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RIGHTS
WATCH

UNDER SIEGE

Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan
and Blue Nile States

SUMMARY AND RECOMMENDATIONS



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Southern Kordofan and Blue Nile States

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On June 5, 2011, conflict broke out in Southern Kordofan state, Sudan, between Sudanese forces and the Sudan People's Liberation Army (SPLA), the southern rebel movement whose forces were in Sudan under the terms of the 2005 peace agreement that ended the civil war.

Tensions over security arrangements in the state and the narrow re-election victory of incumbent governor Ahmed Haroun, who is wanted by the International Criminal Court (ICC) for serious crimes in Darfur, triggered the conflict. Fighting spread to neighboring Blue Nile state in September 2011. Days later, Sudan banned the Sudan People's Liberation Movement - North (SPLM -North), the successor to SPLM after South Sudan's independence in July 2011, and arrested scores of its members.

Since the conflict started, Sudanese forces have carried out indiscriminate aerial bombardment and shelling in populated areas, killing and injuring civilians and causing serious damage to civilian property including homes, schools, clinics, crops, and livestock. Government forces, including Sudan Armed Forces (SAF) and Popular Defense Forces (PDF), have also conducted ground attacks on villages during which they deliberately burned and looted civilian property, and arbitrarily detained people. Soldiers have also assaulted and raped women and girls.

A Human Rights Watch researcher examines the crater left by a barrel bomb in late October 2012, in Yabus, Blue Nile. Improvised barrel bombs and other unguided munitions are often rolled out manually from Antonov cargo planes flying at high altitude and therefore are not delivered accurately. Use of weapons in a civilian area that cannot accurately be targeted at a military objective makes such strikes inherently indiscriminate, in violation of international humanitarian law.



Shrapnel from a barrel bomb found near Yabus, Blue Nile. Sudanese military aircraft flying at high altitude drop the crude devices, which are filled with nails and other jagged pieces of metal that become deadly projectiles upon impact.

The evidence documented suggests that the Sudanese government has adopted a strategy to treat all populations in rebel held areas as enemies and legitimate targets, without distinguishing between civilian and combatant. This apparent approach lies at the heart of the serious violations of international humanitarian law documented in this report. Human Rights Watch also received reports of abuses by SPLA-North forces, including indiscriminate shelling and unlawful detentions, but did not have access to the relevant areas or individuals to confirm reports.

This report is based on five separate fact-finding missions to Southern Kordofan and Blue Nile states in Sudan, and to Unity and Upper Nile states in South Sudan, in 2011 and 2012. Human Rights Watch interviewed more than 200 displaced people and refugees and staff from eight international and national organizations, and documented the human rights impact of the armed conflict on civilian populations, including Sudan's indiscriminate bombing in populated areas and its refusal to allow critical humanitarian goods and services into Southern Kordofan and Blue Nile.

The researchers documented serious violations by Sudanese forces, including the deliberate killing of civilians, forced displacement, and destruction of civilian property



as well as the arbitrary arrests, detention and in some cases presumed enforced disappearances of civilians. In one example, Issa Daffala Sobahi, a guard for a government official belonging to the SPLM, was arrested, beaten, shackled, called “kufar” [infidel] by Sudanese government forces and was detained in a facility inside a military compound with other civilians. He told Human Rights Watch: “They took people to the river and shot them. I myself was taken to the river with three others on the second day. They killed two of us.” He managed to escape from the prison compound.

An estimated 900,000 people have been displaced or severely affected by the conflict, and over 210,000 now live in refugee camps in South Sudan and Ethiopia.

Girls carrying water at the Doro refugee camp in Maban, Upper Nile state in South Sudan. Female refugees and humanitarian agencies say that the risk of physical and sexual assault while collecting water or firewood is one of the gravest safety and security concerns faced by female refugees. According to the UNHCR, the United Nations refugee agency, girls (under 18) are 32 percent of the entire Blue Nile refugee population registered in the four camps in Upper Nile state, South Sudan.

Large areas of land in Blue Nile state in particular, are now abandoned. Sudan’s abusive tactics, reminiscent of those used in Darfur and during the long civil war, including the de facto blockading of humanitarian assistance, have worsened already poor conditions.



Kareema Nasr, 35, fled her home in Yabus Yabara, Blue Nile state, because of the aerial bombardments and now lives in a makeshift settlement further away from town with this girl and others. Earlier in 2012, Nasr's baby daughter died shortly after she was born in the bush. Nasr believes the death was related to her malnourishment, her illness during the pregnancy and the fact that she did not have a midwife to assist her at delivery. To support her five children while her husband is at a refugee camp, she now pans for gold fragments, which she sells to merchants in Ethiopia to buy food.



(from top) Kassir Al Naem, 50, originally from a village around Gebanit, Blue Nile, arrived at the Yusif Batil refugee camp in late October 2012. In June, militia attacked her village, shot at her fellow villagers while they were harvesting, and kidnapped three people, including two women. She and other villagers had wanted to flee before October but they fell captive because militia had blocked the only road out of the mountain.

Young children collect firewood at Doro refugee camp. Women and girls regularly walk long distances, sometimes alone, at least once a day to collect firewood for cooking and to sell. The threat of physical harm or rape from soldiers and other men in host communities while collecting firewood outside the camps is one of their top concerns.



An abandoned hospital in Yabus, Kormuk locality. The hospital, the only one in the area, is no longer operational after the government's bombing campaign caused civilians and hospital staff to flee.

The international response to this crisis has been muted, eclipsed largely by efforts to address deteriorating relations and resumption of conflict between Sudan and South Sudan in April 2012. The African Union (AU) and United Nations (UN) have repeatedly urged the parties to the conflicts in Southern Kordofan and Blue Nile to agree to modalities for aid delivery, which they finally did in August 2012. But because of delays caused by Sudan, the agreement has not been implemented. Hundreds of thousands of people continue to face deprivation, including serious hunger and poor health conditions.

The AU, UN, League of Arab States, and countries with interest and involvement in Sudan including China, the United States, Qatar, and European Union member states, should urgently address the deteriorating human rights situation by insisting Sudan end use of all tactics that violate the laws of war, and allow humanitarian aid groups to have unfettered access to all affected populations in line with international law.

These key international actors should firmly impose clear deadlines on the Sudanese government in particular to allow aid to civilian populations. They should also impose sanctions on those responsible for serious human rights and humanitarian law violations, and seek to establish a



UN-mandated investigation into the allegations of serious violations of international law that have occurred since June 2011, with a view to holding those responsible for serious crimes accountable.

The lack of justice for serious crimes committed during the North-South conflict and Darfur also appears to have emboldened those engaged in the South Kordofan and Blue Nile conflicts. The key international actors should ask Sudan to cooperate with the ICC's investigation into crimes in Darfur, including by ensuring that President Omar al-Bashir, Ahmed Haroun, and other suspects appear before the International Criminal Court to face charges of serious crimes committed in Darfur.

A run-down shop in Yabus's abandoned market. Civilians fled the town and its once-thriving market because of repeated bombings by Sudanese government forces.



(from left) Mecca Aljak , 21; Hinda Abdullah, 20; Hawa Jareet, 26; and Radina Babakar, 29; walked for days from a village near Surkum, Blue Nile, with their children, with little water and no food, until they crossed the South Sudan border in late 2011. They live in Doro refugee camp without their husbands. Female-headed households are one of the groups most vulnerable to exploitation at the camp and are in need of more protection and resources. "It's very difficult for women to carry their rations after food distributions," said Aljak. "Sometimes they get help, and sometimes the men ask for money to help. If the women can't find a way, they have to give away a portion of their rations for the help."



Women and girls share a lighter moment at the Doro refugee camp in Maban, Upper Nile state in South Sudan.





RECOMMENDATIONS

TO THE GOVERNMENT OF SUDAN

- Immediately stop indiscriminate attacks; parties to the conflict must at all times distinguish between civilians and combatants and between civilian objects and military objectives;
- Order an end to all attacks directed at civilians by government forces, including the Sudan Armed Forces and Popular Defense Forces, which violate the laws of war, and hold those responsible to account by effective investigations and prosecution;
- Immediately release all arbitrarily detained civilians, end ill-treatment and torture of all detainees, and ensure those detained on a lawful basis enjoy full due process rights; hold officers responsible for violations of the prohibition on arbitrary detention and ill-treatment of detainees to account by effective investigations and prosecution;
- In accordance with obligations under international law, urgently facilitate unimpeded access by humanitarian aid groups to deliver assistance to civilians in all parts of Southern Kordofan and Blue Nile;
- Permit safe passage for all civilians attempting to leave areas where there is active fighting and bombings;
- Allow access for international monitors, including human rights officers, to Southern Kordofan and Blue Nile states;
- Ratify the Rome Statute of the International Criminal Court and ensure that Sudanese President Omar al-Bashir, Ahmed Haroun, and other suspects appear before the court to face charges on serious crimes committed in Darfur.

TO THE SUDAN PEOPLE'S LIBERATION ARMY-NORTH

- Safeguard the neutrality and civilian nature of refugee camps and internally displaced persons (IDP) settlements by avoiding, to the extent feasible, locating forces in and near any refugee or IDP camps in Unity or Upper Nile states, South Sudan, or conducting military activity, including recruitment, in or near camps;
- Investigate and hold to account soldiers accused of crimes against civilians, including displaced persons and refugees, and including sexual violence against women and girls;
- Direct forces operating in Southern Kordofan and Blue Nile, to the extent feasible, not to locate themselves or military equipment in places populated by civilians;
- Permit safe passage of all civilians attempting to leave areas where there is active fighting and bombings;

TO THE UNITED NATIONS SECURITY COUNCIL

- Demand the immediate end to indiscriminate bombing and that all parties strictly adhere to the principle of distinction required by the laws of war;

- Demand the immediate end to all attacks on civilians by Sudanese government forces, including the Sudan Armed Forces and Popular Defense Forces, in violation of the laws of war, and make it clear that those responsible must be held to account;
- Urgently press both parties to facilitate unimpeded access by international humanitarian groups to civilians in need in Southern Kordofan and Blue Nile, pursuant to their legal obligations, and insist access be permitted within a specified time frame;
- Press both parties to permit access for international monitors to Southern Kordofan and Blue Nile states
- Request the UN Secretary General to authorize an independent inquiry into, and publicly report on, serious breaches of the laws of war by all parties to the conflict in Southern Kordofan and Blue Nile since the conflict started. Where possible, the inquiry should seek to identify, those who, due to their individual or command responsibility for such violations, should be subjected to further criminal investigations and/or targeted sanctions;
- Impose targeted sanctions against Sudanese and SPLM -North or SPLA-North officials deemed to be responsible for serious crimes including the failure to end indiscriminate bombing and other human rights violations, and for blocking humanitarian access to Southern Kordofan and Blue Nile states in violation of international law;
- In view of the evidence of the commission of serious violations of international humanitarian law against civilians by the Sudanese armed forces, expand the existing arms embargo on Darfur to apply to the two states.

TO THE AFRICAN UNION AND LEAGUE OF ARAB STATES

- Demand the immediate end to indiscriminate bombing and that all parties strictly adhere to the principle of distinction required by the laws of war;
- Demand the immediate end to all attacks directed against civilians by Sudanese government forces, including the Sudan Armed Forces and Popular Defense Forces, in violation of the laws of war, and make it clear that those responsible must be held to account;
- Urgently press both parties to facilitate unimpeded access by international humanitarian groups to civilians in need in Southern Kordofan and Blue Nile, pursuant to their legal obligations, and insist access be permitted within a specified time frame;
- Press both parties to permit access for international monitors to Southern Kordofan and Blue Nile states;
- Request the UN Secretary General to authorize an independent inquiry, and publicly report on, alleged violations of international human rights and international humanitarian law in Sudan's Southern Kordofan and Blue Nile states. Where possible, the inquiry should identify those who, due to their individual or command responsibility for such violations, should be subjected to further criminal investigations and/or targeted punitive sanctions.

TO KEY NATIONS INVOLVED IN SUDAN INCLUDING THE UNITED STATES, CHINA, QATAR, SOUTH AFRICA, EUROPEAN UNION, AND ITS MEMBER STATES

- Demand the immediate end to indiscriminate bombing and that all parties strictly adhere to the principle of distinction required by the laws of war;
- Demand the immediate end to all attacks directed against civilians by Sudanese government forces, including the Sudan Armed Forces and Popular Defense Forces, in violation of the laws of war, and make it clear that those responsible must be held to account;
- Urgently press both parties to facilitate unimpeded access by international humanitarian groups to civilians in need in Southern Kordofan and Blue Nile, pursuant to their legal obligations, and insist access be permitted within a specified time frame;
- Press both parties to permit access for international monitors to Southern Kordofan and Blue Nile states;
- Support and actively work for the urgent establishment of an independent UN mandated inquiry to investigate and publicly report on alleged violations of international human rights and international humanitarian law in Sudan's Southern Kordofan and Blue Nile states, and where possible identify individuals who, due to their individual or command responsibility for such violations, should be subjected to further criminal investigations and/or targeted punitive sanctions;
- Impose targeted sanctions against Sudanese and SPLM-North and SPLA-North officials deemed to be responsible for crimes, including the failure to end indiscriminate bombing and other human rights abuses, and for blocking humanitarian access to Southern Kordofan and Blue Nile states in violation of international law.

TO UNHCR AND HUMANITARIAN ORGANIZATIONS WORKING IN REFUGEE CAMPS IN SOUTH SUDAN'S UNITY AND UPPER NILE STATES

- In Upper Nile State, increase the capacity of refugee registration teams, to ensure the timely registration of new arrivals and ensure they have full access to schools, clinics, shelter and food;
- Create activities for adolescents and young people, including secondary schooling or other structured activities to reduce the risk of adolescent recruitment;
- Develop initiatives, such as expanding pilot projects for fuel-efficient stoves, to reduce risk of sexual violence to women and girls when collecting firewood;
- Create opportunities for female-headed households, for income generating activities or other assistance so that widows and other vulnerable women are able to provide basic needs for their children.

UNDER SIEGE

Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States

Since June 2011, Sudanese forces have indiscriminately bombed populated areas of Blue Nile and Southern Kordofan states, which has killed and maimed scores of civilians and caused serious damage to homes, schools, clinics, crops, and livestock. Government forces, including Sudan Armed Forces and Popular Defense Forces, have also raided villages, burned and looted civilian property, arbitrarily detained people, and assaulted and raped women and girls.

Under Siege, a report based on 195 interviews of displaced persons conducted in part during five research trips to difficult-to-access rebel areas in Blue Nile and Southern Kordofan, suggests that Sudan's government has in effect adopted a strategy to treat all populations in rebel-held areas as enemies and legitimate targets, without distinguishing between civilian and combatant, as required by international law.

The report documents both the impact of the armed conflict on civilians and of Sudan's continuing refusal to allow crucial humanitarian aid into the affected areas. Hundreds of thousands of civilians are displaced inside the two states, surviving on very little, while conflict and deprivation have pushed more than 200,000 to refugee camps in South Sudan and Ethiopia.

The report calls on the United Nations, African Union, and the League of Arab States – as well as a host of key nations involved in Sudan, including China, Qatar, the United States and South Africa -- to forcefully press Sudan to immediately end the indiscriminate bombing and stop blocking access to aid, and to call on UN Secretary-General Ban Ki-moon to establish a commission of inquiry into violations by both government and rebel forces. Individuals responsible for serious abuses, including the blocking of aid, should be held accountable, including through targeted sanctions.



In late 2011, Fatima Al Ghomous, Zainab Atoum and Amna Adam al-Dhaib fled the government bombardments—as many as three attacks a day—near their homes in Surkum. As a consequence of the relentless attacks, these women and others decided to flee the area and walk toward South Sudan. One day, while they rested and prepared food along the way from Surkum to Wadega, in Kormuk locality, their group was hit by what they described as a barrel bomb. The bomb killed three people, including two girls.

All photographs

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