 21.

⁷⁷⁵Robert O. Collins, *Shadows in the Grass, Britain in the Southern Sudan, 1918-1956*

During the French-British rush to occupy fashoda on the White Nile (near Malakal), the French entered Sudan from the west, subdued the local population, and set up Fort Dessaix (now Wau) in 1889.⁷⁷⁶ The British dominated Sudan from 1898-1956, and during that time

(New York: Yale University Press, 1983), p. 178.
⁷⁷⁶HOLT AND DALY, *A HISTORY OF THE SUDAN*, P. 70.

Wau was [an] island of Arabic and Islam in a non-Muslim sea. Since it was not even located near the Northern Sudan . . . and the steamers could only ply the Jur [River] a few months of the year, the British officials had greater control over the Arabic presence. Wau had never possessed a local language. Numerous northern traders and Fellata . . . had settled there, criminals from Egypt were sent into exile there, northern artisans had come to live and work for the government, a mosque had been built⁷⁷⁷

The Roman Catholic Verona Fathers, mostly Italian, had a presence in Wau, providing medical and educational as well as religious services. The British, to avoid competition and sectarian rivalries, had divided the south into Christian spheres of activity among these Catholics (who were allocated most of Bahr El Ghazal), the Anglican Christian Missionary Society (U.K.), and the American Presbyterians. These missionaries, the British rulers hoped, would proselytize and form a bulwark against the spread of Islam and provide schools and teachers at no cost to the British authorities.⁷⁷⁸

By 1998, Wau was unhappily and thoroughly ethnically mixed. One source, referring to 1987 when lives were lost in ethnic strife between the Fertit and Dinka in Wau, stated:

No one has ever been 'at home' in Wau. Situated on the fringe of the Dinka country, it is surrounded by a host of disorganized and diverse peoples. . . . It was and remains a town belonging to no single ethnic group, deriving its importance only from its position as a commercial and administrative center Located in the midst of the vast Nilotic plain hundreds of miles from nowhere, it was miserable under the best of circumstances⁷⁷⁹

⁷⁷⁷ROBERT O. COLLINS, *SHADOWS IN THE GRASS, BRITAIN IN THE SOUTHERN SUDAN, 1918-1956* (NEW YORK: YALE UNIVERSITY PRESS, 1993), p. 170.

⁷⁷⁸Sikainga, *Western Bahr Al-Ghazal*, p.194.

⁷⁷⁹Burr and Collins, *Requiem for the Sudan*, p. 74.

The Fertit

Western Bahr El Ghazal was the area of the Fertit,⁷⁸⁰ and Raga, 200 miles west of Wau by a road impassable eight months of the year because of flooding, was the Fertit center and the center of western Bahr El Ghazal.⁷⁸¹

⁷⁸⁰Sikainga, *SLAVES INTO WORKERS*, P. 35.

⁷⁸¹Collins, *SHADOWS IN THE GRASS*, P. 190. Raga was no garden spot. In 1998, it was reported that river blindness was spreading there; 95 percent of its estimated 400,000 population was said to have the disease and 20 percent (80,000) were said to be already blind. Sudan Update, January 13, 1998.

The Fertit are not one people. "Fertit" is a name given the many small tribes, including the Kreish (the largest ethnic group in western Bahr El Ghazal), Banda, Binga, all of Bantu origin, who live in western Bahr El Ghazal.⁷⁸²

[T]he term 'Fertit' was used by the people of Dar Fur to the north to describe the non-Muslim and stateless societies south of the Bahr Al-Arab [River]. As a label it was associated with inferiority and enslavement.⁷⁸³

Dar ("house of" in Arabic) Fertit was a source of slaves to internal and external markets into the twentieth century.⁷⁸⁴ No large state ever existed in Dar Fertit and its inhabitants had always fallen prey to external aggression.⁷⁸⁵

During the 1860s it was overrun by slave traders pressing up the rivers and overland from the east to plunder the land for ivory and its people Raided by Azande, Dinka, and Mahdist expeditions . . . the inhabitants of Dar Fertit sought to eke out an existence while at the mercy of their predators.⁷⁸⁶

The Fertit are sedentary agriculturalists. Some practice traditional African religions and others have converted to Islam or Christianity.

One historically powerful if not numerous group in western Bahr El Ghazal were the families that ruled various small tribes, each with a form of centralized authority typically under a sultan. "The most eminent vassals of Darfur in the western Bahr el Ghazal were the ruling families of the Feroge, Nuagulgule, Binga, Kara, and some sections of the Kreish."⁷⁸⁷ They were Arabized Muslims. The Feroge claimed a Borno (west African) origin and maintained links with Darfur.⁷⁸⁸

⁷⁸²Sikainga, *Western Bahr Al-Ghazal*, p. xiii.

⁷⁸³Ibid., p. xiv.

⁷⁸⁴Ibid, p. 33.

⁷⁸⁵Ibid, p. 122.

⁷⁸⁶COLLINS, *SHADOWS IN THE GRASS*, P. 190.

⁷⁸⁷Sikainga, *SLAVES INTO WORKERS*, P. 9.

⁷⁸⁸Sikainga, *Western Bahr Al-Ghazal*, p. 85.

Islamization in western Bahr El Ghazal was a product of its integration into the trans-Saharan trading network, the political and commercial expansion of Darfur, and the establishment of the system of commercial companies' armed camps, *zara ĩb*, in southern Sudan. The region was a major source of slaves during the Turco-Egyptian period (1821-81) and was raided by the Mahdists (1881-98) several times. Islam was adopted by ruling families but remained superficial among the vast majority of their people.⁷⁸⁹

Because of this veneer of Muslim influence in the area, the British rulers treated it as a Muslim enclave in the south and tried to implement their "Southern Policy" to purge Arab and Muslim influences from the south for the protection of the southern non-Arab and non-Muslim peoples. This policy was applied with varying degrees of effectiveness.

Among those resisting the "Southern Policy" were the Feroge.⁷⁹⁰ In the 1930s Isa Fartak, sultan of the Feroge in Raga and well-educated in Arabic and Islam, fiercely resisted British efforts to eradicate Islam and Arabic from Raga and Bahr El Ghazal. Pursuant to the "Southern Policy" the British relocated the peoples of western Bahr El Ghazal in 1930, among other things moving the Feroge from their historical seat in Raga to Khor Shamman, a move the Feroge resented.⁷⁹¹ Isa Fartak's conflicts with the British came to a head in 1937 when he argued for an Arabic school in Raga. He was deposed and his brother Tamim was duly announced chief of the Feroge by the British.⁷⁹²

After independence in 1956 the Feroge families, including the Fartak, continued to dominate local politics in western Bahr El Ghazal; Isa Fartak was restored as chief of the Feroge. Successive post-colonial governments reversed the British "Southern Policy" and pursued assimilation with its twin components of Islam and Arabization. They established many schools and mosques, private Islamic organizations flocked to the region, and Muslim groups were promoted for

⁷⁸⁹Ibid, p. 106.

⁷⁹⁰COLLINS, *SHADOWS IN THE GRASS*, p. 180.

⁷⁹¹Sikainga, *Western Bahr Al-Ghazal*, p. 88.

⁷⁹²COLLINS, *SHADOWS IN THE GRASS*, pp. 189-90.

government services and political representation in this part of Bahr El Ghazal.⁷⁹³

During Nimeiri's rule (1969-85), the Feroze leader "Ali Tamim Fartak won election and became a member of the People's Council. He won again in 1986, this time as a member of the National Islamic Front."⁷⁹⁴ In the 1986 elections, in the south the NIF captured only one Upper Nile constituency and one Bahr El Ghazal constituency. Ali Tamim Fartak won the Bahr El Ghazal constituency by a mere 158 votes.⁷⁹⁵

⁷⁹³Sikainga, *Western Bahr Al-Ghazal*, p. 123.

⁷⁹⁴*Ibid.*, pp. 120, 89.

⁷⁹⁵James Chinyankandath, "The 1986 Elections," in Peter Woodward, ed., *Sudan After Nimeiri* (London: Routledge, 1991), p. 86.

The ethnic, cultural and political polarization of western Bahr El Ghazal was evident in the first civil war and increased in the current war. Some Arabized, Islamized people of western Bahr El Ghazal were attracted by the NIF's militant Islam as a means of vindicating their role and presence in a sea of non-Arab non-Islamic southerners. The central government mobilized Muslim groups in Bahr El Ghazal against the SPLA, viewed as a Dinka army, arming private militias and exploiting their historical animosities with the Dinka.⁷⁹⁶

Ali Tamim Fartak continued in power in Wau after the 1989 NIF coup. He was in the Committee of Forty that ran Sudan in the aftermath of the June 30, 1989 coup.⁷⁹⁷ He served as governor of Bahr El Ghazal then Western Bahr El Ghazal from about 1992/93 to 1998. He remained involved in southern politics as a top National Congress (NIF) member.⁷⁹⁸

The Dinka

The Dinka are the most numerous ethnic group in Sudan.⁷⁹⁹ Their territory covers about one-tenth of the one million square miles that make Sudan the largest country in Africa.⁸⁰⁰ Dinka land is a rich savannah, segmented by the waters of the Nile and its tributaries, in Bahr El Ghazal and Upper Nile, with some Dinka in Kordofan.⁸⁰¹

⁷⁹⁶Sikainga, *Western Bahr Al-Ghazal*, pp. 123-24.

⁷⁹⁷Human Rights Watch interviews, Martin Marial, May 3, and Wunrok, Bahr El Ghazal, May 5, 1998.

⁷⁹⁸Ali Tamin Fartak demanded that Riek Machar quit his government post as head of the South Sudan Coordinating Council after Riek formed a party, the United Democratic Salvation Front Party, from his ex-rebel political group. "Sudan's breakaway politicians urged to quit government jobs," AFP, Khartoum, January 24, 1999. Riek declined to quit.

⁷⁹⁹The ENCYCLOPEDIA BRITANNICA, *WORLD DATA ANNUAL 1993*.

⁸⁰⁰Francis MADING DENG, *THE DINKA OF THE SUDAN* (PROSPECT HEIGHTS, ILL.: WAVELAND PRESS, 1972), p. 1.

⁸⁰¹*Ibid.*, pp. 1-2.

The Dinka comprise twenty-five mutually independent tribal groups of common language (Dinka), physical appearance (very tall, slim and black Africans), facial scarification (usually Chevrons on the forehead), ethnocentric pride, and cultural uniformity in which cattle play a central part in their economic, social, religious and aesthetical life, as they do for other Nilotes such as the Nuer. Cattle provide dairy products, other food, and bridewealth, homicide, and other compensation. Cattle are not just assets; they are honored.

The traditional Dinka religion (with a belief in a Divinity and other lesser powers) is practiced although an unknown number have converted to Christianity (the Catholics proselytizing in Bahr El Ghazal and the Anglicans in the Bor area north of Juba) and a smaller number to Islam.

Rural Dinka society is transhumant. They migrate in the dry season (November-April) to rivers and other water sources where they fish and water the cattle. Rains start in April-May, and as the rains flood the low-lying areas the Dinka migrate with their cattle (tended in large cattle camps by boys and young men) to higher grounds and ridges, where they cultivate. As stores of grains harvested in the prior year are finally consumed, the "hunger gap" begins, lasting from April until the September/October harvest. During the hunger gap, milk from cattle is a main source of Dinka nutrition. The physical environment is extremely harsh. In the dry season, the soil dries up, in some places forming deep cracks in "black cotton" clay soil. Disease-bearing insects abound. In the rainy season, heavy and stormy rains lead to overflowing rivers, floods, swamps, mud, and malaria.

APPENDIX C: THE 1988 FAMINE

The Military Supply Train to Wau and the Diversion of Aid

The use of rail routes to transport large quantities of food is a tempting alternative to the costly air bridge. In 1962 the Sudan railroad was extended from Babanusa in Southern Kordofan to Aweil and Wau, and Wau is still its southernmost point.⁸⁰² The railroad reaches no other part of the south.

Attempts to use this railway to transport relief food to the famine-displaced in Wau, Aweil, and other locations along the line were completely defeated by government negligence, diversion, and corruption and by SPLA attacks during the 1988 famine. Both sides blocked access and looted land convoys (including vehicles) at the height of the 1988 famine.⁸⁰³

Although the track went as far south as Wau, by 1987 the track from Aweil to Wau, ninety-one miles, was completely abandoned to weeds and disuse. During the 1988 famine the train only reached Aweil, although before the war, the train from Babanusa went to Aweil and Wau at least twice a week.⁸⁰⁴

In the mid-1980s, trains from Babanusa to Aweil, which carried merchants' goods as well as some relief supplies, "did not move from Babanusa without the consent and active cooperation of the army."⁸⁰⁵ Perhaps five or six merchants in Babanusa had sufficient funds to be able to afford to pay government officials for "permission" to take their goods by train to Aweil, where they could make a

⁸⁰²HOLT AND DALY, *A HISTORY OF THE SUDAN*, p. 177. THE RAILROAD DOES NOT PASS THROUGH GOERIAL.

⁸⁰³African Rights, *Food and Power in Sudan*, p. 247.

⁸⁰⁴Alier, *Southern Sudan*, p. 283.

⁸⁰⁵Keen, *The Benefits of Famine*, p. 116.

handsome profit.⁸⁰⁶ Despite little SPLA presence in 1986, only small amounts of relief food were sent by train in 1986. A train arrived in Aweil in August 1986 with no relief food whatsoever.⁸⁰⁷

⁸⁰⁶Ibid., p. 117.

⁸⁰⁷Ibid., p. 141.

Under pressure from the donors to make sure that relief reached northern Bahr El Ghazal, Minister of Transport Fadallah Burma Nasir in May 1987 promised donors that three trains with 108 wagons full of food would be delivered monthly to Aweil. In fact only nineteen wagons were sent in one delivery during the four months from May to September 1987, and none at all were sent from October 1987 to February 1988. Some 600 tons of food were "discovered" in railway wagons at the Babanusa junction in September 1988, where they had sat for months.⁸⁰⁸

In March 1988, three trains finally arrived in Aweil with a total of seventy-one cars. Of these, more than half were military: fifteen were filled with grain for the army and twenty-one with soldiers and military goods. Eighteen carried merchants' goods and only seventeen carried relief; that was a larger proportion of relief than carried on any other train in the period from March 1986 to April 1989.⁸⁰⁹

After these three trains with military escorts, there were no trains until January 1989. During the period of the worst famine, trains did not bring any relief at all to Bahr El Ghazal, although they could have.

One reason the trains were stopped was to prevent the movement northward of those displaced by the famine. Many Dinka fleeing war and drought took the train, the most convenient form of transport out of Bahr El Ghazal since the tributaries of the White Nile are not always navigable and roads are unusable up to eight months a year. Because the railway between Aweil and Wau to the south was unusable, the train went one direction from Aweil: north.⁸¹⁰ On April 22, 1988, a train from Aweil

⁸⁰⁸Ibid., pp. 142-44. Fadallah Burma Nasir, now as then an Umma Party member, has been jailed frequently by the Bashir government for alleged conspiracies and other illegal opposition activities.

⁸⁰⁹Ibid., pp. 142-43.

⁸¹⁰THE SUDAN GOVERNMENT LIKES TO POINT TO THE EXISTENCE OF ALMOST TWO MILLION INTERNALLY DISPLACED SOUTHERNERS IN KHARTOUM AS PROOF THAT IT DOES NOT ABUSE THEIR RIGHTS, THE IMPLICATION BEING THAT THEY

arrived in Khartoum with 7,000 malnourished displaced people. Six children died on arrival at the Khartoum railway station, and the press reported it. The publicity was an embarrassment to the government. No further trains left Aweil until 1989, after the famine had subsided.⁸¹¹

would not go to Khartoum otherwise. This sounds plausible only to those who are not familiar with the extremely rudimentary transportation system in Sudan, and the difficult geography of Bahr el Ghazal. Many internally displaced in Khartoum are from Bahr el Ghazal because, logistically, the trip is easier on the railroad, which is one of the few avenues of transportation for that region. The train only goes north. Whatever economic opportunities there are in this underdeveloped country are generally found in the capital.

⁸¹¹ Keen, *The Benefits of Famine*, p. 127.

The train became a factor in peace negotiations. In November 1988 one large political party, the Democratic Unionist Party (DUP), reached an accord with the SPLA. The DUP recognized that the success or failure of the peace process was intimately linked with the success or failure of the relief trains; relief trains that functioned would be a sign of good faith to the SPLA and would demonstrate the feasibility of further negotiations with the SPLA. The DUP had strong ties with many military officers, so that military permission to use the trains for relief began to be forthcoming.⁸¹²

The National Islamic Front was anxious to prevent a successful relief train operation; it consistently opposed any negotiations with the SPLA. The NIF-abetted opposition to relief-only trains in Southern Kordofan grew stronger as the trains grew more imminent.⁸¹³ When the NIF came to power through a military coup on June 30, 1989, the entire relief operation was put in jeopardy.

Efforts to use the railway to supply Wau and Aweil garrison towns with food for the thousands of displaced foundered under OLS. In April 1989, at the beginning of OLS' operations:

it was still a race against time to save an estimated 100,000 lives considered at risk in Southern Sudan, yet although the planes took off, the trains stood still. . .

.. . The UN flagged train finally left Muglad [Kordofan] in the dawn of 20 May [1989] loaded with nearly 1,500 tons of sorghum. It reached Meiram by noon, but beyond there the poorly maintained tracks and roadbed forced the convoy to a crawl. . . . The following day the train was stopped ten miles south of the [Bahr al Arab] river by about 200 murahileen, a 'rag-tag band . . . young and nervous and interested in looting.' They were well armed, ill disciplined, and looking for *khawajas* [whites, foreigners]. [The UN's Bryan] Wannop and the UN monitors were marched to the bush, robbed, and stripped and would likely have been killed if the train crew had not intervened. The crew argued passionately for their release, and after collecting SL 3,240 from their own pockets, ransomed them from the militia.⁸¹⁴

⁸¹²Ibid., p. 169.

⁸¹³Ibid., p. 171.

⁸¹⁴Burr and Collins, *REQUIEM FOR THE SUDAN*, pp. 199-99 (FOOTNOTES OMITTED).

For the rest of the 1990s the railway from Babanusa to Wau was used for military resupply and some commerce, but the SPLA targeted the train to prevent resupply of the garrison towns. The train therefore was escorted by a large contingent of murahleen, Popular Defense Forces, and army, slowly checking for land mines and sabotage. This trip, which in theory should take only days, now takes weeks. Apparently the track between Aweil and Wau was repaired for military purposes. The train goes to Aweil and Wau, however, only two or three times a year.⁸¹⁵

Not all the delay is due to repair work. The government forces, particularly the murahleen, use this massive gathering of armed force to wreak havoc on the villages closer to the railroad, looting cattle and grain, and abducting women and children.⁸¹⁶

A cable written by the U.S. Embassy in Khartoum, later declassified at the request of a member of Congress, claimed that between late 1992 and February/March 1993, two military trains took an estimated 3,000 (mostly murahleen PDF) troops from Babanusa to Wau. Along the way they burned houses, stole cattle, and captured people. They used their horses to extend the range of military attacks on civilian villages. These forces were reported to have captured 300 women and children, using them for forced labor. They raped scores of women.⁸¹⁷

In 1995, military trains but no relief trains arrived in Wau. The lack of train transport coupled with a decrease in barge cargo to Wau in 1995 reduced relief reaching Wau to one-fifth the 1994 volume.⁸¹⁸

The train instead was used to divert food aid intended for Wau to Ed Daien [Al Diein] in Southern Darfur, with some 1,442.6 MT "redirected" after the train reached Babanusa.⁸¹⁹ A military train did make the journey from Babanusa to Wau, however, guarded by soldiers and militia who looted and captured women and children from villages along the way. The SPLA attacked the train and its "protectors," who fled with their captives to Aweil; the (southern) police chief at

⁸¹⁵Human Rights Watch interview, Martin Marial. Estimates vary. Another source said, "The train went to Wau four to six times in all from 1992 to 1997 (there was no train in January 1998). The supplies are airlifted from El Obeid to Wau in cargo planes." Human Rights Watch interview, Nairobi, May 8, 1998.

⁸¹⁶Ibid.

⁸¹⁷U.S. EMBASSY CABLE, ATTACHED TO LETTER FROM ROBERT A. BRADTKE, ACTING ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS, U.S. DEPARTMENT OF STATE, MAY 1993, TO THE HONORABLE FRANK R. WOLF, HOUSE OF REPRESENTATIVES.

⁸¹⁸OLS Review, p. 247.

⁸¹⁹OLS Review, Appendix II, p. IV, Figure A.5.

Aweil prevented the militia and soldiers from taking the estimated 500 women and children with them when they left Aweil. The militia and soldiers managed to hold on to the estimated 3,000 head of cattle they pillaged from the villages, however.⁸²⁰

⁸²⁰Human Rights Watch/Africa, *Children of Sudan*, pp. 41-42.

In the 1998 famine, the government used the tragedy as a pretext to seek a lifting of the stiff U.S. economic sanctions imposed on Sudan in November 1997 so that it could acquire U.S. spare parts for the military Babanusa-Wau train. It claimed that the U.S. sanctions were "hindering relief operations" and preventing use of trains for moving relief supplies from north to south by barring imports of spare parts for U.S.-made locomotives.⁸²¹ The U.N. gave some consideration to using the Babanusa-Wau train in a "humanitarian corridor,"⁸²² although aware of the abusive role of the train in recent history. No doubt the government counts on donors discounting past train fiascos and disregarding current murahleen train-facilitated slave-taking raids.

In November 1998, the SPLA, the Sudan government, and the U.N. reached an agreement for the repair of the railway and its use to transport clearly marked U.N. humanitarian relief convoys to Wau, under certain conditions.⁸²³ It remains to be seen whether this improves or worsens the human rights and famine conditions in the region.

For the long run, Iran in July 1998 agreed to provide the state-run Sudan railway with 500 goods boxcars.⁸²⁴

SPLA Restrictions on Access and Diversion in the 1988 Famine

⁸²¹Mohamed Ali Sa'eed, "Sudan's Junta Calls for More Aid, Broadening of Ceasefire," AFP, Khartoum, July 21, 1999, quoting Minister for Social Planning Maj.-Gen. Hassan Osman Dhahawi.

⁸²²WFP, Press Release, Khartoum, July 16, 1999.

⁸²³Minimum Operational Standards for Rail Corridors and Cross-Line Road Corridors, signed in Rome, November 18, 1998.

⁸²⁴"Iran to Supply Sudan with Railway Carriages," DPA, Khartoum, July 15, 1999.

Government garrison towns also suffered from SPLA sieges, in a strategy intended to starve them into surrender. Starting in 1986, the SPLA blocked relief efforts to Juba (refusing permission for sixty relief lorries in February 1986), and threatened to shoot down flights to Wau in September 1986. Indeed, the SPLA shot down a civilian plane in Malakal on August 16, 1986, killing sixty persons. This had the immediate effect of causing the ICRC to abandon its emergency airlift to Wau, which had just started two days earlier, on August 14, 1986.⁸²⁵ The SPLA has never quite lived down the negative image the Malakal downing created among northern Sudanese.⁸²⁶

In some cases, such as Torit in Eastern Equatoria, the SPLA siege strategy worked, although roundly denounced by the Catholic church and others for the civilian suffering it caused, and Torit fell in 1988.

The SPLA's siege strategy of the late 1980s and early 1990s made no concessions for civilians in government areas.⁸²⁷ In part this was because the SPLA saw that the bulk of relief went to the government side, which was used to shore up resistance in garrison towns.

Currently the SPLA maintains sieges of all government garrison towns where it controls the surrounding rural areas, but it no longer takes a hard line against relief to garrison towns. It rarely withholds its permission for OLS to serve government areas or towns or threatens to shoot down planes. Its sieges are enforced by attacks on vehicles and mining of roads.

⁸²⁵Africa Watch, *DENYING THE HONOR OF LIVING*, p. 108.

⁸²⁶THE CURRENT GOVERNMENT OF SUDAN SHOT DOWN A CIVILIAN PLANE BELONGING TO MSF-FRANCE ON DECEMBER 21, 1989, AS IT TOOK OFF FROM AWEIL. THE GOVERNMENT DENIED RESPONSIBILITY AND CLAIMED THE PLANE WAS STRUCK BY AN SPLA MISSILE BUT IT WAS HIT BY A MISSILE FIRED FROM A LOCATION NOT MORE THAN 200 METERS FROM THE HOUSES OF THE MSF PERSONNEL, INSIDE GOVERNMENT-CONTROLLED AWEIL. BURR AND COLLINS, *REQUIEM FOR THE SUDAN*, PP. 260-61. THE GOVERNMENT'S FLIGHT BANS IMPLIEDLY CARRY THE THREAT OF SHOOTING DOWN ANY PLANE VENTURING INTO ITS SOVEREIGN AIRSPACE WITHOUT PERMISSION. THAT IS SUFFICIENT FOR INSURANCE COMPANIES.

⁸²⁷African Rights, *FOOD AND POWER IN THE SUDAN*, p. 99.

**APPENDIX D:
OLS GEARED UP AND GOVERNMENT PERMITTED ADDITIONAL
AIRCRAFT IN 1998 FAMINE**

In the month of April 1998, after the flight ban was lifted, the WFP announced that southern Sudan required 6,000 MT of relief food, at least two-thirds of that (4,000 MT) for 350,000 of the worst affected in Bahr El Ghazal. The WFP conceded that from April 1-20, it distributed a total of 1,335 MT of food aid to OLS (Southern Sector) beneficiaries, of which 808 MT went to the 240,000 beneficiaries in Bahr El Ghazal. "This represents 22 percent of the projected monthly requirement for the region."⁸²⁸

An obvious limitation on the amount of relief delivered to Bahr El Ghazal was that the WFP had Sudan government permission for only one large cargo aircraft, a C-130. The WFP appealed to the government to grant clearance for one more.⁸²⁹

⁸²⁸WFP, Emergency Report No. 17 of 1998, April 28, 1998: Sudan; *see* WFP, Press Release, "WFP Seeks to Step Up its Airlift of Food Aid to Southern Sudan to Avert Catastrophe in the Bahr El Ghazal Region," Nairobi, April 21, 1998.

⁸²⁹WFP, Press Release, "WFP Seeks to Step Up its Airlift of Food Aid to Southern Sudan to Avert Catastrophe in the Bahr El Ghazal Region," Nairobi, April 21, 1998.

Clearance was granted a few days later,⁸³⁰ on the eve of IGAD peace talks with the SPLA in Nairobi in May.

One additional aircraft was not enough, and WFP/OLS asked for two additional C-130s and one Buffalo (for landing in difficult terrain to deliver seeds and tools) for Lokichokio and another C-130 for El Obeid (government-controlled territory of Kordofan).⁸³¹ Permission was granted.⁸³²

⁸³⁰OLS (Southern Sector), Press Release, "Another Large Cargo Aircraft Approved," Nairobi, April 25, 1998.

⁸³¹WFP, Emergency Report No. 17 of 1998, April 28, 1998: Sudan.

⁸³²OLS (Southern Sector), Press Release, "UN Granted Permission to Fly Four Additional Aircraft," Khartoum/Nairobi, May 3, 1998.

But the numbers discovered to be in need were growing faster than aircraft capacity. Although by May 1, one source estimated that those at risk of famine in Sudan were 2.48 million, the official estimates had not reached that number.⁸³³ Hopeful estimates were that the additional aircraft would enable delivery of 6,000 MT of food a month (1,000 MT by road and barge) for 380,000 people in government and rebel areas of Bahr El Ghazal, and 410,000 in other parts of Sudan.⁸³⁴

The WFP admitted to an understandably chaotic state of affairs in May:
We're working at top speed to double and triple the entire operation in a matter of days. This means pulling in staff from other countries and arranging for three times the amount of food, fuel and airdropping equipment to be moved into position to meet the enormous needs of this operation.⁸³⁵

⁸³³Stephanie Nebehay, "UN Appeals for \$65.8 ml. to avoid famine in Sudan," Reuters, Geneva, May 1, 1998.

⁸³⁴OLS, Press Release, "UN Granted Permission to Fly Four Additional Aircraft."

⁸³⁵WFP, Press Release, "WFP Announces the Arrival of Additional Aircraft," Nairobi, May 7, 1998. Food aid originally allocated for other regions appeared to have been diverted to manage the crisis in Bahr El Ghazal, thus deepening the crisis in other areas. International Office of Jesuit Refugee Service, JRS Dispatches No. 30, July 1, 1998: "Southern Sudan:

With additional aircraft, limiting factors still included the rain which made dirt airstrips unusable,⁸³⁶ lack of jet fuel,⁸³⁷ the quantity of food available for distribution from the forward supply depots in Kenya and Uganda,⁸³⁸ and the infrastructure in these two countries: Kenyan ports were congested and roads were washed away by floods. Northern Ugandan roads were mined by the Lord's Resistance Army (LRA)⁸³⁹ and by the West Nile Bank Front, both Sudan-government supported Ugandan rebel groups. They also occasionally ambushed relief convoys going to Sudan.⁸⁴⁰

Food Aid Diverted."

⁸³⁶"Rains Threaten Food Distribution to Southern Sudan: WFP," AFP, Nairobi, May 15, 1998.

⁸³⁷WFP, Emergency Report No. 19 of 1998, May 8, 1998: Sudan.

⁸³⁸USAID, FEWS Bulletin, May 1998, May 20, 1998.

⁸³⁹See Human Rights Watch/Africa and Human Rights Watch Children's Rights Project, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda* (New York: Human Rights Watch, September 1997).

⁸⁴⁰"Relief Envoy Ambushed Outside Sudan," AANA, Koboko, Uganda, October 26, 1998: an NPA relief convoy returning from Sudan after having delivered relief supplies was ambushed inside Uganda two kilometers from Koboko on October 15. In this most serious ambush of NPA workers to date, two NPA cars came under heavy fire, and the truck driver, his assistant, and the officer in charge were killed on the spot. All were Sudanese. Another two, one a woman passenger, were injured.

By the end of June, the estimated number at risk in Bahr El Ghazal was raised to 701,000 (not counting Wau).⁸⁴¹ The WFP also concluded it needed to give a bigger food ration to those already being reached. Those assisted in prior months had received less than full rations, and far less than they needed.⁸⁴² Under WFP guidelines, a full ration per person per day is approximately 0.4 kilograms in weight, and thirty days' full ration for one person is about twelve kilograms.⁸⁴³ The June WFP monthly delivery target was 9,600 MT;⁸⁴⁴ this would require a jump in

⁸⁴¹It has been pointed out that the 701,000 estimate suggests that the U.N. is capable of estimating this population to the nearest 1,000. No such capacity exists anywhere, to our knowledge.

⁸⁴²The WFP food basket for Sudan at this time was calculated to add enough to existing food resources to assure 1,900 kilocalories/person/day. The food aid basket consisted of sorghum or maize, pulses, cooking oil and salt. The cereals were unmilled "and no compensation was made for energy losses during hand milling. Salt was rarely distributed." Cooking oil was less frequently distributed because it could not be delivered by airdrop. WHO/UNICEF Mission: Food aid.

⁸⁴³"Full" rations (assuming no other source of food is available) are defined as 1,900 kilocalories per day by WFP, 2,100 by MSF, and 2,400 by the ICRC. "Most health organizations believe that the 1900Kcal/person/day ration is insufficient (when there are no other sources of food)." MSF, *Nutrition Guidelines*, p. 24.

⁸⁴⁴WFP, Press Release, "WFP seeks to expand food aid cooperation in Sudan,"

capacity. USAID observed, "Last month [May] only 3,860 MT was delivered to all of southern Sudan."⁸⁴⁵ The Sudan government authorized WFP to expand large capacity aircraft from five to twelve which would double the amount of food transported to 10,000 MT per month. The WFP reported that "famine zones are emerging in about 25 pockets of the Bahr El Ghazal region, and there are reports that children are dying at the rate of about 15 per day."⁸⁴⁶

Shortly thereafter, the WFP announced it was targeting 2.6 million people throughout Sudan: 1.2 million in SPLA areas of southern Sudan; 1.2 million in government areas of southern Sudan, South Kordofan and South Darfur; and 200,000 in northern Sudan.⁸⁴⁷ Although a comparative wealth of detail is available about target populations and amounts delivered in the southern sector of OLS, the target populations served by the northern sector in southern Sudan are not as clear.

Nairobi, June 11, 1998.

⁸⁴⁵USAID, FEWS Bulletin, June 1998, June 26, 1998.

⁸⁴⁶WFP, Press Release, "Sudan to Allow Major Expansion of WFP Humanitarian Air Operation," Nairobi, June 26, 1998.

⁸⁴⁷WFP, Press Release, "WFP Executive Director Catherine Bertini Calls on the International Community to Help End Fighting," New York, July 10, 1998.

In early July, the government authorized a total of thirteen large aircraft at U.N. request to serve the southern sector. The Sudan operation became the largest airdrop operation in the thirty-five year history of the WFP.⁸⁴⁸ Some said it was larger than the Berlin airlift.⁸⁴⁹ By the end of August, fifteen large cargo planes were authorized and in place,⁸⁵⁰ and eighteen by October, traveling to one hundred locations.⁸⁵¹

The increase in volume of food delivered after the cease-fire (coinciding with the steady build-up of OLS) was marked: WFP delivered 10,300 MT of food aid in July to southern Sudan, and 16,800 MT in August, 70 percent by air.⁸⁵² Food deliveries to Bahr El Ghazal in September were about 15,000 MT.⁸⁵³

The U.N. Consolidated Appeal for 1999 summed it up:

During 1998, OLS mounted the most complex set of interventions in its ten-year history. By the end of November, WFP had delivered 88,000 MTs of food. At the height of the crisis, WFP was delivering an average of 15,000

⁸⁴⁸USAID, Sudan Complex Emergency Situation Report No.2, Washington, DC, July 15, 1998.

⁸⁴⁹"Sudan Relief To Surpass Berlin Airlift Aid, Rice Says," testimony of Assistant Secretary of State for African Affairs Susan Rice to a joint hearing of the House Subcommittee on Africa and the Subcommittee on International Operations and Human Rights, U.S. Congress, July 29, 1998.

⁸⁵⁰"Sudan airlift grows in efforts to combat famine," Reuters, Nairobi, August 30, 1998.

⁸⁵¹"Sudan government suspends aid flights to south," Reuters, Nairobi, October 1, 1998.

⁸⁵²WFP, Emergency Report, No. 36 of 1998, September 11, 1998: Sudan.

⁸⁵³WFP, Emergency Report No. 38 of 1998, September 25, 1998: Sudan.

MTs of food per month to an estimated one million beneficiaries using a combination of road, river and air corridors.

. . . With the exception of the two-month flight ban over Bahr Al Ghazal imposed by the Government, OLS was able to access more locations per month than at any other time in its history. On average, 204 locations received flight clearance each month.⁸⁵⁴

⁸⁵⁴OCHA, U.N. Consolidated Appeal for 1999, p. 20.

**APPENDIX E:
ELECTED GOVERNORS OF TEN SOUTHERN STATES⁸⁵⁵**

1. **Kwac Makuei**, Aweil, Northern Bahr El Ghazal: Kwac, a Dinka from the area, was in Anyanya II and joined the SPLA early on. He went to Ethiopia for training; in Ethiopia he protested that the manifesto of the SPLA had been written by a minority, and should be rewritten. On behalf of SPLA Commander-in-Chief John Garang, Kerubino arrested Kwac, Lt. Col. Victor Bol Agolom, and others at the same time. They were in an SPLA prison without trial from 1984 until 1992.

Kwac and others, including Martin Majier Gai, were freed from their jail in Kaya, Eastern Equatoria, in 1992 by mutinous SPLA soldiers. Kwac went with some of them to the Central African Republic. Majier, who went back to the SPLA, was later summarily executed by the SPLA, which claimed he and others were killed trying to escape from jail.⁸⁵⁶

After his escape, Kwac went to Nairobi, where he was sympathetic to Riek and Kerubino but was not in the Kerubino Bahr El Ghazal fighting force. After the Political Charter was signed, Kwac went from Nairobi to Aweil and was important in mobilizing the intellectuals in Aweil to support the Political Charter and Peace Agreement. He also commanded troops there, and successfully fought off the SPLA/Kerubino attack on Aweil on January 28-29, 1998.

2. **Charles Julu Kyopo**, a Jur (Luo), was elected governor of Western Bahr El Ghazal, had been a lecturer in Juba University, based in Khartoum since 1987. After the Peace Agreement he moved back to his home in Wau and became a politician. Both Kerubino and Riek regarded him as their candidate.

⁸⁵⁵Human Rights Watch interviews in Nairobi and Lokichokio, Kenya; Bahr El Ghazal, Sudan; and Washington, DC, including Biel Torkech Rambang, U.S. representative of United Democratic Salvation Forces, Washington, DC, December 14, 1998.

⁸⁵⁶See Human Rights Watch/Africa, *Civilian Devastation*, p. 225. Since publication of that report, Human Rights Watch has received additional information from a number of sources that Martin Majier Gai, Martin Makur Aleu, and Martin Kajiboro (referred to as "the three Martins") were executed by an SPLA officer while in custody.

3. **Taban Deng Gai**, a Jikany Ching Nuer from near Bentiu, was elected governor of Wihda or Unity state. He joined the SPLA and was camp coordinator of Itang refugee camp in Ethiopia from 1989 to 1991 when the camp was evacuated. He joined with Riek in the split from the SPLA in 1991.

4. **Riek Gai Kok**, governor of Jonglei, was a pharmacist who joined the SPLA in 1987. He trained in Bonga and was sent to Kapoeta to run the medical dispensary for the SPLA. He stayed there until 1992, when he joined with William Nyuon, a Nuer commander, in his defection from the SPLA to Riek's forces. When William switched sides again to the SPLA, Riek Gai stayed with SSIM, where he was at one time director of the Relief Association of South Sudan (RASS), the relief arm of SSIM. In 1995 he participated in the fighting in Waat by Riek's forces against SPLA forces led by William Nyuon and John Luk (both Lou Nuer).

5. **Henry Jada** was elected governor of Bahr El Jabal, is a Bari. He was never with the SPLM/A or SSIM/A. He retired as a colonel in the Sudanese army, and before the December 1997 election was a government-appointed speaker in the Juba state assembly. All the candidates for governor in Juba had been with the government for a long time. No others put themselves forward as candidates.

6. **Abdalla Kapelo**, a young Toposa man, was elected governor of Eastern Equatoria. A NIF member and never associated with the SPLM/A or SSIM/A, he defeated SSIM candidate Dr. Thomas Abol Shidi, a Latuka from the Lango section, in the election.

7. **Arop Achier Akol**, a Dinka from Gogrial, was elected governor of Warab state (Gogrial, a garrison town, is the only part of Warab in government hands). Originally he was in Anyanya II and then joined the SPLA. Garang arrested him and held him in Bilpam, from which he escaped before the August 1991 break between Riek and Garang. He then joined Anyanya II and remained with it after the Peace Agreement was signed. He is pro-separation and Riek forces consider him pro-SSIM. (His stepbrother George Kongor is a former Sudan army officer who is now second vice president of Sudan and served as governor of Bahr El Ghazal in the early 1990s.) In the election, he defeated the Kerubino candidate, Faustino Atem Gualdit.

8. **Nikora Magar Achiek**, a Dinka from Rumbek, was elected governor of Lakes (Buheirat). (All Lakes territory, including the capital Yirol, is in SPLA hands.) He

was part of the Kerubino Bahr El Ghazal militia. The Peace Agreement was signed in his presence.

9. **Dr. Timothy Tutlam**, elected Upper Nile governor, was a Nuer educated as a medical doctor. He was in the SPLA before he joined SSIM in 1992, where he served as director of RASS.⁸⁵⁷ He died in the plane crash in Nasir on February 12, 1998, with many other government officials including Sudan's first vice president.

10. **Isaiah Paul** won the election in Western Equatoria. He was with Anyanya and was incorporated into the Sudan army after the first civil war was settled. A Zande, he became a Sudan army general and fought the SPLA for a long time. The Riek forces believe him to be a supporter of self-determination for and separation of the south from Sudan.

⁸⁵⁷ A brief account of his escape before capture by the SPLA appears in Human Rights Watch/Africa, *Civilian Devastation*, p. 136.

APPENDIX F:
LETTER FROM DR. RIEK MACHAR TO PRESIDENT OMAR HASSAN
AHMED EL BASHIR
(undated but after July 4, 1998)

The Co-ordinating Council of the Southern States Office of the President

Memo:

Brother Lieutenant General Omar Hassan Ahmed El Bashir, President of the Republic and Commander-in-Chief of the Armed Forces
May peace, compassion and blessing of Allah be upon you.

SUBJECT: Threats to the Khartoum Peace Agreement

My Dear President,

As you are aware, the state of Northern Bahr el Ghazal witnessed in the past few days extremely dangerous and bloody events perpetrated by some armed elements of the government.

1. These armed elements of the central government executed 13 officers, NCOs and men of the South Sudan Defense Force (SSDF) who were giving protection to governor Kwac Makuei Mayar who was recently elected by the State Assembly by a democratic majority in implementation of the Khartoum Agreement. The strange thing about this sad incident is the fact that the 13 innocent persons who were killed in cold blood were among the heroes and strong believers in the Peace Agreement who fought courageously in Aweil against Garang's forces that launched a savage attack on the town. They were able to repulse the attack and liberated the town and recaptured the tank which the SPLA had captured from the government army.
2. In the handling of that incident, we noticed sadly, the undermining of the role of the Co-ordinating Council. I should have been kept in the picture as soon as it happened in my capacity as the executive and political authority in the South. But what happened is that I only heard about the incident very late after the formation of an investigation committee. However, despite the bitterness and sadness I felt about the incident, my meeting with you about the incident and your stern instructions for the immediate solution of the problem and to restore the situation to normality, helped again to rekindle good feelings in me

and contributed to the elimination of the uncertainty and doubts which surrounded the incident. The atmosphere was clear again.

But the other unfortunate thing again is the fact that the investigation committee failed to travel to Aweil for unknown reasons. My own firm conclusion is that the government is condoning and supporting those who committed the crime and not showing any seriousness in finding the solutions which are expected by everybody. The governor of Northern Bahr el Ghazal has concrete evidence showing that he was the one who was deliberately targeted for assassination. The strange thing about the present serious security situation is that the investigation seems to have been called off or suspended without my knowledge. I do not therefore know what the next step is supposed to be.

3. Apart from the events of Aweil, the situation in Unity state constitutes another area of concern. Since September 17, 1997, Unity State has been the theater of a criminal war. Paulino Matiep is waging an aggressive and destructive war against the South Sudan Defense Force (SSDF) and innocent civilians resulting in the destruction of homes, property, and services infrastructures. In his last attack, Paulino Matiep burnt and destroyed the hospitals at Nhial Dieu, Kok and Duar as well as Ler main hospital. The first three hospitals are specialized hospitals for the treatment of kala azar. The destruction is estimated at 350 million dollars. Paulino Matiep also stole cattle, burnt and destroyed villages and school buildings at Rub Nyagai, Nhial Dieu, Chotbiel, Kok, Buau, Ngorny, Tut Nyang, and the headquarters of the province, Ler. The value of property destroyed is estimated at 50 billion Sudanese pounds. It is to be noted that those areas affected are areas that have never witnessed any kind of destruction during the whole period of the civil war.

One of the most disappointing aspects of this situation is that the victims of this senseless destruction are the very people who have been singing and praising the new era of peace ushered in by the Khartoum Agreement. Now their reward is the destruction of their lives and property. At this juncture, may Your Excellency allow me to remember with appreciation and admiration the loyal son of the Sudan, the Martyr Al Zubeir Mohamed Saleh who exerted strenuous efforts to stop bloodshed in Unity state through reconciliation and compromise which bloodshed was instigated by Paulino Matiep against his own peaceful people and against the security, stability and development of the area.

4. From the surface the problem appeared to be the failure of Mr. Paul Lilly to secure election to the post of governor of Unity state. Paul Lilly was the favored candidate of Paulino Matiep. But the successful candidate was Mr. Taban Deng Gai. The election of Taban Deng Gai was received with open hostility by Paulino Matiep who declared that he would not co-operate with him [Taban Deng Gai].
Since then, I have considered Paulino Matiep one of my officers in the SSDF subject to my orders. All my contacts with the Sudan army were limited to asking the army not to supply Paulino with ammunition and other military hardware in his fight against SSDF. To my great surprise I was informed recently by the Minister of Defense that in fact Paulino Matiep is a general in the Sudan army and enjoys all the rights and privileges of a general. If this is the case, the question to be asked is, in whose interest does the Sudan army fight against the SSDF which is its ally? It would have been understandable for Paulino to defect from the SSDF to join Garang's movement. But we cannot understand why Paulino defects from the SSDF to join the Sudan army and then turns into an enemy of the SSDF and fights it with the military resources of the Sudanese state to which we all belong, instead of supporting and co-operating with it in facing the dangers and challenges to peace and stability in the area.
5. We stood very firmly with Mr. Arop Achier the present governor of Warab state although he was elected with only a majority of two votes (against the candidate who was put up by Major General Kerubino Kuanyin to oppose Mr. Arop Achier's election) because ministers in the state who were not members of the state assembly were allowed to participate in the voting. So, if the current crisis is caused by competition over the position of governor, why cannot we all support the governors who have been elected by the majority vote in the legislative assemblies of Aweil and Bentiu? Why do we use double standards in these two cases to the extent that some of us have taken a stand that is contrary to all documents and agreements to which we in the various southern factions have committed ourselves, thereby causing the actions and omissions disunity rather than unity?
6. Among the things we hear but which we are not able to believe is an assertion that the Sudan army is totally opposed to the provision of the Khartoum Peace Agreement which allows for the formation of a military force in the South, the SSDF. The Army's rejection of the SSDF is very evident from some of the issues we have raised above. This is also clear from the repeated refusal by the

Army to supply the SSDF with ammunition, weapons, uniforms, and other military materials to the degree that the SSDF has become unable to maintain security and stability or protect the Peace Agreement.

We do understand at this early age of the Peace Agreement that there are doubts and reservations about the SSDF. But the question is, what interest will these doubts and reservations serve given that we have decided to make peace our destiny and a major historical achievement which we must protect? We have through our voluntary and free will promised and committed ourselves to implement the provisions of the Peace Agreement in the hope that there will be reciprocal commitment so that we can build bridges of confidence and unity, and provide chances for better understanding, co-ordination and co-operation between the SSDF and the Sudan army.

7. My dear President,

The historic Khartoum Agreement is now being put to a serious test and is facing a real danger because of some wrong calculations by some military leaders and shameful divisive tactics of those who are opposed to peace and stability in the country.

But at this very critical moment in which the survival of the Peace Agreement is being called into question, the genuineness of the National Salvation Revolution and its commitment to live up to its promises remains to be the only remedy and hope for us and the people. We consider the Peace Agreement as one of the major achievements of the National Salvation Revolution of which it should be proud and preserved.

The major events which our country witnessed, beginning with the signing of the Khartoum Agreement and the translation of its provisions into reality on the ground, have no doubt improved the image of the Sudan in the international community and among the people of Sudan in both North and South. History will record with great appreciation and praise such great historical events witnessed by our country like the Revolutionary Congresses, the election of the governors of the Southern States by the State Assemblies, the formation of the Co-ordinating Council and governments of the Southern States and the promulgation of the Permanent Constitution which enshrines the Khartoum Peace Agreement as one of its fundamental principles.

8. One of the functions of the Co-ordinating Council under the Peace Agreement is the responsibility for security in the South. It is our view particularly after the events of Bentiu and Aweil that if the responsibility for security is not fully handed to the Co-ordinating Council and the governors in their states, the

Peace Agreement as a whole will be threatened and will be rendered empty of its content and therefore meaningless.

9. One other threat to peace which is by no means less dangerous than the ones mentioned above is the total lack of financial resources for the Peace Agreement's implementation. Since its establishment the Co-ordinating Council has been experiencing serious shortage of finance. It is a fact that the Council in the last four months received something less than 2% of its budgetary allocations. This has had very negative effects on the performance of the governments of the Southern states and the Co-ordinating Council at its headquarters in Juba.

My dear President,

You are the captain of our brilliant ship. We have great trust in your abilities and great leadership. We believe that with your wisdom and clear vision our country will overcome all these difficulties and tribulations with the help of Allah.

Accept your excellency my great thanks and appreciation.

Dr. Riek Machar,

Assistant to the President of the Republic

President of the Co-ordinating Council for Southern States

Enclosures:

1. Memo from governor of Unity state on the security situation in his state. It was discussed in an emergency meeting of the Co-ordinating Council on July 4, 1998. The Council resolved the following:
 - a) Declare the provinces of Rup Kotru and Ler as disaster areas.
 - B) Formation of a committee to assess the damage caused by the fighting.
2. Fighting still continues in Unity state.

**APPENDIX G:
RULES OF WAR**

(reprinted from Human Rights Watch/Africa, *Civilian Devastation*, 1994)

Starvation of Civilians as a Method of Combat

Starvation of civilians as a method of combat has become illegal as a matter of customary law, as reflected in Protocol II [of 1977 to the 1949 Geneva Conventions]:

Article 14 -- Protection of objects indispensable to the survival of the civilian population

Starvation of civilians as a method of combat is prohibited. It is prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

What is prohibited is using starvation as "a weapon to annihilate or weaken the population." Using starvation as a method of warfare does not mean that the population has to reach the point of starving to death before a violation can be proved. What is forbidden is deliberately "causing the population to suffer hunger, particularly by depriving it of its sources of food or of supplies."

This prohibition on starving civilians "is a rule from which no derogation may be made."⁸⁵⁸ No exception was made for imperative military necessity, for instance.

Article 14 lists the most usual ways in which starvation is brought about. Specific protection is extended to "objects indispensable to the survival of the civilian population," and a non-exhaustive list of such objects follows: "foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works." The article prohibits taking certain destructive actions aimed at these essential supplies, and describes these actions with verbs which are meant to cover all eventualities: "attack, destroy, remove or render useless."

⁸⁵⁸International Committee of the Red Cross, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Martinus Nijhoff Publishers: Geneva 1987), p. 1456.

The textual reference to "objects indispensable to the survival of the civilian population"

does not distinguish between objects intended for the armed forces and those intended for civilians. Except for the case where supplies are specifically intended as provisions for combatants, it is prohibited to destroy or attack objects indispensable for survival, even if the adversary may benefit from them. The prohibition would be meaningless if one could invoke the argument that members of the government's armed forces or armed opposition might make use of the objects in question.⁸⁵⁹

Attacks on objects used "in direct support of military action" are permissible, however, even if these objects are civilian foodstuffs and other objects protected under article 14. This exception is limited to the immediate zone of actual armed engagements, as is obvious from the examples provided of military objects used in direct support of military action: "bombarding a food-producing area to prevent the army from advancing through it, or attacking a food-storage barn which is being used by the enemy for cover or as an arms depot, etc."⁸⁶⁰

The provisions of Protocol I, article 54 are also useful as a guideline to the narrowness of the permissible means and methods of attack on foodstuffs.⁸⁶¹ Like article 14 of Protocol II, article 54 of Protocol I permits attacks on military food supplies. It specifically limits such attacks to those directed at foodstuffs intended for the sole use of the enemy's armed forces. This means "supplies already in the

⁸⁵⁹Ibid., pp. 1458-59.

⁸⁶⁰Ibid., p. 657. Another authority gives the following examples of direct support: "an irrigation canal used as part of a defensive position, a water tower used as an observation post, or a cornfield used as cover for the infiltration of an attacking force." Michael Bothe, Karl Josef Partsch, and Waldemar A. Solf, *New Rules for Victims of Armed Conflicts* (Martinus Nijhoff Publishers: The Hague/Boston/London, 1982), p. 341.

⁸⁶¹ Article 54 of Protocol I is the parallel, for international armed conflicts, to article 14, Protocol II in its prohibition on starvation of civilians as a method of warfare.

hands of the adverse party's armed forces because it is only at that point that one could know that they are intended for use only for the members of the enemy's armed forces."⁸⁶² Even then, the attacker cannot destroy foodstuffs "in the military supply system intended for the sustenance of prisoners of war, the civilian population of occupied territory or persons classified as civilians serving with, or accompanying, the armed forces."⁸⁶³

Proof of Intention to Starve Civilians

Under article 14, what is forbidden are actions taken with the intention of using starvation as a method or weapon to attack the civilian population. Such an intention may not be easy to prove and most armies will not admit this intention. Proof does not rest solely on the attacker's own statements, however. Intention may be inferred from the totality of the circumstances of the military campaign.

⁸⁶²Bothe, *New Rules for Victims of Armed Conflict*, p. 340.

⁸⁶³*Ibid.*, pp. 340-41.

Particularly relevant to assessment of intention is the effort the attacker makes to comply with the duties to distinguish between civilians and military targets and to avoid harming civilians and the civilian economy.⁸⁶⁴ If the attacker does not comply with these duties, and food shortages result, an intention to attack civilians by starvation may be inferred.

The more sweeping and indiscriminate the measures taken which result in food shortages, when other less restrictive means of combat are available, the more likely the real intention is to attack the civilian population by causing it food deprivation. For instance, an attacker who conducts a scorched earth campaign in enemy territory to deprive the enemy of sources of food may be deemed to have an intention of attacking by starvation the civilian population living in enemy territory. The attacker may not claim ignorance of the effects upon civilians of such a scorched earth campaign, since these effects are a matter of common knowledge and publicity. In particular, relief organizations, both domestic and international, usually sound the alarm of impending food shortages occurring during conflicts in order to bring pressure on the parties to permit access for food delivery and to raise money for their complex and costly operations.

The true intentions of the attacker also must be judged by the effort it makes to take prompt remedies, such as permitting relief convoys to reach the needy or itself supplying food to remedy hunger. An attacker who fails to make adequate provision for the affected civilian population, who blocks access to those who would do so, or who refuses to permit civilian evacuation in times of food shortage, may be deemed to have the intention to starve that civilian population.

⁸⁶⁴Civilians are not legitimate military targets; this is expressly forbidden by U.N. General Assembly Resolution 2444, *Respect for Human Rights in Armed Conflicts, United Nations Resolution 2444*, G.A. Res. 2444, 23 U.N. GAOR Supp. (No. 18) p. 164, U.N. Doc. A/7433 (1968). The duty to distinguish at all times between civilians and combatants, and between civilian objects and military objects, includes the duty to direct military operations only against military objectives.