

## SUDAN

### HUMAN RIGHTS DEVELOPMENTS

Despite openings in the political arena, the human rights situation in Sudan was grim. The government kept in force a state of emergency to suppress Islamist and other opposition to the ruling Islamist party. It was increasingly aggressive in pursuing the eighteen-year civil war, particularly in southern oil fields where its militias and army forcibly displaced thousands of residents. The war reflected a failure among Sudanese to agree on the role of religion in government, tolerance of diversity, and sharing of resources between the marginalized majority and the politically dominant Arab-Muslim minority. As Sudan comprised 35 million people divided into nineteen major African and Arab ethnic groups, about 70 percent Muslim and the rest Christian and traditional believers, lack of tolerance was an invitation to strife.

President Omar El Bashir's ruling National Congress (NC) party won the December 2000 presidential and legislative elections, which were boycotted by all the main opposition parties and excluded those living in rebel-held areas. That month the government amended the National Security Act permitting suspects to be detained indefinitely without charge and denied judicial review for up to six months. It extended the state of emergency through a second year, until December 31, 2001.

In late December 2000, security forces arrested seven civilian members of the opposition National Democratic Alliance (NDA) while they met with a U.S. diplomat. The NDA had not registered a political party registration required an oath of allegiance to the ruling party's goals. The NDA civilians in Khartoum had ties to the military wing of the NDA, operating from exile, but their presence and low-key meetings in Khartoum were usually ignored by the authorities, who sought to woo the entire organization and its component parties back from exile. Charges of treason (carrying the death penalty) and threatening the existing government were brought against the NDA members. Defense lawyers protested numerous violations of fair trial rights.

Government opponents in the People's National Congress (PNC), a NC splinter party founded by Islamist political leader Hassan Turabi in 2000, were also harassed and jailed, but not charged with any crime. In February 2001, Turabi signed a memorandum of understanding with the rebel Sudan People's Liberation Movement/Army (SPLM/A), and called on Sudanese to rise against El Bashir. Security forces arrested Turabi and at least twenty other PNC leaders. Turabi was charged with crimes punishable by death or life imprisonment, and authorities periodically rounded up PNC members.

After September 11, the Sudan government dismissed the charges against the NDA members, Turabi, and other PNC members, and freed all but Turabi—who remained under house arrest. Some thirty-five PNC activists were rearrested at their post-release press conference.

Reports of torture and ill-treatment continued. A Sudatel employee fleeing the July 2001 SPLA capture of Raga reportedly was beaten daily and was given little food or water after his detention by government forces. Security forces reportedly pulled out the fingernails of another man detained during the same exodus. Security forces in Juba reportedly continued to use a large metal shipping container as a detention cell, a years-long practice that subjected detainees to life-threatening heat.

The two English-language newspapers in Khartoum, *Khartoum Monitor* and *Nile Courier*, provided a political forum for southerners. The *Khartoum Monitor* was periodically suspended by security forces or by the Press National Council, however, and on April 12, 2001, security forces briefly detained its editor-in-chief Alfred Taban at a church-called news conference. In February 2001, a Sudanese court fined the independent *Al Rai Al Akhar* newspaper an astounding U.S. \$390,000, and fined the editor and a journalist another \$5,800 or three months in jail each, for libeling local government. A government censor was permanently based in all newspaper offices. Censorship of English-language newspapers was tightened during the visit of the ACP-EU mission, and papers were forbidden to publish blank spaces indicating where censorship was imposed.

The government harassed and discriminated against Christians. In April 2001, police injured and briefly detained Christians demonstrating against a government order transferring an Easter service (convoked by a visiting German evangelist) from Khartoum to a suburb. The following day police teargassed students protesting these arrests outside All Saints' Episcopal church, then stormed the protest meeting inside the church, damaging windows and chairs, and tear-gassing the interior; three were seriously injured and fifty-seven arrested on this second day of disturbances. They had no legal representation at their trial the following day, which lasted less than one hour. The six girls detained and several boys were flogged; the rest were sentenced to twenty days in jail each.

Half of the Omdurman headquarters of the Episcopal Church of Sudan was illegally occupied by the ministry of health of Khartoum State, which continued its two-year battle to take over the other half of this church's freehold plot. Churches complained that Christian students undergoing obligatory military training in camps near Khartoum were denied their right to worship, in contrast to Muslim students. The law against apostasy—banning Muslims from conversion to another religion—was enforced on several occasions. In June 2001, security arrested an alleged convert to Christianity and held him incommunicado for three months, while reportedly torturing him and demanding that he reconvert to Islam.

In the north, destitute southern women continued to brew and sell traditional southern alcoholic drinks, for which they were arrested. More than nine hundred women were held in the Women's Prison in Omdurman (designed for two hundred) as of December 2000 in grossly poor conditions. The prison also housed southern women with twenty-year sentences for dealing in cannabis, and women sentenced, sometimes for indeterminate periods, for financial crimes.

On June 23, 2001, the authorities raided a workshop on "Democracy and Gender Issues" organized by the Gender Centre in Khartoum. Four speakers were arrested and released the same night. All participants in the workshop were interrogated about their political affiliations and their addresses were taken.

The most severe abuses occurred in the civil war fought in the south, the central Nuba Mountains, and the east. The Sudan government and its ethnic militias continued to displace, starve, abduct, rape, and kill civilians outright—while burning, and bombing, villages, churches, hospitals, and schools.

The rebel-held Nuba Mountains were hit especially hard in 2001. In May 2001, the government attacked the region, bombing extensively and burning down six villages, resulting in the displacement of more than 15,000 people. According to the Nuba relief office, an estimated 400,000 people were in SPLA-controlled territory as of June 2001, cut off from rest of rebel-held Sudan, with the lives of more than 50,000 displaced and 30,000 others unable to harvest crops at risk because of government attacks. The government persistently denied humanitarian access to civilians in the SPLA-held Nuba Mountains, through flight denials and shelling of airstrips used for unapproved relief deliveries. After years of negotiations, the U.N. in October 2001 succeeded in making the first-ever delivery there of relief with government permission. Another month of delivery was promised by the government, with no guarantee of access on an as-needed basis.

Following the brief capture of Kassala in eastern Sudan by opposition NDA forces (mostly SPLA) in November 2000, security forces arrested and reportedly tortured hundreds of southerners living in Kassala, in some cases extrajudicially executing them, according to the exiled Sudan Human Rights Organization.

Oil exploration and development in concession areas in Upper Nile exacerbated the conflict, with continuing displacement of civilians. Some 40,000-55,000 Nuer were displaced from the oilfields in the first half of 2001, according to two different reports, by government and its Nuer militias which were fighting the SPLA and its Nuer commanders. Often fighting resulted from government efforts to claim and to clear the people from the land, using its Nuer militias to push fellow Nuer out of the oilfields. More dependable government soldiers and *mujahedeen* then guarded construction equipment for roads, pipelines, drilling, and other oil infrastructure. Each oil facility was given a twenty-four hour guard of soldiers; up to four hundred soldiers were at Timsa, a location attacked by the SPLA in early 2001. The government imposed a long-term relief flight ban on most oil field areas in inaccessible Western Upper Nile (except for garrison towns), making the situation for civilians there even more acute.

Government use of new, heavier arms, including surface-to-surface missiles and helicopter gunships, and high-altitude Antonov bombing of southern and Nuba operations took a toll on the civilian population. Government aerial bombing destroyed the Episcopal Cathedral in Lui, Eastern Equatoria on December 29, 2000. Despite government pledges to stop bombing civilians and civilian structures, more bombing raids occurred: Tali, a center for relief food distribution in Eastern Equatoria, was bombed three times in December 2000, twice in January 2001, and again in May 2001. In June 2001, government Antonovs bombed three towns in Bahr El Ghazal, including one in which a World Food Program (WFP) relief operation was underway. Such attacks targeting relief deliveries in progress were increasing. Although bombing seemed to decline in September 2001, government planes bombed the little civilian village of Mangayat, twenty-five miles outside of rebel-held Raga in October on three different days, while WFP deliveries were in

progress to aid an estimated 20,000 displaced people. The WFP gave up its attempt to distribute food.

Although the government of Sudan signed the 1997 Mine Ban Treaty, it did not ratify it and had not begun to destroy its stockpiled antipersonnel land mines. There were strong indications that both government and rebel forces in Sudan continued to use antipersonnel mines, but the government denied its forces did so. In October 2001, the SPLA signed an agreement at an NGO conference in Geneva to ban the use, production, storage, or transfer of antipersonnel land mines in its territory. Small arms and ammunition were produced by three new arms factories near Khartoum in partnership with Chinese companies, using government oil revenue.

Recruitment of boys aged sixteen and seventeen into the Popular Defence Force, a government Islamist militia, proceeded as government policy, and occasional press-gangs seized even younger children for this military service. The government-backed ethnic militias also recruited child soldiers in the south, sometimes forcibly, as did rebel groups. The SPLA admitted in 2000 it had about 10,000 child soldiers. Following an agreement with the SPLA, in February 2001 UNICEF began demobilizing some 3,000 SPLA child soldiers from northern Bahr El Ghazal. The children were disarmed and given schooling in transition camps, and by late August returned to their villages of origin. Some NGOs questioned the effectiveness of the program because, with no real job or school opportunities, the demobilized boys were likely to go back to the SPLA to survive. In late October, UNICEF said it was ready for another phase of demobilization, involving 1,000 children. The SPLA said it still had more than 7,000 child soldiers within its ranks.

Government army and militia forces continued to abduct women and children during ongoing raids in the south, mostly in northern Bahr El Ghazal and often in connection with the military train they accompanied to Wau, a garrison town. The Committee to Eradicate the Abduction of Women and Children (CEAWC), created by the government, was ineffective: the government admitted that abductors, even from among their own forces, were seldom prosecuted, although it announced in November 2001 its intention to set up a tribunal to try the abductors. UNICEF said 670 children were reunited with their families and 270 retrieved children were in CEAWC transit facilities, but retrievals had stalled. The Geneva-based solidarity organization Christian Solidarity International (CSI) claimed that between 1995 and 2001 it had "bought back" 56,000 enslaved Sudanese during sporadic CSI visits to SPLA territory. CSI estimated that there were an additional 200,000 enslaved in northern Sudan. (The CSI estimates doubled from 100,000 in 2000, without explanation.)

The Sudan government stopped supplying the Lord's Resistance Army (LRA), a Ugandan rebel group with a horrendous human rights record, in 2001 pursuant to an agreement with Uganda. The LRA subsequently began forcibly looting food from southern Sudanese, thousands of whom took refuge in Nimele and in northern Ugandan refugee camps. An LRA ambush on a relief agency vehicle traveling from northern Uganda to southern Sudan killed six Sudanese.

The SPLA openly opposed a broadening of civil society when it prevented civilians in its territory from attending two south-south peace and reconciliation con-

ferences convened by the New Sudan Council of Churches (NSCC) in 2001. The NSCC and others condemned the SPLA's violations of freedom of movement, association, and speech. The Africa-Caribbean-Pacific-European Union (ACP-E.U.) mission noted that the SPLA's record on human rights was "far from being acceptable." The U.N. special rapporteur also criticized the SPLA.

In late February 2001, Nuer SPLA commander Peter Gatdet attacked and set fire to Nyal in Western Upper Nile, the base of the Riek Machar Nuer faction and a U.N. relief hub. The SPLA sponsored the attack. The U.S. government forcefully condemned the attack. Abuses proliferated as the forces of Nuer leader Riek Machar, lacking material support, allied themselves alternatively with the government or the SPLA, and sought to reestablish their control over their home territory.

### **DEFENDING HUMAN RIGHTS**

The Sudan government persecuted human rights defenders. Ghazi Suleiman and Ali Mahmoud Hassanein, well-known advocates and human rights activists, were detained without charge by security forces from December 9, 2000 until February 17, 2001, after they condemned the arrests. Suleiman was reportedly tortured, sustaining a head injury and being hospitalized twice during detention. The principal lawyer/advocate for the NDA defendants, Mustafa Abdel Gadir, was arrested and interrogated on the eve of the trial which started in May. On March 11, 2001, security forces arrested director Dr. Nageed Nagmeldin el Toum and two staff members from the Amal Centre, where free medical treatment and assistance to victims of torture and other human rights violations was provided. The staffers were released the same day but Dr. Nageed, former president of the banned Doctors' Union, was not released until March 29, 2001, after an international campaign. The confiscated office equipment was returned and the center reopened on June 27, 2001, the day before the ACP-EU visit. Another associate of Amal, Faisal el Bagir Mohamed, a journalist and human rights advocate, was detained without charges from June 13 to 26, 2001. On November 2, 2001, four lawyers/advocates and two members of the Sudanese Communist Party (banned) were detained and released within a few days and told to report daily to Security offices. All members of the loose coalition National Alliance for the Restoration of Democracy, it was believed that their detention was in connection with the upcoming bar association elections in December 2001. The last such elections were held in 1997 and were reportedly accompanied by widespread fraud on the part of the ruling party. One lawyer who failed to report on time to the Security offices was beaten with hoses and knotted wire when he arrived. Others were made to stand outside in the hot sun for two hours, a common form of ill-treatment in Sudan.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

The U.N. Security Council in late September 2001 lifted sanctions imposed in 1996 because of Sudan's noncompliance with an Ethiopian extradition warrant for three suspects sought for attempted assassination of the Egyptian president. The United States abstained on the issue. The sanctions had required member states to reduce the number of Sudanese diplomatic personnel and restrict the travel of Sudanese government officials in their respective countries, though they were not generally enforced.

Although Sudan was reelected to its seat on the U.N. Commission on Human Rights in April 2001, reports by the special rapporteur on human rights in Sudan to the commission in April and to the General Assembly in October warned that human rights in Sudan were worsening in many respects, and that oil development was exacerbating the conflict.

### **United States**

Oil and religion combined to bring Sudan higher up on the agenda of the new U.S. administration in 2001. It was the main African issue on which President Bush expressed interest, and Secretary of State Colin Powell remarked that "There is perhaps no greater tragedy on the face of the earth today than the tragedy unfolding in the Sudan."

Stringent prohibitions on U.S. citizens doing business with Sudan under a Clinton administration executive order remained in place. The Bush administration in May 2001 appointed Andrew Natsios, newly-named head of U.S. Agency for International Development, as the president's special envoy to Sudan for humanitarian issues. In early September, the president named former senator John Danforth his special envoy for peace in Sudan.

Natsios headed a U.S. delegation to Khartoum in July 2001 and announced U.S. emergency relief for drought victims in western Sudan, the first such aid to government-controlled areas for years. Total U.S. humanitarian assistance to Sudan for the year October 2000-September 2001 was U.S. \$161 million.

In mid-2001, the State Department contracted with a U.S.-based contractor, Dyncorp, to assist the NDA (consisting of military and civilian wings) to set up offices and improve its "negotiating skills." The state department claimed none of the funding allocated would be used for "nonlethal" aid to the SPLA (defining "nonlethal aid" to include dual-use supplies such as boots, communications equipment, and tents).

Before September 11, U.S. policy on Sudan was a contested domestic issue between some members of Congress and conservative and religious rights groups—who sought to isolate Khartoum and aid the SPLA—and moderates in the administration, the business community, and elsewhere who argued that the isolation policy had not worked. After September 11, the antiterrorism agenda trumped this contest.

Following the September 11 attacks, the Sudan government opportunistically announced its cooperation with the U.S. on terrorism. According to the U.S. government, U.S. counterterrorism teams had been in Sudan for more than a year already, and had been receiving “satisfactory” cooperation from the Sudan government. In late September, the Sudan government reportedly deported several persons sought by the U.S. for terrorist activities or associations, but the details were not publicly released; Khartoum continued to deny any such cooperation to the domestic and Arabic press.

The Bush administration maintained, however, that it would persist with its full agenda of human rights issues requiring Sudan’s resolution before normalization of relations. The U.S. strongly protested Sudan government’s three days’ bombings of a relief operation in October 2001.

### **European Union**

The European Union (E.U.) began a political dialogue in November 1999 with the Sudan government, with regular meetings between E.U. ambassadors in Khartoum and government officials. An ACP-E.U. Joint Parliamentary Assembly mission to Sudan in June-July 2001, reported disappointment with the government’s lack of cooperation in the dialogue since the end of 2000. It noted several areas of human rights concerns that were discussed but not addressed by the government, such as detention without charge, press freedom, abduction and forced labor, and bombing.

The E.U. maintained its arms embargo on Sudan, but without any enforcement mechanism. There were no E.U. restrictions on its members’ investments in the Sudan oil industry. In June, however, the E.U. presidency stated concern at renewed SPLA military activity in Bahr El Ghazal—the capture of Raga—and the Sudan government’s resumption of aerial bombings in response. A group of nations, predominantly European, formed the International Partners’ Forum Working Group to provide funding and diplomatic support for the efforts of the east African Inter-Governmental Authority on Development (IGAD). IGAD peace negotiations between the Sudan government and the SPLA foundered nevertheless.

In May 2001, a broad coalition of European NGOs formed the European Campaign on Oil in Sudan to lobby European governments and companies in the oil business in Sudan to pull out of Sudan, because of the Sudan government’s gross human rights abuses.

### **Africa**

The Sudan government used its new oil resources—and more than U.S. \$ 400 million in extra revenue—to strengthen its position in the Horn of Africa. In June 2001, Sudan and Ethiopia announced a project to supply Ethiopia with Sudanese gasoline and kerosene equivalent to 85 percent of the country’s needs for the year 2002. Ethiopia, previously supportive of Sudanese rebels, had already cut relations with them.

Kenya was to import tax-free Sudanese oil through its port Mombasa until the

Kenyan churches strongly protested. In July 2001, Kenyan authorities banned delivery of Sudan oil shipments to Kenya, causing Sudan to threaten that it might stop importing Kenyan tea and coffee. The situation remains unresolved.

South Africa's state-owned oil company Soekor denied reports that it too intended to explore for Sudanese oil, after South African churches denounced reported Soekor meetings on the topic.