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Africa Watch Letters Protest Abuses of Human Rights by All Parties to the Conflict in Southern Sudan

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SUDAN:

Africa Watch Letters Protest Abuses of Human Rights by All Parties to the Conflict in Southern Sudan

In the attached letters on human rights in Sudan, Africa Watch cites concerns about gross violations by all parties to the conflict which have led to massive loss of life and famine. The letters were addressed to the President of Sudan, Lieutenant General Omar Hassan Al-Bashir, to Dr. John Garang, long-time head of the Sudan People's Liberation Army (SPLA), and to United Nations Secretary-General Boutros Boutros-Ghali.

In the letter to Lt. Gen. Bashir, Africa Watch cites reports received during a March 1993 mission to Sudan of rapes and killings of non-combatants (including church officials) by government forces, aerial and ground attacks on civilian targets in southern towns, the use of civilians as shields, and government-imposed limitations on international relief efforts. Africa Watch also protested the government's refusal to permit access to southern Sudan for journalists.

Africa Watch, in the letter to Dr. John Garang, sharply condemns the murder of civilians in territory held by SPLA factions. Three international relief workers and a Norwegian journalist were killed in September 1992, and a United Nations employee was severely beaten on March 27, 1993. Africa Watch calls on the SPLA to release a report on the September killings, which it has suppressed, and to hold those responsible for that incident and the subsequent attack in March accountable for their actions. SPLA officers acknowledge that they detain captured government soldiers. The SPLA is also known to hold its own members in clandestine detention. Africa Watch has requested interviews with all those being held by the SPLA. Finally, Africa Watch protests travel restrictions imposed by the SPLA that prevent the local population from engaging in customary survival strategies, thus contributing to the famine.

In the third letter, to U.N. Secretary General Boutros Boutros-Ghali, Africa Watch charges that humanitarian assistance alone will not be sufficient to end the starvation. Because the famine in Sudan has been greatly exacerbated by human rights abuses, it is essential that these abuses be addressed by the U.N. in the context of peace talks or discussions on humanitarian matters. Africa Watch calls on the United Nations to place international human rights monitors in Sudan to protect civilians, including relief workers, from harm.

April 8, 1993

Lieutenant General Omar Hassan Al-Bashir
Head of State and Chairman of the
National Salvation Revolutionary Council
People's Palace
Khartoum, Sudan

Your Excellency:

I write on behalf of Africa Watch, a division of the New York-based Human Rights Watch. At the same time, we are writing about related issues to Dr. John Garang of the Sudan People's Liberation Army (SPLA) and UN Secretary General Boutros Boutros-Ghali about human rights and humanitarian needs in Sudan.

While traveling in southern Sudan during the past month, Africa Watch interviewed a number of people who had fled from the ongoing war between your forces and those of the SPLA. Many brought with them stories of hardship and abuse at the hands of government soldiers. We are particularly concerned that the famine in Sudan is a direct result of gross abuses of human rights by all parties to the conflict. We respectfully urge you take immediate steps to relieve the famine, both by permitting complete access to all areas of need and by disciplining those members of your forces who have engaged in abuses.

Our concerns follow:

- o Among the newly arrived displaced people interviewed at one displaced persons camp were some who reported having been assaulted or shot at by government soldiers while fleeing their villages in February. They had come from places close to Bor, and said that the soldiers they encountered had been stationed in Bor itself. Among the first-hand accounts of gross abuses that we received was the murder by soldiers of a civilian man while gathering food in Baidit, and the rape of his young daughter by government soldiers which led to the girl's death. Other newly arrived persons displaced from Jonglei, north of Bor, reported the theft of cattle by government soldiers, who also burned houses.

We received another account from a 26-year-old man who was newly displaced from Kolnyang. The witness recounted seeing a government attack on the village of Kolnyang shortly before he fled in February. The man, who was shot in his right shoulder in the attack, said the soldiers came from Bor. "They came and caught people and killed them," he said. "They came dressed in military uniform. They started shooting people, they don't care if they are small or not."

Africa Watch received a particularly disturbing report from credible sources about the murder by government soldiers, in November and December 1992, of eight church officers in the diocese of Bor. We were informed that among the victims were three evangelists, named Paul Kon Ajieth, Matthew Kuc Duop and Joseph But. The body of Paul Kon Ajieth was said to have been "cut to pieces."

We also heard credible reports that your government's forces bombed the marketplace at Kajo Keji in February, and later that month bombed Mudri. We received additional unconfirmed reports that Magwe and Lotuke were bombed in February.

We are further concerned about what has happened to the thousands of civilians whose homes were in the towns now controlled by government forces. Relief officials recently reported seeing almost no civilians during a drive from Juba to Torit. Subsequently, however, clergymen reported that some civilians had been brought by the government to Torit, Juba, and Kapoeta. These sources claim that your government has brought civilians into these towns from outlying areas to use as a kind of shield from military attacks. Africa Watch would like to know what has happened to the civilians that were living in Torit, Juba, and Kapoeta at the time the government retook the towns. And we would like your response to charges that civilians were subsequently relocated from outlying areas to prevent attacks on the garrison towns by the SPLA. The tactic of using civilians as shields from military attack is a serious violation of humanitarian law.

The reports received by Africa Watch during our recent mission to Sudan are consistent with prior reports received by Africa Watch during our years of monitoring in Sudan, and with current findings by the U.S. Government and by clergy, journalists, and humanitarian relief personnel working in southern Sudan. Africa Watch respectfully requests that the your government thoroughly investigate reports of extrajudicial killings, rape, destruction of civilian property, military attacks on non-military targets, the use of civilians as shields, and other abuses have been committed by government troops. We are also interested in knowing what orders have been issued to officers and troops with respect to rules of engagement in the south, and what sites have been designated as proper targets for aerial and ground attack. In addition, we would like to know what, if any, actions the government has taken to deter abuses against civilians and to discipline those who engage in them. These are urgent matters not only in themselves, but also because the abuses cause dislocation and aggravate the already-severe famine in the south.

- o In addition to taking immediate steps to address human rights problems that exacerbate the famine in Sudan, the Government should give high priority to facilitating the operations of relief organizations throughout the country. Relief officials report that your government is slow to approve flight schedules, and suggest that this is a deliberate attempt to hamper their efforts to relieve the famine in the south. In the past, Africa Watch has also cited many instances of obstruction of relief efforts by your government. While the agreement signed between your government and relief organizations in January promised a streamlining of regulations and procedures for operating in the south, Operation Lifeline Sudan reports still having little access to the government-held towns of Juba, Torit and Kapoeta. Officials from Operation Lifeline Sudan say there is

still no agreement between the government and the SPLA to allow relief workers to cross the frontlines around Kolnyang and Baidit, outside Bor. The organization's officials say they are also waiting for government approval to land in Nimule, from which they could resume their operations in the camps for the displaced in Ame, Atepi and Aswa.

All these factors serve to delay critically needed relief supplies from civilians whose survival strategies have been profoundly disrupted by war-related abuses. Africa Watch would like to know the steps that your government has taken to grant relief organizations free access into these disputed areas.

- o The government continues to have an extremely restrictive policy toward Western journalists, allowing most of them to visit the government-controlled towns in southern Sudan for only 24 hours under tight supervision. Like relief organizations and the United Nations, Africa Watch believes that if journalists had greater access to the stricken areas of the south, world awareness of the extent of the famine would increase dramatically. Such awareness is crucial in convincing donor governments to committing themselves to a major relief effort in southern Sudan.

Tightly restricting journalists' access, thus, could well serve to aggravate and lengthen the famine. And, indeed, relief organizations have long suspected that this is the deliberate policy of your government. Africa Watch would like to know what precise restrictions are imposed on journalists, what the justification is for any such restrictions, and whether there are plans to lift them.

- o US officials have recently reiterated their anger at last September's execution of two Sudanese nationals who were working for the US Agency for International Development in Juba, after they were convicted of treason by a military tribunal. In addition, two other employees of the US government, both citizens of Sudan, have been missing since last August. Africa Watch would like to know the details leading to the execution of these two workers: what specific criminal acts were they found guilty of having committed, what was the evidence that they committed these specific acts, what opportunities did they have to counter the charges against them, and why were these charges heard by a military tribunal. In addition, we would like to know whether the two missing US employees are still alive, and what steps have been taken to inquire into their whereabouts.
- o SPLA officials and relief workers in close contact with SPLA soldiers claim that your government is increasingly using the People's Defense Forces in combat against them. One report gathered by those who had fled Torit described these "child-soldiers" as being young, inexperienced northerners who were sent against their wishes to fight in the south, and who had been seen by SPLA soldiers to "run to their death shouting 'Allah Akhbar!'" The use of very young soldiers who are impressed into service has been a controversial issue on both sides of this conflict. Africa Watch would like to know to what

a extent the People's Defense Forces are being used in the regular government fighting force, at what age these soldiers are recruited, and what training they are given before being sent into combat.

We would be grateful for responses to these questions.

Sincerely,

Kenneth Roth
Deputy Director
Human Rights Watch

April 12, 1993

Dr. John Garang
Sudan People's Liberation Army (SPLA)

Dear Dr. Garang:

I write on behalf of Africa Watch, a division of the New York-based Human Rights Watch. At the same time, we are writing about related issues to Lieutenant General Hassan Omer Hassan al Bashir and to UN Secretary-General Boutros Boutros-Ghali.

The Nairobi representative of your humanitarian wing granted Africa Watch a permit to visit your territory in March and we are thankful for the openness with which we were received. We were able to travel around the Nimule area for several days, interviewing many displaced persons, relief workers, SPLA and Sudan Relief and Rehabilitation Association (SRRA) officials, clergymen and others.

From our discussions, a number of issues arose that cause concern regarding the lives of civilians within the territory controlled by your forces in southern Sudan. Clearly, the humanitarian demands and the deteriorating health of thousands of people are urgent matters, and relief supplies have been adversely affected by the temporary withdrawal of the United Nations agencies and nongovernmental relief groups last September. The U.N.'s further reduction of its operations in late March following the SPLA attack on its staff have left civilians in Kongor, Ayod, and Waat completely vulnerable. All factions of the SPLA and the Government must immediately accommodate international humanitarian efforts so that the growing famine can be checked.

However, enhanced access by international humanitarian organizations alone will not end the suffering of the Sudanese people. This famine has been created by gross abuses of human rights by all parties to the conflict, and it will not end until all sides to the conflict take serious steps to address issues of human rights abuses within their ranks. We have set out a number of these concerns below.

- o An immediate matter of concern is the SPLA's involvement in the killing and attempted murder of U.N. personnel in SPLA-controlled territory. These murders are of particular concern because they impede international relief efforts and thus put countless needy Sudanese at risk. The latest incident occurred after our representative left Sudan, but we have learned that on March 27, your forces attacked the city of Kongor where a group of SPLA dissidents under Commander Riak were meeting. U.S. government reports indicate that "scores of Sudanese civilians" were killed in the attack. A World Food Program worker, Jean Francois Darq, was seized by your forces, stripped, and marched across thorns for several hours. Mr Darq has testified that he was fired upon eight times, and only escaped execution by falling and feigning death. Riak forces apparently found and saved him. He is now hospitalized in Nairobi, suffering from severe lacerations and shock. This event, coming after the SPLA has been implicated in the death of two other U.N. workers, an Interaid worker, and a Norwegian journalist is extremely serious, and forced the U.N. to withdraw temporarily from some of the areas of southern Sudan most in need. We would like to know what steps you have taken to locate and discipline those responsible for this grievous assault on civilians, including Mr. Darq, and what steps you are taking to prevent a recurrence of such atrocities. In light of the danger clearly posed to relief workers in SPLA territory, it is incumbent upon you to publicize your investigation and actions in this case and in the following case.

- o Six months have passed since the four expatriates were killed in SPLA territory on September 27, 1992. Despite repeated promises, the SPLA has not produced a report on its internal investigation of the killings. While some of the facts of the case are unclear, we received credible reports that the vehicle in which the expatriates were riding was apparently not fired upon -- suggesting that the deaths did not occur because of cross-fire -- and that two of the victims were found with several bullets in the back, suggesting that they may have been killed while attempting to flee. Even more disturbing is the report that the two other victims, a Filipina woman working for Interaid and a Kenyan national working for UNICEF, were reportedly found with single bullets to their heads, having presumably been executed at close range. We received reports that pathologists in Nairobi estimated that these two had been killed two days after the first two deaths.

Commander Salva Kir of your organization informed Africa Watch that the SPLA investigation into the matter was still ongoing, and that it has been difficult to locate the eyewitnesses to the events, since they were moving from place to place. Others interviewed by our representative in the area suspect that individuals within the SPLA attempted to "cover up" the involvement of your soldiers in the killings. With that in mind, we would like to know what investigation of the matter has taken place within your forces. Has anyone been disciplined within your ranks for their involvement in the

killings, or for having hidden relevant facts from the investigative team? In what form will your report appear and when will it be released?

- o Africa Watch has also received reports that the SPLA is holding a number of government soldiers in captivity. In answer to a question from Africa Watch regarding prisoners, Commander Kir said that the organization was holding as many as "thousands" of prisoners in "many detention centers." Many of these, he said, were government troops who had been captured several years ago. We are aware of no formal acknowledgment by the SPLA that it holds such prisoners. Indeed, the only reference we have found to SPLA prisoners appeared in an article in the *Washington Post*, dated February 22, 1993, which said, without attribution, that the SPLA had recently "severed the arms of some prisoners of war and sent them back over enemy lines."

We would like to know more about these prisoners, including their number, their location, the conditions of their detention, and the authority under which they are being held. If there are indeed detention centers, we hereby request permission to visit them, and to talk confidentially to those detained. Moreover, the International Committee of the Red Cross should be permitted immediate access to any and all persons held in conjunction with the armed conflict.

We have received credible reports of members of the SPLA who are detained by the SPLA. For example, SPLA Commander Carbino was held in detention for years and recently managed to escape. We would like to know whether there are others in detention. If so, where are they being held, and with what are they charged? We also solicit international access to monitor the situation of SPLA prisoners.

- o International relief groups in southern Sudan claim that the SPLA has recruited very young soldiers among the displaced persons in Atepi camp, and that during recent visits there, they saw a striking absence of fighting-age men. Our interviews in Commander Riak's territory yielded more claims that your forces were recruiting very young soldiers. Are children younger than 15 armed and deployed in combat? How do you recruit soldiers in your territory, and what steps are you taking to prevent the involvement of children younger than the age of 15 in military activities?
- o Many reports indicate that a major difficulty within SPLA territory arises from restrictions on freedom of movement. In one instance, we witnessed the forcible removal of a young woman from a vehicle by a soldier at a checkpoint near Choya, because she did not have the correct documents with her. It was only when a relief worker intervened, saying that she worked in Choya, that she was allowed through. When we questioned SRRA and SPLA officials about travel restrictions, contradictory answers emerged. We were first told that, given the lack of passports or identity cards, travel permits were necessary to distinguish civilians from military personnel. Then we were told that there were no travel restrictions within the territory controlled by your forces, only those governing movement across the border into Uganda to comply with Ugandan laws. Our concern is that civilians, by having their geographic range constrained, might be hampered in their normal methods of survival in times of war and famine.

Africa Watch would like to know exactly what the travel restrictions are on those living in SPLA territory. Do they govern internal travel as well as cross-border trips? What reasons do people need to provide to acquire a travel permit, and how long does it take for them to obtain such a permit? What are the consequences for civilians apprehended without travel documents by the SPLA? Do SPLA fighters have the authority to impose penalties upon those travelling without documents, and if so, what are the penalties?

- o Africa Watch has heard reports of pilfering of relief stocks by individuals within the SPLA, including cooking oil from stocks in Nimule. Relief workers said that they had seen the oil bartered in northern Uganda for petroleum products. Are you aware of stocks going missing, or ending up as barter items across the border? What attempts have you made to halt these practices? Africa Watch also heard reports of looting by individual SPLA members. Aid officials reported recently that SPLA soldiers had looted 1,500 sacks of locally grown cereal and a tractor from civilians at the Diocese of Torit farm in Polataka and that both your forces and those of Commander Riak had looted civilian homes in Imatong last December. We would like to know whether you have confirmed these or similar accounts, and whether you have disciplined anyone within your ranks for looting.
- o Africa Watch also heard accounts of both your forces and those of Commander Riak having burned villages. Each of these parties, for example, is said to have burned parts of Lafon toward the end of February. We would like to know your response to these allegations.

We appreciate your attention to these important matters, and look forward to your response to our questions.

Sincerely,

Kenneth Roth
Deputy Director
Human Rights Watch

April 8, 1993

H.E. Boutros Boutros-Ghali
Secretary-General
United Nations
General Secretariat
New York, NY 10017

Dear Mr. Secretary General:

I am writing on behalf of Africa Watch, a division of New York-based Human Rights Watch. We are also writing simultaneously to Sudanese Lieutenant General Omar Al-Bashir and to Dr. John Garang of the Sudan People's Liberation Army (SPLA). Copies of those letters are enclosed.

We wish at the outset to offer our condolences to you on the death in southern Sudan of two United Nations relief workers last September, who were killed along with another relief worker and a Norwegian journalist. Africa Watch has taken up this issue with the SPLA, as well as the subsequent attack on a World Food Program official on March 27th. As you can see in the enclosed letter to SPLA leader John Garang, we protested both incidents and raised a number of questions about them. We called upon the SPLA to release its investigation of the first event, to commence an investigation of the more recent assault, and to discipline those responsible for both incidents.

Africa Watch traveled in March to various parts of southern Sudan, where we interviewed many residents, displaced people, relief officials, United Nations workers, and personnel from the SPLA. Our mission was to gauge the extent to which the famine currently ravaging large sections of that territory is caused by the unwitting or deliberate policies of the various forces fighting the civil war there.

It is our view that the devastating famine in the south is caused principally by war-related abuses against the civilian population, and that the famine cannot be remedied without addressing the human rights issues that are its fundamental cause. Under such circumstances, humanitarian assistance without a program to address fundamental human rights abuses will not suffice to meet humanitarian needs or to end the famine. Accordingly, we believe that there is an essential role to be played by the United Nations in helping monitor abuses and publicly to call upon those responsible to end them.

We are aware that in the case of the U.N. relief workers who were killed in SPLA-held territory last September, the U.N. has called upon the SPLA to release its own report of its investigation of the murders, which the SPLA has not yet done. It is our understanding that the United Nations itself has completed an investigation of the crimes, which includes an autopsy of the victims. We believe that the public release of your own report on the tragedy would place great pressure on the SPLA to make a credible investigation and report, and to take steps to prevent future abuses. The assault and near murder of another United Nations employee, Jean Francois Darq, in SPLA territory on March 27th makes it all the more necessary that the United

Nations bring the strongest pressure to bear on the SPLA to investigate and discipline those responsible for such incidents.

As you know, the practice of violating human rights and restricting access by relief organizations is by no means limited to the SPLA. Africa Watch's enclosed letter to the Bashir government describes numerous gross abuses of international human rights and humanitarian law, including murder, rape, and aerial and ground assaults on civilian targets. We would like to see the United Nations take up such issues with the Bashir government. The appointment of a Special Rapporteur during the recent session of the United Nations Commission on Human Rights provides an important opportunity for the U.N. to highlight gross abuses of human rights in Sudan by all parties. It is important that the rapporteur travel to all parts of the country, including the areas under SPLA control.

In addition, we respectfully urge you to consider appointing a special envoy to Sudan who can assist the human rights rapporteur by incorporating human rights concerns into the dialogue on peace and humanitarian issues. And we would urge you to consider deploying a number of human rights monitors throughout Sudan to provide a protective presence for civilians, including relief personnel.

Thank you for your attention to these important matters.

Sincerely,

Kenneth Roth
Deputy Director
Human Rights Watch

Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chair is William Carmichael. Its Vice-Chair is Alice Brown. The Executive Director is Abdullahi An-Na'im. Janet Fleischman and Karen Sorensen are Research Associates; Bronwen Manby is a Schell Fellow; Ben Penglase and Urmi Shah are Associates.

Africa Watch is a division of Human Rights Watch, which also includes Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice-Chair is Adrian W. DeWind. Aryeh Neier is Executive Director of Human Rights Watch; the Deputy Director is Kenneth Roth; Holly J. Burkhalter is Washington Director; Gara LaMarche is Associate Director; and Susan Osnos is the Press Director.

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We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those who hold power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

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