

# **DON'T WE MATTER?**

**FOUR YEARS OF UNRELENTING  
ATTACKS AGAINST CIVILIANS IN  
SUDAN'S SOUTH KORDOFAN STATE**

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INTERNATIONAL**



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*Cover photo:* Four IDP children in Tunguli village in Dalami County still optimistic under “I Love You My Sudan” rock.

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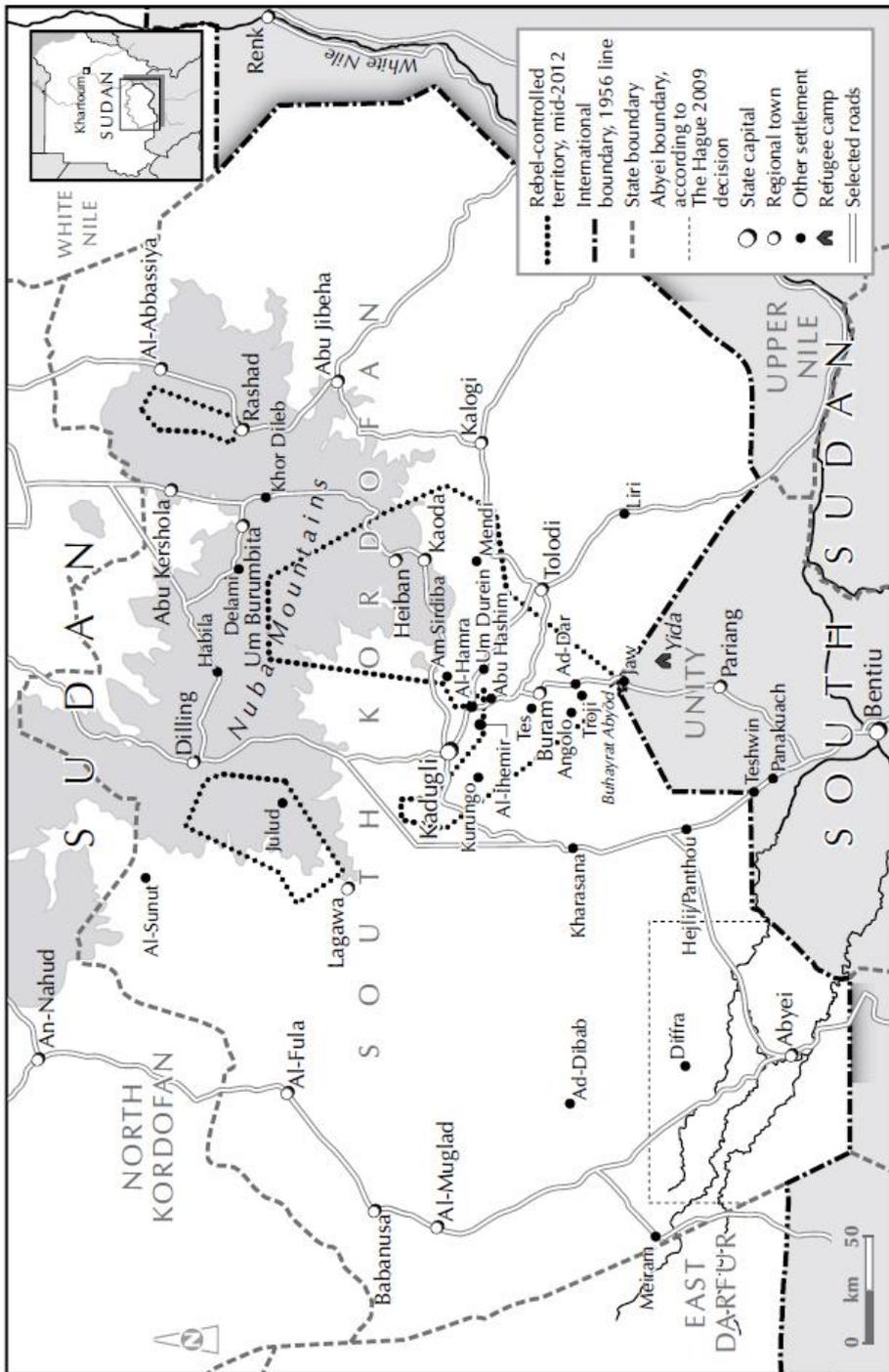
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## GLOSSARY

AU	African Union
AUHIP	African Union High Level Implementation Panel
MSF	Médecins Sans Frontières.
NCP	National Congress Party, the ruling party in Sudan
NISS	National Intelligence Security Service
SAF	Sudan Armed Forces
SPLA-N	Sudan People's Liberation Army-North, the armed wing of the Sudan People's Liberation Movement-North operating in Sudan's South Kordofan and Blue Nile states
SPLM-N	Sudan People's Liberation Movement-North, an armed opposition group operating in Sudan's South Kordofan and Blue Nile states
UNHCR	United Nations High Commissioner for Refugees
UNICEF	The United Nations Children's Fund
UNSC	United Nations Security Council
WHO	World Health Organisation

# MAP OF SOUTH KORDOFAN



Map of South Kordofan State. Inset: map of Sudan<sup>1</sup> ©MAPgrafix

<sup>1</sup> "New war, old enemies: Conflict dynamics in South Kordofan", Small Arms Survey, Graduate Institute of International and Development Studies, Geneva 2013  
<http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP29-S.Kordofan.pdf>  
 Accessed August 2015

# EXECUTIVE SUMMARY

*"We have been telling the world for four years about what is happening to us. The facts are well known. But nothing changes. Is it because we do not matter to the world?"*

*Alfadil Khalifa Mohamed, school teacher, Tunguli IDP site, South Kordofan*

Since armed conflict began in June 2011 between the Sudanese Government and the Sudan People's Liberation Movement/Army-North (SPLM/A-N), people living in SPLA-N controlled areas of Sudan's South Kordofan state have endured an unrelenting campaign of aerial and ground attacks by the Sudan Armed Forces (SAF). At various points during the last four years, there have been military offensives by one or both parties to the conflict which have increased the dangers faced by civilians.

In April 2014 the Sudanese government launched a military operation called "Decisive Summer" whose implementation involved an intensified campaign of aerial bombardment, and increased civilian casualties and destruction of civilian property. As the conflict in South Kordofan and Blue Nile States enters its fifth year, there is once again intensified military activity. There was a sharp increase in attacks by the SAF in April 2015, making it one of the months with the highest number of attacks since the start of the armed conflict. The conflict continues unabated at this time.

Amnesty International has concluded that many of the attacks targeted civilian areas and objects without warning, and without legitimate military targets. In addition, the Sudanese forces have used weapons which are inherently indiscriminate, such as cluster bombs, or used weapons and delivery systems which are too imprecise to be used lawfully in civilian areas, such as the use of unguided bombs dropped from Antonov aircraft.

The SPLA-N has captured and maintained control of a substantial portion of territory in South Kordofan with ground fighting continuing between Sudanese and SPLA-N forces. However the SPLA-N does not have aerial capabilities and the Sudanese Air Force has relatively unhindered control of the skies over the entire state.

The Sudanese government has consistently refused humanitarian access to areas controlled by the SPLA-N, with devastating consequences on food supplies, health care and education. The widespread destruction or damage to civilian property including homes, fields, food stores, hospitals, health clinics, schools and market areas by these attacks has also disrupted agricultural production, health care and education in the area, contributing to the humanitarian crisis. The last time there was an agreement on humanitarian access was in 2012. The proposal put forward by the United Nations, the African Union and the Arab League, allowed for the provision of critically needed food and medical supplies to areas controlled by SPLA-N. The agreement expired in November 2012.

Attacks targeted against civilians and civilian objects, indiscriminate aerial and ground attacks, as well as the denial of humanitarian access, constitute breaches of international humanitarian law. Amnesty International has concluded that they amount to war crimes. The Government of Sudan has also committed serious violations of numerous human rights including the rights to life, healthcare, education, food, safe water and adequate housing.

Over the course of four years of conflict, hundreds of civilians have been killed and thousands

injured in attacks, particularly by bombs and rockets launched from Antonov planes and MiG and Sukhoi fighter jets as well as from long-range artillery shelling on the ground. For instance, between January and April 2015, the Sudanese Air Force dropped an estimated 374 Antonov, MiG and Sukhoi bombs in 60 locations across South Kordofan. The aerial bombardments and ground shelling resulted in the deaths of an estimated 35 civilians and injured a further 70 individuals, and damaged civilian objects including villages, schools and mills. The SAF have bombed 26 health facilities (hospitals, clinics and health units) in SPLA-N controlled areas since 2011. Amnesty International did not identify any evidence, either from inspections or interviews, that any of these buildings had been used for military purposes or were located near legitimate military targets when they were attacked.

Amnesty International has evidence confirming that the SAF widely disregards the fundamental rule of international humanitarian law that requires parties to a conflict to at all times, “distinguish between civilians and combatants.” This rule means that “attacks may only be directed against combatants” and “must not be directed against civilians.” The SAF have also consistently violated the obligation to distinguish between civilian objects and military objectives. On this basis Amnesty International is of the view that the Sudan Armed Forces is responsible for having committed war crimes.

Amnesty International has also received information of international humanitarian law and human rights violations by the SPLA-N forces in government controlled areas of South Kordofan. The SPLA-N forces regularly carry out attacks by means of ground shelling and incursions by ground forces into government controlled areas. The Sudan Development Organisation (SUDO) reports that on 12 March 2015, the SPLA-N attacked the SAF present in Kalogi town, killing 27 civilians and injuring 25 more. 25,000 civilians were displaced following this attack, to the outskirts of the town. SPLA-N forces proceeded to attack another five villages around the area of Kalogi. According to SUDO, there was no military presence in the area around the villages at the time of the attacks. The UN Office for the Coordination of Humanitarian Affairs (UNOCHA) reports that on 28 March 2015, SPLA-N forces attacked Habila County, triggering the displacement of 13,000 civilians.

The lack of humanitarian access to areas controlled by SPLA-N has contributed to a number of deaths. For example, while the UN Children's Fund (UNICEF), together with the Ministry of Health, has launched a massive campaign to immunize children across Sudan against measles, UNICEF has not accessed SPLA-N-controlled areas of South Kordofan. In one of only two hospitals still operating in the area, 1,400 children were treated for measles and approximately 30 died from what is generally a reliably preventable disease.

The situation in South Kordofan has also provoked massive internal displacement. It is estimated that at least one-third of the state's population of approximately 1.4 million people may be internally displaced within South Kordofan, living in precarious and insecure conditions in which food and other humanitarian needs are often unmet and communities remain vulnerable to ongoing armed attacks. According to the UN High Commissioner for Refugees (UNHCR), close to 100,000 people have fled from South Kordofan to refugee camps in neighbouring South Sudan, itself wracked by internal conflict and mass human rights violations and abuses since December 2013.

In many respects the most pervasive impact of the attacks by the SAF has been to spread fear and terror among the civilian population. People live with the possibility of a bombing or artillery attack being launched at any time, with no warning. Civilians have taken some measures to increase their protection, most notably the extensive construction of both makeshift and semi-permanent foxholes throughout the region, and the establishment of informal IDP sites in locations in the Nuba Mountains where people can hide in caves and crevices. Despite the efforts to find safety in foxholes and in the mountains, the fear of an attack, which escalates at the unmistakable droning sound of an Antonov plane, dominates

daily life. Young children are attuned to it, the elderly worry that they will not be able to reach safety quickly enough, and the eyes of women and men can often be seen scanning the sky in an effort to determine whether a circling plane poses a likely danger or not.

For example, while Amnesty International researchers were inspecting munitions from a cluster bomb in the village of Rigivi in Umm Dorain County, the sound of a circling Antonov plane could be clearly heard in the distance. A local human rights monitor told Amnesty International that it had been in the area for several hours. It had circled overhead twelve times and had dropped at least two bombs to the north of the nearby village of Karkaia. At one point two MiG fighters also circled the area. The fear and preoccupation of local residents was evident, as they waited to decide whether they would need to hide or flee.

Amnesty International researchers established that the Sudan Armed Forces are using weapons and tactics which are too imprecise to be lawfully used in civilian areas, or which suggest specific targeting of civilian areas, heightening concerns about violations of international humanitarian law. There have, for instance, been several accounts of aerial surveillance possibly by drones being used in advance of bombing raids in civilian areas, including before an attack against the Mother of Mercy Hospital outside of Kauda in early May 2014. Using aerial surveillance to survey an area before an attack suggests that the SAF would have noted that there were clear civilian objects (a hospital and a nearby school, both of which are substantial in size) in the area. The subsequent attack therefore raises serious concerns that it intentionally targeted the hospital and school.

Amnesty International also confirmed the presence of cluster munitions at four sites in two separate locations in Dalami and Umm Dorain counties, and received eye-witness accounts of those weapons being fired by Sudanese MiG and Sukhoi jet fighters. With no bomb disposal expertise or capacity readily available in these remote areas, local residents have sought to keep children and animals away from the unexploded cluster bomblets by surrounding them with thorny branches.

International governmental organisations, including the African Union, the UN Security Council and the UN Human Rights Council have had varying degrees of involvement in seeking to mediate the conflict in South Kordofan and pressing for an end to crimes under international humanitarian law and other serious human rights violations. However, it is clear that this entrenched and worsening emergency situation is not receiving the level of regional or international attention and efforts needed to provide protection to civilians.

An August 2011 report of the UN High Commissioner for Human Rights (UNHCHR) documenting extensive violations of international humanitarian and human rights law in South Kordofan throughout June 2011, and which recommended the establishment of an independent commission of inquiry to investigate serious violations, has not been implemented to date. The UN Human Rights Council considers Sudan's human rights situation, including in South Kordofan, under the Council's agenda item dealing with technical assistance and capacity building, and has done so throughout the four years of the conflict.

At an earlier stage, notably in 2012 because of escalating border tensions between Sudan and South Sudan, the UN Security Council was more visibly engaged with the situation in both South Kordofan and Blue Nile states, but this engagement has significantly diminished. Recent UN Security Council resolutions and related reporting from the UN Secretary-General and statements by the President of the UN Security Council with respect to concerns in the region have not taken up concerns in South Kordofan and Blue Nile states.

At the same time, African Union efforts to mediate the conflict between the Government of Sudan and the SPLM-N have stalled and there are currently no active talks underway. The last, ninth round of peace talks resumed on 13 November 2014 between the Government of Sudan

and SPLM-N and were organised by the African Union High-Level Implementation Panel (AUHIP). Those talks ended in failure. All current indications suggest the conflict has settled into a vicious deadlock and the African Union's efforts are not progressing.

As the conflict enters unabated into its fifth year, Amnesty International urges the Government of Sudan, the SPLM/A-N, and other governments working through both the African Union and the United Nations, to take immediate steps to end violations of international humanitarian law and other serious violations of international human rights law, including targeted and indiscriminate attacks, open up access to humanitarian relief, and uphold the human rights of the people of South Kordofan. Additionally, Amnesty International is calling for prompt, independent, impartial and effective investigations of war crimes in South Kordofan, and that those responsible are held accountable.

## METHODOLOGY

This report is based on field research conducted by Amnesty International researchers in May 2015, and also builds on other fact-finding missions and reporting carried out by Amnesty International over the course of the past four years.<sup>2</sup> This report focuses on attacks by the Sudan Armed Forces (SAF), and developments which amount to international humanitarian and human rights law violations since the organization's last report on the situation in South Kordofan, which was published in June 2014. The report does, however, include further details regarding some earlier attacks about which Amnesty International has already reported where researchers have received further evidence.

In the first half of May 2015, Amnesty International researchers visited Unity State in South Sudan and SPLA-N controlled areas of South Kordofan state in Sudan. The researchers documented violations of international humanitarian and international human rights law in the context of South Kordofan's armed conflict. The team used multiple research methods including extensive secondary data collection and analysis, face-to face interviews, and review of various audio-visual materials. Amnesty International studied relevant reports and other documentation produced by the UN and other relevant agencies, the Sudanese Armed Forces, the Government of Sudan, Sudanese and international NGOs, the SPLM/A-N and media reports, amongst other sources, and consulted with relevant experts during the writing of this report.

Amnesty International researchers visited eleven locations in four counties in South Kordofan and documented the bombardment of schools, health clinics, hospitals, houses and other civilian property that were destroyed in the last 12 months. 52 people were interviewed individually in South Kordofan, including eyewitnesses, internally displaced persons (IDPs), survivors of aerial bombardments and other attacks, local officials in SPLA-N controlled areas, human rights monitors, teachers, medical personnel, staff with local humanitarian organizations, Sudanese Armed Forces soldiers and allied militia members held by the SPLA-N. Dozens more were interviewed in group meetings or provided background information.

Amnesty International researchers visited 27 sites which have been subjected to bombardment and shelling, and examined parts of exploded bombs and rockets, shrapnel fragments and unexploded munitions in most locations. Amnesty International researchers took photos of weapons, bombed houses, schools and hospitals, and obtained video footage taken by human rights monitors after the bombardments and has obtained expert opinions about the weapons and damage reflected in the photographs and videos.

Amnesty International has, throughout the course of the conflict in South Kordofan, been unable to send a research delegation to government-controlled areas of the state, due to a longstanding denial of access by the Government of Sudan. The Sudanese government has not granted permission to Amnesty International to carry out human rights research in Sudan since 2006. Amnesty International sent letters to the Sudanese authorities on 23 June 2015, which communicated the research findings, requested further information, and sought the government's response to the findings. Letters were sent to the President, and the Ministries of Justice, Welfare and Defence. Amnesty International tried to contact the various ministries

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<sup>2</sup> Amnesty International, *Sudan: Civilians under attack in Southern Kordofan*, (Index: AFR 54/011/2014), June 2014; Amnesty International, *Sudan: Civilians caught up in unending crisis in Southern Kordofan*, (Index: AFR 54/009/2013), April 2013; Amnesty International, *'We can run away from bombs, but not from hunger': Sudan's refugees in South Sudan*, (Index: AFR 65/001/2012), May 2012; Amnesty International and Human Rights Watch, *Sudan: Southern Kordofan Civilians Tell of Air Strike Horror*, (Index: AFR 54/028/2011), August 2011.

on three separate occasions, with no success. As at the time of publishing, Amnesty International has not received any communication from the Government of Sudan.

Due to lack of access Amnesty International has not been able to carry out field research to determine the nature or extent of possible violations of international humanitarian law or international human rights law by SPLA-N forces in government-controlled areas of South Kordofan.

Amnesty International has changed some of the names of the people referenced in this report, to safeguard their identity.

## BACKGROUND

In 2010, before the armed conflict started, approximately 2.5 million people,<sup>3</sup> representing over 100 different ethnic communities, lived in South Kordofan. The majority of the population are from nomadic Misseriya and Hawazma Arab tribes and agriculturalist African Nuba communities. In the Kadugli area and surrounding Nuba Mountains, the population is predominantly Nuba. Historically, the Nuba ethnic communities have been marginalized by successive governments of Sudan, and were allied with the Sudan People's Liberation Army (SPLA) during the armed conflict between 1983 and 2005.<sup>4</sup>

The current conflict in South Kordofan and Blue Nile states was triggered by among other things, unresolved tensions over failure to implement essential provisions in the Comprehensive Peace Agreement (CPA) signed in 2005 with regards to Sudan's "Three Areas" covering South Kordofan, Blue Nile and Abyei. The 'Three Areas' were addressed separately in the CPA. Armed conflict erupted in Abyei in May 2011, South Kordofan in June 2011 and expanded to Blue Nile in September 2011.<sup>5</sup> From the outset, the armed conflict in South Kordofan has been characterised by gross international human rights and international humanitarian law violations committed by the Sudan People's Liberation Army – North, (SPLA-N) and the Sudan Armed Forces (SAF).

The Sudan government has repeatedly denied and rejected any allegations of violations by the SAF. They have instead defended the use of force as a legitimate response to the armed conflict.<sup>6</sup> Most recently, the SAF denied allegations that they are using cluster bombs against civilians in South Kordofan State.<sup>7</sup> The Government of Sudan has accused the SPLM-N of causing division among the people of South Kordofan, obstructing development processes and the provision of services in the state.<sup>8</sup>

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<sup>3</sup> South Kordofan State Government, *Bawabat Hakomat Waliat Janoub Kordofan*, <http://portalsks.gov.sd> (accessed on 26 July 2015)

<sup>4</sup> *UNMIS Report on the human rights situation during the violence in Southern Kordofan, Sudan*, June 2011, p.4.

<sup>5</sup> For a detailed background on unresolved issues, and background on the conflict in Sudan's Southern Kordofan and Blue Nile states, see: Amnesty International, "We can run away from bombs, but not from hunger," Sudan's refugees in South Sudan (AFR 65/001/2012), June 2012.

<sup>6</sup> Sudan Refutes Claims of the Human Rights Council on Violations in South Kordofan, 18 August 2011, <http://www.sunanews.net/english-latest-news/21623-sudan-refutes-claims-of-the-human-rights-council-on-violations-in-south-kordofan-.html>, (accessed 26 July 2015)

<sup>7</sup> Human Rights Watch, *Sudan: Cluster Bombs used in Nuba Mountains: End indiscriminate bombing*, 15 April 2015, <https://www.hrw.org/news/2015/04/15/sudan-cluster-bombs-used-nuba-mountains> (accessed 26 July 2015).

<sup>8</sup> Al Nilin, "Al Bashir we will achieve peace this year through war or peace", 2 March 2015, <http://www.alnilin.com/12652449.htm> (accessed 26 July 2015)

# ATTACKS AGAINST CIVILIANS

*"Bombs have fallen in hospitals, schools and foxholes. Little babies and the very old have been killed. In South Kordofan I don't think that there is anywhere that is safe, and I don't think there is anyone who is safe."*<sup>9</sup>

*Ahmed, national relief worker, Kauda, South Kordofan*

From the outset in June 2011, a defining characteristic of the conflict in SPLA-N controlled areas of South Kordofan has been an extensive campaign of aerial bombardment and ground shelling carried out by Sudanese Armed Forces. That has predominantly involved the use of unguided bombs rolled or pushed out of the back of high-flying Antonov aircraft, a type of attack which does not allow for accurate targeting to distinguish between civilians and civilian objects on the one hand, and legitimate military targets on the other in civilian populated areas. Amnesty International's research has consistently revealed no evidence of military targets such as SPLA-N forces, weaponry or installations at or near the sites of the attacks that the organization's researchers have documented on the ground over the past four years.

Rather, the evidence that Amnesty International has received indicates that these attacks were either directed at the civilian population and civilian objects or were indiscriminate attacks that led to civilian deaths. For example, between January and April 2015, the Sudanese Air Force dropped an estimated 374 Antonov, MiG and Sukhoi bombs in 60 locations across South Kordofan. The aerial bombardments and ground shelling resulted in the deaths of an estimated 35 civilians and injured a further 70 individuals.<sup>10</sup> Amina, an IDP in Tunguli, Dalami County told Amnesty International researchers:

*"Of course there were no military targets around. They do not send the Antonovs to the front-lines where the troops are fighting. The Antonovs are for us. You will always find the Antonovs circling above where civilians live. That is where they drop their bombs."*<sup>11</sup>

In addition to the numerous accounts of bombings from Antonov aircraft, Amnesty International has confirmed that SAF used MiG and Sukhoi fighter jets and long-range ground shelling in attacks on villages and IDP sites, and against or very close to hospitals, medical clinics, schools, homes and market areas, that have killed or injured civilians and destroyed civilian objects.

Amnesty International has previously raised concerns that the SAF are consistently violating

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<sup>9</sup> Interview with local relief worker, Kauda, 7 May 2015.

<sup>10</sup> Figures compiled from South Kordofan and Blue Nile Coordination Unit Protection Reports January-April 2015 and Amnesty International data collected in May 2015. Furthermore, Sudan Consortium monitors recorded 65 attacks in SPLM-N controlled areas in May 2015, *Human Rights Update - May 2015*, [http://www.sudanconsortium.org/darfur\\_consortium\\_actions/reports/2015/SK-BNUUpdateMay15FINAL.pdf](http://www.sudanconsortium.org/darfur_consortium_actions/reports/2015/SK-BNUUpdateMay15FINAL.pdf) (accessed 2 July 2015).

<sup>11</sup> Interview with Amina (not her real name), IDP woman, Tunguli, Dalami County, 8 May 2015.

the fundamental rule of international humanitarian law that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”<sup>12</sup> A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental “principle of distinction.”<sup>13</sup> Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects, is a war crime.

Amnesty International's most recent field research deepens those concerns. Civilian objects have frequently been directly bombed, or been within the immediate vicinity of bombings. In these instances, there has not been any apparent nearby military target, and in some cases, the areas bombed were surveyed in advance by aircraft witnesses believed were drones. On this basis, Amnesty International has concluded that many of the attacks are in fact directed at the civilian population.

Amnesty International has also confirmed the use of cluster munitions and the resulting presence on the ground of unexploded cluster bomblets at four sites in two separate locations in Dalami and Umm Dorain Counties.



Evidence of unexploded cluster bomblets in Umm Dorain County ©Amnesty International

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<sup>12</sup> Rule 1 of the ICRC Customary IHL Study; see also the 1977 Protocols Additional to the Geneva Convention: Article 48 of Protocol I, and Article 12(2) of Protocol II.

<sup>13</sup> For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises anyone who is not a combatant, namely not taking active part in the hostilities. Civilian objects are all objects (that is, buildings, structures, places and other physical property or environments) which are not “military objectives”. Military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.” Rules 8 and 9 of the ICRC Customary IHL Study; Article 52 of Protocol I.

## BOMBING OF IDP SITE IN DALAMI COUNTY

Amnesty International researchers documented two separate aerial attacks at an IDP site and a village in Tunguli, Dalami County. The IDP site and the village, Andona, which is approximately one kilometre away, were attacked on 6 February 2015. The IDP site was attacked again two months later, on 7 April. Amnesty International researchers spoke to two men, who were directly impacted in both the attacks. Alfadil Khalifa Mohammed lost his wife and unborn child in the 6 February attack, and almost lost his two year old son in the 7 April attack on the IDP site. Sadiq fled his home after the 6 February attack on the village of Andona, and lost his two year old daughter on 7 April in the attack on the IDP site.

Alfadil Khalifa Mohamed's wife, Nahid Said Komi was 27 years old and eight months pregnant when she was killed on 6 February. Alfadil Khalifa Mohammed described the attack to Amnesty International.

*"It was around 6:30 p.m. The Antonov came from over the mountain, from the southeast, which was an unusual direction and took us by surprise. We had arranged for my wife to live in a tukul (hut) built in the rocks so that she would be safe during her pregnancy. When she heard the plane she came out to make sure that children in the area, including our young son, were safe and had gone to hide. And then the bomb fell, only about ten metres from where she was standing. She was killed immediately. Another woman, a neighbour, was also killed. She was about 30 years old. Her name was Nura Kodi Komi. There were also five children who were injured. I ran to where she was, but she was already dead. Our baby was still alive. But there was no medical treatment available to save the baby's life. It was too far and too dangerous and we had no vehicle to make it to Gidel Hospital. The bomb killed my wife, but two people died".<sup>14</sup>*

During the 6 February attack on the village of Andona, a bomb containing cluster munitions landed in Sadiq's compound. The bomb and bomblets were dispersed. They were later gathered in one place by local residents and covered with branches and thorns.

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<sup>14</sup> Interviews with Alfadil Khalifa Mohamed, Tunguli IDP Site, 7 and 8 May 2015.



Bomblets from the cluster bomb inside a house in Andona village, Dalami County ©Amnesty International

After the attack, Sadiq and his family, together with about 100 other people fled to the IDP site in Tunguli. Sadiq and his wife lost their two year old daughter, Rifгаа two months later. She was killed when an Antonov bomb landed at a sorghum grinding mill on the outskirts of the IDP site on 7 April. Rifгаа died as a result of injuries suffered when rocks were dislodged by the explosion and fell on top of her.

Sadiq described the attack that killed Rifгаа.<sup>15</sup>

*"I am from the village of Andona. After the bomb fell in my house, I moved here [to the IDP site] with my family then another incident happened when the bomb in April hit the rocks and they fell down and killed my daughter, a woman and a child".<sup>16</sup>*

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<sup>15</sup> Interview with Sadiq, Tunguli IDP site, 7 May 2015.

<sup>16</sup> Interview with Sadiq, Tunguli IDP Site, 7 May 2015.



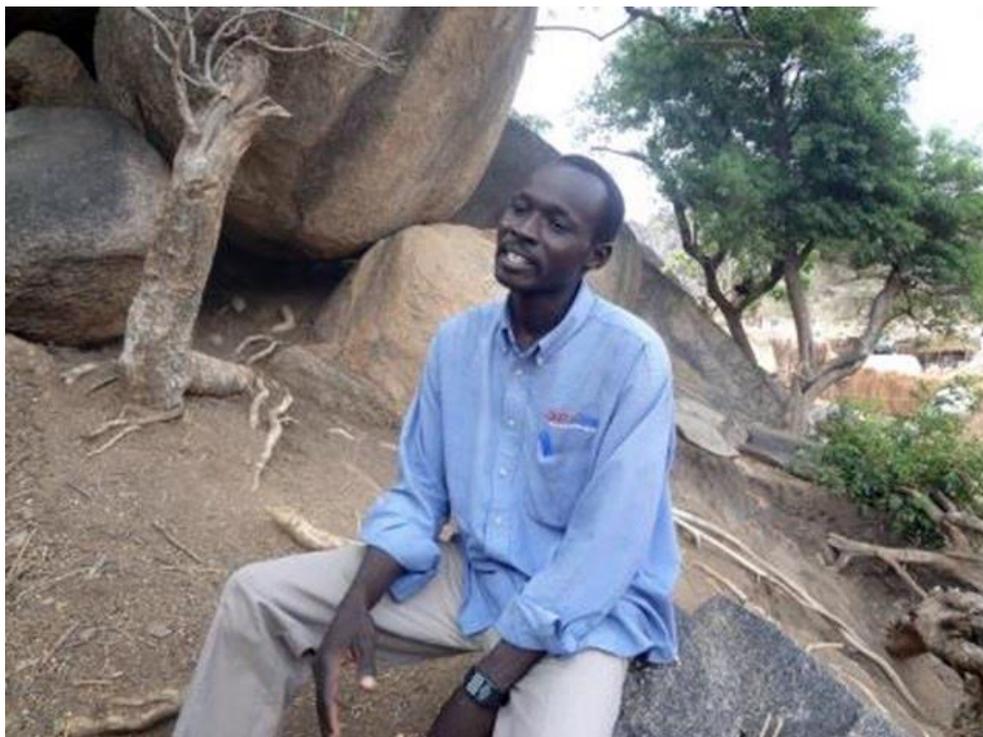
The site of the grinding mill in Tunguli, Dalami County, attacked on 7 April 2015 ©Amnesty International

In total, seven people were killed and four injured in the 7 April attack at the grinding mill. Four were killed at the mill itself and three others in the surrounding area. Two 18 year old students, Anas Saeed Adam and Mustafa Abdel Al Khaliq Safarh, as well as Salwa Edris Manzoul, a 30 year old woman, were killed at the mill. Khalifa Hamis Koko, a 63 year old man, was killed by shrapnel fragments in his nearby house at the time of the attack. In addition to Rifгаа, another two year old girl, Amina Omar, was killed along with her 28 year old mother Batoul Jigair.

Alfadil Khalifa Mohamed's two year old son survived the 7 April attack while hiding in the family home with his grandmother. The *tukul* (thatched hut) in which they had taken shelter was completely destroyed. Alfadil Khalifa Mohamed subsequently arranged for his son to go and live with relatives in the Ajong Thok refugee camp in South Sudan. Alfadil Khalifa Mohamed has remained in Tunguli where he volunteers as the Deputy Head Teacher in a school for IDP children. He told Amnesty International, "*I lost my wife and our baby [on 6 February] and I almost lost our son [on 7 April]. I can't keep losing my family.*"<sup>17</sup>

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<sup>17</sup> Interviews with Alfadil Khalifa Mohamed, Tunguli IDP Site, 7 and 8 May 2015.



Alfadil Khalifa Mohammed lost his wife and unborn child in the 6 February attack, and almost lost his two year old son in the 7 April attack on the IDP site in Tunguli. ©Amnesty International

## BOMBING IN HEIBAN COUNTY

On 18 April, four bombs were dropped from two MiG fighter jets in the village of Eral, in Heiban County. Khalil Yusuf Ergajig, a thirteen year old boy, was killed in the attack. An eyewitness to the attack told Amnesty International that Khalil Yusuf Ergajig had run to a nearby foxhole, along with four other children, but he did not make it in time. The other children reached the safety of the foxhole but Khalil Yusuf Ergajig was killed by shrapnel, only a few meters away. Amnesty International interviewed Nada, a 38 year old woman who was injured in the same attack. She said:

*“The attack took place at noon-time. First I heard the MiGs and then I saw them. There were two of them coming from the north. My children were eating lunch and I quickly gathered them. The bombs were dropped and I fell to the ground. I was some distance from where the bomb landed and there were two other buildings [mud structures] in front of me. But still some shrapnel reached me and was embedded in my skull. I still have headaches and I cannot carry any weight on my head. My five year old girl was also slightly injured on her forearm. She is still very afraid now”.*<sup>18</sup>

The Peace and Community Development Centre (the Centre) in Heiban town was bombed on

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<sup>18</sup> Interview with Nada, Heiban, 7 May 2015.

15 March 2015. Eyewitnesses told Amnesty International researchers that an Antonov plane came around 3pm and dropped two bombs in front of the Centre. There was an adult literacy education class taking place at the time, with six students. No-one was killed, but five people were injured, including Nada, one of the adult education students. She described to Amnesty International researchers how she hid inside the school, but was wounded by a shrapnel fragment in her upper right thigh. She told Amnesty International that:

*"It is now just something we expect. Bombs can fall at any time, and they can fall anywhere, even in a school. We don't think about moving somewhere else because it would be just as bad there also".*<sup>19</sup>

The Centre has been bombed before. Fauza, a local human rights monitor told Amnesty International researchers that there was no military objective in the area. She said *"Heiban is a civilian area and SPLA has no military presence here. We are far away from the frontline, but still the government comes and bombards people"*.<sup>20</sup>

Children have frequently been killed and injured in attacks in South Kordofan. On 16 October 2014, a bomb hit a house in the village of Heiban in Heiban County in which seven children between the ages of five and 12 were hiding. Six of the children were killed immediately or died shortly after the attack from their injuries. Only one child survived the injuries sustained during the attack. The children's mother was farming in a nearby field at the time.



Six children were killed in this house on 16 October 2014 in Heiban town, Heiban County ©Amnesty International

<sup>19</sup> Interview with Nada, Heiban, 7 May 2015.

<sup>20</sup> Interview with human rights monitor, Heiban, 7 May 2015.

Gasim, who witnessed the attack, described what happened to Amnesty International researchers:

*"As soon as I heard the first bomb I stopped my vehicle and got out. Then there was a second bomb, only about 25 metres away, and I went to the ground. The first bomb had directly hit the house where the children were hiding. A number of us ran to the house. It was a terrible sight, with parts of bodies scattered around. Two girls, aged five and seven, were still alive. We put them in my vehicle and I drove as fast as I could to reach the hospital in Gidel. The five year old girl died the next day. That bomb destroyed that family".<sup>21</sup>*

Amnesty International also interviewed Rita, a South Sudanese woman whose house neighboured the house in which the six children were killed. She said:

*"I married my husband in South Sudan in 2007 and moved to Heiban eight years ago. An airplane dropped four bombs around our house and that made me decide to move into the caves with my children. The bomb killed the children of my neighbour [and] I was scared. I pray for God to bring peace. I cannot stay in this house with such bombings. The airplane did a lot of damage. My house was damaged and it killed my goats".<sup>22</sup>*

The bombing in Heiban on 16 October 2014 also damaged part of the New Sudan High School in Heiban. The school is now closed.

## ATTACKS IN UMM DORAIN COUNTY

In February 2015 the Mother of Mercy Hospital received survivors of an Antonov attack in Umm Dorain County. Eight children and one adult hid in a foxhole when they heard the plane. However when a bomb hit a nearby shelter, it was set on fire and fell into the foxhole where they were hiding. Three of the children were killed in the foxhole. The other five children and the adult were transferred to the hospital. Three of the survivors, all children, died at the hospital and the other three were eventually released. The attending physician, Dr. Tom Catena, told Amnesty International about the incident. He noted:

*"I have treated 1855 wounded children and adults at this hospital since the conflict began and I have seen people in incredible pain. The suffering of these children, with terrible injuries from the fire was among the worst I have ever seen. We could do very little for their pain".<sup>23</sup>*

Sima Mada Anglo, a 40 year old mother of five children, was killed by a bomb dropped from an Antonov in the village of Karkaia, Umm Dorain County on 16 January 2015. She had taken shelter in a foxhole but the bomb fell only about two meters away. Halima, a neighbour and

<sup>21</sup> Interview with Gasim, relief worker, Kauda, South Kordofan, 6 May 2015.

<sup>22</sup> Interview with Rita, 27 years old, Ogy Village, Heiban County, 7 May 2015.

<sup>23</sup> Interview with Dr. Tom Catena at the Mother of Mercy Hospital, Gidel, South Kordofan, 6 May 2015.

eyewitness, described the aftermath:

*“When I came I could see that the foxhole was covered in debris from the bomb. And then I realized there was someone inside. It was Sima and she was already dead. The bomb also burned the house and destroyed many rooms. Four children and Sima's mother-in-law were all injured”.*<sup>24</sup>

Amnesty International interviewed Sima Mada Anglo's 80 year old mother-in-law Khadija. She was hit with shrapnel in her hands, leg and head. A piece of shrapnel remains in her hand. Khadija described the ongoing fear she has experienced since the attack. *“I live in fear now. Even if I hear a motorcycle I shake from fear. What is happening to us is really bad. They should not hit us like this”.*<sup>25</sup>



Khadija Bashoum, 80-years-old, lives in Karkaia village in Umm Dorain County. She was hit with shrapnel from a bomb on 16 January 2015 ©Amnesty International

## BOMBINGS IN MENDI

In January 2015, the SAF advanced from Angarto towards Kauda town and engaged in fighting with SLPA-N forces in Mendi and the surrounding areas. SAF employed ground shelling from Angarto to Mendi, 30 kilometres south of Kauda, as well as aerial bombings which resulted in some civilian casualties. Around 6,000 civilians were displaced by the fighting. Antonov planes dropped bombs in Mendi on 10 January 2015 that killed one woman, Huda Kabashi, and destroyed many homes and other property. Huda Kabashi was 24 years old and had one child. She was living with her mother at the time of the attack because her husband was living in Khartoum. Huda Kabashi's mother described her daughter's death to Amnesty International

<sup>24</sup> Interview with Halima, Karkaia, Umm Dorain County, 10 May 2015.

<sup>25</sup> Interview with Khadija, Karkaia, Umm Dorain County, 10 May 2015.

researchers:

*"The Antonov kept circling. There had already been at least two bombs, we heard them. I was hiding here in this room with my daughter. We lay on the ground curled up with each other. People were screaming that buildings were starting to burn. I felt too afraid to move. A fragment from one of the bombs came straight through the doorway and hit my daughter in the right side of her body. She died immediately. And then the house burned. Her five year old daughter had made it safely to a foxhole. But now she has no mother".<sup>26</sup>*



Huda's mother Fatima Nuto and daughter Rimah Ahmed in front of the room where Huda was hit by the bomb shrapnel. ©Amnesty International

Three shelters were destroyed in Sulaiman's family compound during that same attack. He told Amnesty International that the Antonov circled over the village three times and dropped four bombs. One of the bombs landed directly in his family's compound. Sulaiman was able to hide in a foxhole with his wife, six children and three other relatives, and no one was injured. The three shelters were completely destroyed. Sulaiman told Amnesty International that eight other buildings were destroyed in other areas of Mendi. He said that he worries he *"may soon have to run away with my family, because the situation is so dangerous and you never know when the next attacks will come"*.<sup>27</sup>

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<sup>26</sup> Interview with Huda Kabashi's mother, Mendi, Heiban County, 9 May 2015.

<sup>27</sup> Interview with Sulaiman, Mendi, Heiban County, 9 May 2015.

## INTERNATIONAL LAW AND THE PROTECTION OF CIVILIANS DURING CONFLICT

Sudan is legally obliged to respect and protect the right to life of people within its territory, a right that is non-derogable under the International Covenant on Civil and Political Rights<sup>28</sup> and is also provided for in Article 4 of the African Charter on Human and Peoples' Rights. Sudan is a state party to both these treaties.

International humanitarian law, which applies only in situations of armed conflict, applies alongside international human rights law.<sup>29</sup> Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict. There has been a non-international armed conflict in South Kordofan since June 2011, and therefore all parties to the conflict are bound by the applicable rules of international humanitarian law.<sup>30</sup> Serious violations of International Humanitarian Law are war crimes.

A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians”.<sup>31</sup> A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental “principle of distinction”.<sup>32</sup> Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects, is a war crime.<sup>33</sup>

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<sup>28</sup> International Covenant on Civil and Political Rights (ICCPR), adopted 16 December 1966, G.A. Res.2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, ratified by Burundi 18 March 1986, Articles 4 and 6.

<sup>29</sup> This principle was set out by the International Court of Justice in two advisory opinions, *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, ICJ Reports 1996 (I), opinion of 8 July 1996, para. 25; *Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ Reports 2004 at 126, opinion of 9 July 2004, para. 106.

<sup>30</sup> Sudan is a state party to the four Geneva Conventions of 12 August 1949. Article 3, common to the four Geneva Conventions, applies to all parties to non-international armed conflicts. Many of the specific rules included in this and other international humanitarian law treaties form part of customary international humanitarian law applicable to non-international armed conflicts and are thus binding on all parties to this conflict, including the Sudanese Armed Forces, pro-government militias, the SPLA-N and other non-state armed groups. For more information see: ICRC Customary IHL Study, footnote 3.

<sup>31</sup> Rule 1 of the ICRC Customary IHL Study; see also the 1977 Protocols Additional to the Geneva Convention: Article 48 of Protocol I, and Article 12(2) of Protocol II.

<sup>32</sup> For the purposes of distinction, anyone who is not a member of the armed forces or a party to the conflict is a civilian, and the civilian population comprises anyone who is not a combatant, namely not taking active part in the hostilities. Civilian objects are all objects (that is, buildings, structures, places and other physical property or environments) which are not “military objectives”. Military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.” Rules 8 and 9 of the ICRC Customary IHL Study; Article 52 of Protocol I.

<sup>33</sup> Rule 156 of the ICRC Customary IHL Study, pages 591, 593, 595-598. See also Rome Statute of

Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>34</sup> Intentionally launching an indiscriminate attack resulting in death or injury to civilians (that is, knowing that the attack will not distinguish between military objectives and civilian objects, or that it will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.<sup>35</sup> In addition the rule of proportionality in attack prohibits those attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.<sup>36</sup> Launching an attack in the knowledge that it will cause excessive incidental civilian loss, injury or damage is a war crime.<sup>37</sup>

#### CHILDREN VICTIMS OF UNEXPLODED ORDNANCE IN MENDI

On 26 April 2015, the Mother of Mercy Hospital received a 12 year old boy, Elias Younis, who had been injured in Angarto by unexploded ordnance where there had been extensive bombardment and ground fighting earlier in the year. The boy's leg had been badly injured and he suffered considerable blood loss. He had died by the time he arrived at the hospital. Dr. Tom Catena told Amnesty International researchers that:

*“It is terrible to see how the deaths and injuries continue even after the attacks and fighting. We see so many here, usually children, who have been injured when a landmine or some other unexploded ordnance explodes while they are playing with it or seeing what it is”.<sup>38</sup>*

Abdel Aziz Hamad, a 15 year old boy, was injured by unexploded ordnance while tending cattle in Mendi along with two friends on 29 April 2015. The explosion killed his two friends. Amnesty International interviewed Abdel Aziz Hamad at the Mother of Mercy Hospital in Gidel, where he was still recovering from his injuries two weeks after the incident. He said:

*“We found some shiny items and we started to play with them. We hit one of them with a rock and it exploded. The explosion killed my two friends and I was injured in both of my legs and my penis”.<sup>39</sup>*

Other recent injuries of children from shrapnel and unexploded munitions include Mansur

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the International Criminal Court, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i),(ii), (iv) and (xii); discussion in ICRC Customary IHL Study, page 27.

<sup>34</sup> Rule 12 of the ICRC Customary IHL Study; Article 51(4)(a) of Protocol I.

<sup>35</sup> Rule 156 of the ICRC Customary IHL Study, pages 599-601.

<sup>36</sup> Rule 14 of the ICRC Customary IHL Study; Articles 51(5)(6) and 57 of Protocol I.

<sup>37</sup> ICRC Customary IHL Study, Rule 156, pages 599-601.

<sup>38</sup> Interview with Dr Tom Catena, Mother of Mercy Hospital, Gidel, South Kordofan, 6 May 2015. Amnesty International received various reports that landmines have been used during the conflict in South Kordofan. The organization has not been able to verify these reports, or determine which party may have laid the landmines or identify their origin.

<sup>39</sup> Interview with A.H., Mother of Mercy Hospital, Gidel, South Kordofan, 6 May 2015.

Abdurahman, 13 years of age, who was badly injured by artillery shrapnel in his chest and diaphragm following an attack in Korongo on 16 April 2015, and Kala Hamad, age 12, who suffered major injuries from an unexploded artillery shell which exploded when he handled it.

On 15 January 2015, 11 year old Amar Al Jaali was working in the fields with his mother and siblings. He found unexploded ordnance and began to play with it. *"It looked so shiny and nice. I hit it with a stone and it exploded,"* he told Amnesty International researchers. The explosion injured his right hand, nearly severing his thumb and index finger. He was taken first to a local health centre in Mendi and then transferred to the Mother of Mercy Hospital in Gidel, where he remained for 21 days. Amnesty International also interviewed Amar Al Jaali's mother about the incident.

*"I was right beside him when this happened. This is not good. The airplanes hit children and old people. We do not want these things happening to us. These bombs they drop, hurt the children and the people in the village. They do not discriminate between the old or the young".<sup>40</sup>*

### BOMBINGS OF HOSPITALS, SCHOOLS AND RELIEF ORGANIZATIONS

Amnesty International has confirmed attacks at or near five hospitals/clinics, four schools and two local relief organizations that resulted in deaths, injuries, extensive property damage and displacement. Amnesty International researchers sought to establish in each of these attacks whether these buildings were being used by SPLA-N forces or whether the buildings were near legitimate SPLA-N military targets at the time of the attack. Amnesty International researchers obtained consistent eyewitness testimony indicating that the buildings were being used for civilian purposes at the time of the attack and that they were not legitimate military targets. Amnesty International researchers were unable to definitively establish that they were not legitimate targets. However, the attacks, which were aerial bombardments, were carried out in such a way as to be indiscriminate, failing to distinguish between military objectives and civilian objects. Civilians were killed and injured as a result.

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<sup>40</sup> Interview with H.I.A, Mendi, Talodi County, 9 May 2015.

## BOMBINGS IN KAUDA BOMBING OF PEACE HIGH SCHOOL FOR GIRLS IN KAUDA

The grounds and surrounding area of the Peace High School for Girls in Kauda have been bombed several times during the conflict. The school itself has been closed for several years because of attacks early in the conflict. A 45 year old man, Jamal, was killed in the most recent attack near the school, in February 2014. The school was being used as offices for agricultural officials at the time. All available information and testimony gathered by Amnesty International researchers indicated that the school was not being used at that time (or since) for purposes that would have made it a legitimate military target.



A bomb crater 100 meters away from Peace High School for Girls in Kauda. A 45- year old man, Jamal, was killed in this attack in February 2014 © Amnesty International

A plane, described by witnesses as a Sukhoi fighter jet, was circling over the school. Jamal and others ran out of the school as they were concerned the jet was readying to bomb the building. Jamal ran some 500 metres from the school building and hid under a tree. The Sukhoi launched a parachute bomb, which caused a massive explosion when it hit the ground very close to where Jamal was hiding. He was killed instantly. Amnesty International researchers were shown what appeared to be the charred remains of the strings of the parachute bomb and inspected the bomb crater, which was approximately three metres deep and five metres wide.

## ATTACK ON GIDEL HOSPITAL

Amnesty International has previously reported that the Mother of Mercy Hospital in Gidel, outside the town of Kauda, came under attack on 1 and 2 May 2014.<sup>41</sup> In May 2015, Amnesty International researchers interviewed survivors and witnesses, examined shrapnel fragments from the attacks, inspected the damage to buildings and observed the craters where bombs landed. Joseph, a hospital administrator at the Mother of Mercy Hospital and a survivor of the attack, described what happened to Amnesty International researchers:

*"It was Labour Day, the first of May, and I was getting ready to attend a celebration at the nearby secondary school. Just before I left there was the huge noise of a jet fighter coming in from the north. Because of the noise and direction we knew that it had already fired, so there was no time to take cover or reach a foxhole. The bomb hit by the hospital fence where there is a small village. I thought it was a mistake. And then it came back a second time and I knew it was no accident. They know we are a hospital. They know we are here. We had even seen a drone circling around just a few days before this which would have given them very recent photos. In total the plane passed over us four times that day and dropped three bombs. And there was still more.*

*The next day an Antonov attacked the area in and around the hospital, dropping eight bombs in total. We are so lucky that no one was killed, but there was property damage. And the worst was how scared everyone was. Immediately after the bombs fell, everyone who could flee ran away. We became like a ghost hospital. Our Bishop later made a complaint to the government in Khartoum. The response was that there were no civilians here, only soldiers. They say that we are a military hospital".<sup>42</sup>*

On 28 May 2014, planes returned twice on the same day to the area near the hospital. Three bombs fell at about 10am and another three at 2.30pm. Five of the bombs missed the school and hospital compounds, exploding in the surrounding fields. One of the bombs that afternoon landed just outside the nearby Saint Peter and Paul Primary School which is approximately one kilometre from the hospital. Over 500 students attend the school and were there at the time.<sup>43</sup> The school is still operational at the present time. The bomb landed about 30 meters outside the school fence. The explosion damaged the school fence and part of the roofing of the classrooms.

Peter, a teacher at the school who witnessed the attack, told Amnesty International:

*"It was a massive explosion. Everyone started running in different directions. I*

<sup>41</sup> Amnesty International, *Sudan: Civilians under attack in Southern Kordofan*, (Index: AFR 54/011/2014), June 2014, p. 8.

<sup>42</sup> Interview with hospital staff, Mother of Mercy Hospital, Gidel, South Kordofan, 6 May 2015. Even if the hospital was treating some or a large number of injured soldiers, it would remain a war crime to attack it.

<sup>43</sup> Interview with teacher who witnessed the attack, Saint Peter and Paul Primary School, Gidel, South Kordofan, 6 May 2015.

*yelled for students to hide in the foxholes. We have always been afraid of bombs falling here, especially after the hospital was attacked in early May. We have around 200 foxholes on the school grounds. But many students were so scared they ran away from the school. I saw many climbing over the fence to get away. What if a bomb had fallen where they were running? They bomb hospitals and schools. They want to destroy us. But we only closed the school for two weeks after this attack. Students came back to class on June 9 and now we even have more students”.*

#### ATTACK ON KAUDA RURAL HOSPITAL

Amnesty International researchers inspected three unexploded ordnances at the Kauda Rural Hospital. The unexploded ordnances are indicative of a parachute retarded high explosive bomb. Witnesses said that the hospital was attacked on 28 May 2014, the same day as the attack at the Saint Peter and Paul School in Gidel. One of the ordnance, nose down in the ground, is on the grounds of the hospital, behind the chain link fence that surrounds the property and less than three meters from one of the hospital buildings. The other two ordnances are just outside the fence, no more than 20 meters distant. Fortunately since they did not explode there was no loss of life, injury or damage to property. The hospital was not operational at the time, having been evacuated several months earlier because of fears of a possible attack. It remains closed.



One of the three unexploded ordnance at the front of Kauda Rural Hospital ©Amnesty International

## HOSPITALS BOMBED IN HEIBAN, DALAMI AND BURAM COUNTIES

There have been several other instances in which bombs have fallen on hospitals and medical clinics. Amnesty International visited the site of Heiban Rural Hospital in Heiban town, Heiban County, which was damaged when eight bombs landed directly on the hospital grounds on 16 February 2015. One of the hospital buildings, with ten rooms made of stone, was destroyed. Najwa Kadula Maru, a 40 year old woman, was killed in the attack. Salim, who witnessed the attacks told Amnesty International that he could not believe that a hospital would be bombed.

*"A hospital is not supposed to be attacked. It is always supposed to be safe. If they are attacking hospitals they will attack anything".<sup>44</sup>*

Amnesty International visited a medical clinic in the village of Tujur in Dalami County that had previously been supported by the international medical organization, *Médecins Sans Frontières*. Due to repeated attacks either directly on or within the grounds of the medical clinic, operations at the facility were scaled back considerably in 2013. At one time over 100 staff were associated with the facility's medical programs, but that has been cut back now to just over 20. On 13 January 2014, bombs landed directly in the facility's compound. One eyewitness told Amnesty International that in one day, 114 rockets and bombs were fired or launched in the area by two MiG fighters and one Antonov plane. Most of the rockets missed the hospital, landing nearby but seven landed in the compound, causing damage to property. Abdallah, who witnessed the attacks, told Amnesty International that:

*"The last time a bomb hit inside the compound was on 13 January 2014, around 1pm and the bombings lasted till 4pm. I was here hiding in this foxhole, when two MiG fighter jets and an Antonov came three times from the north east direction and bombed the hospital. The MiGs fired around 114 rockets in one day. Seven rockets landed inside our compound. The Antonov dropped three bombs outside the compound".<sup>45</sup>*

Bombings continue in the vicinity of the health centre. In mid-April 2015, three bombs from Antonov planes landed in the area, one of which was about 200 metres from the facility's fence, damaging some rooms in the residential compound.<sup>46</sup> No one was killed or injured in this attack.

In June 2014 and again in January 2015, MSF's hospital in Farandala, Buram County was bombed and several people were injured, including patients.<sup>47</sup> MSF had repeatedly informed Sudanese authorities of the precise coordinates of the organization's operations as a safeguard against the possibility of being bombed.<sup>48</sup>

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<sup>44</sup> Interview with local resident, Heiban Village, Heiban County, 7 May 2015.

<sup>45</sup> Interview with clinic staff in Tujur, 8 May 2015.

<sup>46</sup> Interview with clinic staff in Tujur, 8 May 2015.

<sup>47</sup> MSF staff told Amnesty International that the organisation voluntarily provided the coordinates of the hospital in Frandalla to the government of Sudan three years ago, as part of humanitarian principles in war zone. Interview with MSF staff, Juba, 8 February 2015.

<sup>48</sup> Médecins Sans Frontières, *Sudan: MSF hospital bombed in South Kordofan*, 20 January 2015,

In Kauda, the Sudanese Air Force has dropped bombs in the compound of a local relief organization three times since June 2011. This organisation employs dozens of local staff and provides some of the only assistance available to civilians in SPLA-N controlled areas of South Kordofan in the face of the Sudanese government's denial of humanitarian access to the area.<sup>49</sup> The most recent of those attacks was in May 2014 which destroyed some of the organization's buildings and property. Gasim, an employee of the organization, described to Amnesty International that he had been elsewhere for a meeting at the time of the attack. When he returned, he *"came across papers blowing in the breeze at some distance from the compound and I knew something was wrong. When I reached our property I found that my office had been completely destroyed and I had lost everything"*.<sup>50</sup>

## ANALYSIS OF SOUTH KORDOFAN'S BOMBS AND ROCKETS

As noted throughout this report, and in Amnesty International's earlier reports documenting indiscriminate attacks against civilians during the conflict in South Kordofan, the attacks are launched through both aerial bombardment and long-range ground shelling. In May 2015 Amnesty International researchers visited the sites of 27 attacks and viewed unexploded munitions, large sections and fragments from exploded munitions, craters from explosions, and damage to buildings and trees. Photographs taken at these locations have made it possible to identify some of the weaponry used by the Sudan Armed Forces with a high degree of certainty.

Unexploded cluster munitions on the outskirts of the Tunguli IDP camp in Dalami County and in the village of Rigivi in Umm Dorain County are the remains of a Soviet RBK-500 aerial bomb, which dispenses 108 AO-2.5RT fragmentation bomblets. The bombs were dropped in Tunguli on 6 March 2015, and in Rigivi in late February 2015. It is likely that the bombs malfunctioned and landed on the ground without having dispensed their cargo. These bombs would have been manufactured in 1984. They were made in large numbers at that time and were in the hands of several national air forces with Soviet-era connections in the Middle East. It appears that these sub-munitions may not have been armed and may be safe to handle if done with care. However, they do still likely contain a fuse, explosive fill and fragmentation casing, meaning they remain lethal if not handled properly and safely by trained experts. Civilians in South Kordofan do not have access to that expertise at this time.

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<http://www.msf.org/article/sudan-msf-hospital-bombed-south-kordofan> (accessed 26 July 2015). Médecins Sans Frontières, *MSF hospital bombed in Sudan*, 17 June 2014, <http://www.msf.org/article/msf-hospital-bombed-sudan> (accessed 26 July 2015).

<sup>49</sup> Sudan reiterates rejection to authorise aid in war zones, *Sudanese News Agency*, 2012, <http://reliefweb.int/report/sudan/sudan-reiterates-rejection-authorise-aid-war-zones> (accessed 25 June 2015).

<sup>50</sup> Interview with relief worker, Kauda, South Kordofan, 6 May 2015.



Unexploded cluster bomblets in Rigivi, Umm Dorain County ©Amnesty International

Since the Sudanese Air Force's acquisition from Belarus in 2013 of Sukhoi Su-24 ground attack aircraft they have been using parachute bombs with increasing regularity in South Kordofan. Those documented previously have been Soviet/Russian origin FAB-500 series bombs. The size and dimensions of the crater along with the remains of charred fabric straps at the site of a bomb dropped outside the Kauda Peace High School for Girls in February 2014 are indicative of a parachute retarded aerial bomb of around 500 kilograms. Similarly, the unexploded bombs on and immediately outside the grounds of the Kauda Rural Hospital are indicative of a parachute retarded high explosive general purpose bomb of between 400 and 500 kilograms. Stencilling visible on one of the weapons, if correct, suggests that it was probably manufactured in the 1960s. On the basis of the script and the lot numbering, it is possible that these are Chinese-manufactured parachute-drag tail assemblies.



# A PROTRACTED AND DEEPENING HUMANITARIAN CRISIS

*"We spend so much time getting in and out of foxholes that there is no time to cultivate any crops".<sup>51</sup>*

Since the start of the conflict, the civilian population in South Kordofan has been living in desperate conditions, fleeing from relentless bombardment and seeking refuge inside foxholes and caves, with limited access to food, water, and medical care.<sup>52</sup> The Government of Sudan meanwhile has continued to refuse humanitarian access to areas held by SPLA-N, causing a protracted and deepening humanitarian crisis.<sup>53</sup> Meanwhile, humanitarian access for aid organizations in government-controlled areas in South Kordofan has improved over the past year.<sup>54</sup> What limited humanitarian support exists in SPLA-N areas is provided by a handful of local groups.<sup>55</sup> According to a Famine Early Warning System (FEWS) report in April 2015, an estimated 3.7 million people in Sudan are food insecure, 15 percent of whom are in South Kordofan. The FEWS map of the food insecure areas clearly shows that the SPLA-N controlled

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<sup>51</sup> Interview with Zainab Saidi, Kimli IDP Site, 8 May 2015.

<sup>52</sup> Amnesty International, *Sudan: Civilians under attack in Southern Kordofan* (Index: AFR 54/011/2014).

<sup>53</sup> On 9 February 2012, the African Union (AU), League of Arab States (LAS) and the UN submitted a tripartite proposal to the Government of Sudan and SPLM-N, urging both parties to allow for unhindered and immediate humanitarian access to assist civilians in both areas. This call was reiterated by the UN Security Council on 2 May 2012. The SPLM-N signed the tripartite agreement; however it was not signed by the Government of Sudan. Amnesty International, *"We can run away from bombs, but not from hunger": Sudan's refugees in South Sudan* (Index: AFR 65/001/2012). The initiative had failed by November 2012 when the agreement expired and both sides blamed each other for the failure.

<sup>54</sup> UNOCHA, South Kordofan and Blue Nile, Population Movements Fact Sheet, 19 May 2014. Available at:

<http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Kordofan%20and%20Blue%20Nile%20Population%20Movements%20Fact%20Sheet%20-%202019%20May%202014.pdf> (accessed 26 July 2015)

<sup>55</sup> The UN's Office for the Coordination of Humanitarian Affairs notes that "the humanitarian situation in SPLM-N controlled areas [of Southern Kordofan and Blue Nile States] is becoming increasingly critical following three years in which many humanitarian organizations have been denied access." <http://www.unocha.org/sudan/about-ocha-sudan/about-ocha-sudan> (accessed 26 July 2015). In a July 2014 briefing to the UN Security Council, the UN Under-Secretary-General for Humanitarian Affairs, Valerie Amos, noted that it had been over two years since the UN Security Council adopted Resolution 2046 expressing concern at the humanitarian situation in South Kordofan and Blue Nile and that "hundreds of thousands of innocent people in South Kordofan and Blue Nile continue to be affected by war, and no progress has been made in ensuring that they have access to even the most basic humanitarian assistance." <http://reliefweb.int/report/sudan/emergency-relief-coordinator-and-under-secretary-general-humanitarian-affairs-valerie> (accessed 26 July 2015)

areas are the worst affected in South Kordofan.<sup>56</sup> The Food Security Monitoring Unit (FSMU) which operates in SPLA-N controlled areas reported that over 75 percent of households in South Kordofan experienced severe food insecurity between January and March 2015.<sup>57</sup>

In addition to restricted humanitarian access, the bombings have substantially damaged or destroyed civilian areas and objects, such as hospitals, schools, fields, and food infrastructure such as food stores and sorghum mills. Alfadil Khalifa Mohammed at the IDP site in Tunguli, Dalami County told Amnesty International researchers:

*"It is too far to go when we need to go to a hospital. So many clinics and hospitals have been bombed and forced to shut down. The only place where my baby's life might have been saved was the hospital in Gidel. But there was no way to get there. We would have had to walk, which would have taken far too long. People are dying here because they can't reach medical care".<sup>58</sup>*

Alfadil Khalifa Mohammed lost his wife, who was 8 months pregnant, in an attack at the IDP site in Tunguli.<sup>59</sup>

The fear and displacement caused by the bombings has also meant that local residents are often too afraid to work in their fields, with devastating consequences for food security. Salha, an internally displaced person in Kimli IDP site, told Amnesty International researchers that:

*"We are used to growing our own food. But we haven't planted anything for the past two years. We couldn't because we had to run away. We are too afraid to work in our fields".<sup>60</sup>*

Awad Saeed Kodi, Executive Director of Heiban County, told Amnesty international researchers that:

*"Villagers and IDPs come to our office every day looking for food. They have been unable to grow their own crops and they have nothing to feed their children. But we have nothing to give them because nothing arrives from outside. The only thing we can do is tell them to try to reach Yida refugee camp. We give them a letter of introduction to give to the UN when they reach there".<sup>61</sup>*

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<sup>56</sup> Famine Early Warning System, *Escalating conflict in Darfur and South Kordofan continues to limit access to food for the poor*, April-September 2015, <http://www.fews.net/east-africa/sudan/food-security-outlook/april-2015> (accessed 23 July 2015)

<sup>57</sup> South Kordofan and Blue Nile Coordination Unit Humanitarian Update – June 2015.

<sup>58</sup> Interview with Alfadil Khalifa, teacher in Tunguli IDP Site, 8 May 2015.

<sup>59</sup> See Alfadil Khalifa Mohammed testimony, reference on page 17.

<sup>60</sup> Interview with Salha, Kimli IDP site, 8 May 2015.

<sup>61</sup> Interview with Awad Saeed Kodi, Executive Director of Heiban County, Heiban, 7 May 2015.

## ACCESS TO HEALTH CARE

The health infrastructure in SPLA-N controlled areas has been significantly diminished. Since 2011, SAF has bombed 26 health facilities (hospitals, clinics and health units) in South Kordofan.<sup>62</sup> According to the World Health Organisation (WHO) there are 172 Primary Care Units in the state, 52 of which are not functioning, mostly in SPLA-N controlled areas.<sup>63</sup> There were four hospitals, out of 10 in the state, in the SPLA-N controlled areas before June 2011. Now only two hospitals are still functioning and provide service to over 1.2 million people.<sup>64</sup>

In addition to the bombing of hospitals and clinics and the resulting drastic reduction in functioning health facilities, civilians in SPLA-N controlled South Kordofan have had their human right to essential health care violated in other ways. For example, the delivery of medical supplies and vaccination programmes necessary to prevent potentially infectious diseases such as measles is being denied, with fatal consequences for children.

In one of only two hospitals still operating in areas controlled by the SPLA-N, 1,400 children were treated for measles between May 2014 and January 2015, and approximately 30 died from what is generally a reliably preventable disease.<sup>65</sup> In the rest of Sudan, the Ministry of Health and UNICEF have launched a massive campaign to immunize 7.9 million children aged six months to 15 years against measles in 2015.<sup>66</sup> Since 2011, the government of Sudan has not allowed UNICEF access to SPLA-N controlled areas of South Kordofan so UNICEF and WHO cannot extend this campaign to include children in the area.<sup>67</sup> UNICEF in their last report on Sudan in 2013, noted that the continued limitations on access to communities by the authorities constituted one of the major obstacles to their work in Sudan.<sup>68</sup> UNICEF's last vaccination campaign in all of South Kordofan State, including SPLA-N controlled areas, was in 2011.<sup>69</sup>

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<sup>62</sup> Interview with health official, Kauda, South Kordofan, 7 May 2015.

<sup>63</sup> WHO, *Country Cooperation Strategy for WHO Sudan 2008–2013, 2009*, [http://www.who.int/countryfocus/cooperation\\_strategy/ccs\\_sdn\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccs_sdn_en.pdf) (accessed 24 June 2015).

<sup>64</sup> Interview with health official, Kauda, South Kordofan, 7 May 2015.

<sup>65</sup> Interviews at Mother of Mercy Hospital, Gidel, South Kordofan, 6 May 2015.

<sup>66</sup> UNICEF, *Nearly 8 million children in Sudan to be immunized against measles following deadly outbreak*, 22 April 2015, [http://www.unicef.org/media/media\\_81662.html](http://www.unicef.org/media/media_81662.html) (accessed 8 June 2015).

<sup>67</sup> UNOCHA, *Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Valerie Amos, Statement to the Press, Security Council Briefing on Sudan/South Sudan*, 16 July 2014, <http://reliefweb.int/report/sudan/statement-attributable-under-secretary-general-and-emergency-relief-coordinator-valerie> (accessed 25 July 2015); Sudan Tribune, *Over 500,000 children in Two Areas unreachable for measles vaccination: UNICEF, 24 November 2013*, <http://sudantribune.com/spip.php?article48924> (accessed 25 July 2015).

<sup>68</sup> UNICEF, *Annual Report 2013*, p.12, [http://www.unicef.org/about/annualreport/files/Sudan\\_COAR\\_2013.pdf](http://www.unicef.org/about/annualreport/files/Sudan_COAR_2013.pdf) (accessed 25 July 2015).

<sup>69</sup> Bureau of Investigative Journalism, *UN criticised in Sudan after children left unimmunised, 20 May 2012*, <https://www.thebureauinvestigates.com/2012/05/20/un-criticised-in-sudan-after-children-left-unimmunised/> (accessed 25 July 2015). The UN has had a detailed vaccination plan in place for areas in South Kordofan and Blue Nile states which have not received at-scale humanitarian assistance since 2011,

Dr. Tom Catena told Amnesty International that:

*"The measles epidemic was so tragic. There was one woman who had been having trouble bearing a child and had many miscarriages. We provided her with surgery and treatment so that she could finally carry a baby to full term. Everyone was so happy for her. And then she lost her child in the measles outbreak. The epidemic we had should have been a health emergency and the WHO should have immediately been able to help us with the vaccines we needed. There should be no question, vaccines and essential drugs for such things as leprosy and tuberculosis must be allowed to cross the border".<sup>70</sup>*

## ACCESS TO EDUCATION

There were six secondary schools in SPLA-N controlled areas before the conflict began. Now only three secondary schools remain operational. The enrolment numbers have dropped from 3,000 before the conflict to about 300-500 secondary school students at the time of writing. 30 primary schools have been closed, and enrolment numbers have dropped by 23,000.<sup>71</sup> The SPLM-N Secretary of Education, Al Tijani Tima, told Amnesty International researchers:

*"We are working to keep as many schools open as we can. But there are no resources to run the schools and none of the big organizations that help with education are allowed to operate here. We have 1322 teachers right now. Only about 300 are well-trained with proper credentials. They are working as volunteers. And we lack everything they need to teach properly. We have no chalk or blackboards. There are very few textbooks available. Exercise books are so expensive, no family can afford them. We are keeping schools open, but just barely".<sup>72</sup>*

The Sudanese government's continued refusal to allow humanitarian access to areas controlled by SPLA-N violates the rights of men and women living in this region, but they have particular implications for children's rights to health, education and life, as shown above and in previous sections.

The last time there was an international initiative on humanitarian access was in 2012. The proposal, put forward by the United Nations, the African Union and the Arab League allowed for the provision of critically needed food and medical supplies to areas controlled by SPLA-N.

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but which has not been implemented to date. Implementation depends on agreement by all parties to the conflict to ensure unimpeded humanitarian access to the population in need.

<sup>70</sup> Interview with Dr. Tom Catena, Mother of Mercy Hospital, Gidel, 6 May 2015.

<sup>71</sup> Email from South Kordofan and Blue Nile Coordination Unit, 24 June 2015. There were 255 primary schools, but now only 225 are functioning. The level of enrolment has dropped from 70,000 pupils to 47,000 pupils.

<sup>72</sup> Interview with Al Tijani Tima, SPLM-N Secretary of Education, Kauda, 9 May 2015.

The agreement expired in November 2012.<sup>73</sup> Several unsuccessful attempts have been made between 2013 and 2014 to address the issue of humanitarian access in peace talks between the SPLM-N and the Sudanese government facilitated by the AU High Level Implementation Panel on Sudan and South Sudan (AUHIP).

## HUMANITARIAN ASSISTANCE UNDER INTERNATIONAL LAW

Restricting the provision of humanitarian assistance to civilians is prohibited by customary international humanitarian law, including the Additional Protocols to the Geneva Conventions. Under customary international humanitarian law, as explained by the International Committee of the Red Cross, “the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control”.<sup>74</sup>

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<sup>73</sup> On 9 February 2012, the African Union (AU), League of Arab States (LAS) and the UN submitted a tripartite proposal to the Government of Sudan and SPLM-N, urging both parties to allow for unhindered and immediate humanitarian access to assist civilians in both areas. This call was reiterated by the UN Security Council on 2 May 2012. The SPLM-N signed the tripartite agreement; however it has not been signed by the Government of Sudan. Amnesty International, *“We can run away from bombs, but not from hunger”*: Sudan’s refugees in South Sudan, (Index: AFR 65/001/2012). The initiative had failed by November 2012 and both sides blamed each other for the failure.

<sup>74</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Cambridge University Press, 2005, Rule 55.

# RESTRICTIONS ON HUMAN RIGHTS MONITORING

Amnesty International and several other organizations have issued numerous reports since the beginning of the conflict in South Kordofan, documenting four years of widespread human rights violations. This has included meticulous work conducted by monitors and reporters working with local human rights organizations and media initiatives carrying out their work in the face of considerable danger and logistical challenges.<sup>75</sup>

International organizations have faced considerable difficulty in monitoring the human rights situation in the state because of sweeping restrictions by the Government of Sudan on access to the area. While it has been very difficult because of security concerns and logistical challenges related to travel, it has been possible to conduct some research in areas that are controlled by the SPLA-N, but it has been impossible to do so in areas under the control of the Sudanese Armed Forces.<sup>76</sup> Amnesty International has not been granted access to Sudan, including South Kordofan, since 2006, which is why the organization has only been able to carry out research in those areas controlled by the SPLM/A-N.

The impact of the inability of human rights organizations to carry out unhindered monitoring and documentation in the area is compounded by the fact that restrictions imposed by the Government of Sudan on access also extend to UN agencies, international humanitarian organizations and foreign journalists, adding to the very serious challenges in compiling information about the full range of human rights violations in all parts of South Kordofan. There has been scant media coverage of the conflict over the past four years because of the ban on access and the security and logistical challenges associated with travel to and in the area. *Médecins Sans Frontières*, one international organization that endeavored to maintain a presence in SPLA-N controlled areas of South Kordofan, has had to scale down operations considerably because of repeated bombardment and shelling of the organization's two medical clinics by the SAF.<sup>77</sup>

The challenges associated with monitoring and documenting human rights in South Kordofan are further compounded by the fact that the state has been under a state of emergency since

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<sup>75</sup> International Refugee Rights Initiative and National Human Rights Monitoring Organization, "We just want a rest from war": *Civilian perspectives on the conflict in Sudan's Southern Kordofan State*, April 2015, <http://www.refugee-rights.org/Publications/Papers/2015/TiredofWar.pdf>; Nuba Reports, *South Kordofan at a standstill as big battles loom*, 13 May 2015, <http://nubareports.org/south-kordofan-at-a-standstill-as-big-battles-loom/> (all accessed 26 July 2015)

<sup>76</sup> Approximately 70% of South Kordofan is, as of the end of May 2015, controlled by the SPLM/A-N. That control extends only to the ground. The Sudanese Air Force has full aerial control of the state.

<sup>77</sup> Médecins Sans Frontières, *MSF hospital bombed in Sudan: Amidst bombing of South Kordofan village, MSF facility attacked*, 17 June 2014; Médecins Sans Frontières, *Sudan: MSF hospital bombed in South Kordofan*, 22 January 2015.

2011.<sup>78</sup> The Emergency and Public Safety Act gives SAF and other security agencies unfettered discretion to arrest anyone perceived as a member or supporter of the SPLM/A-N. Those arrested face a very high risk of being tortured in detention, a practice which Amnesty International has documented.<sup>79</sup>

Despite the serious limitations and dangers, local human rights defenders are active in South Kordofan. However, they have been targeted in the course of their work by SAF. For instance, a local human rights activist, Mohamed Musa Mohamed Dawud, was reportedly arrested in South Kadugli on 24 April 2015 by a SAF unit. He was being detained in a military hospital in the South Kordofan capital Kadugli, without access to a lawyer or his family. Mohamed Musa was riding his motorbike near Tuma village, South Kadugli when he was fired upon by officers with a SAF unit. He was injured in his leg and possibly other parts of his body during the incident. The SAF officers arrested him and confiscated his motorbike. He was taken to Kadugli, where he remained in detention as of 24 April. There have been more recent conflicting reports received by Amnesty International suggesting that he may have been killed when he came under fire by the SAF unit. Amnesty International has pressed Sudanese authorities to disclose full information about Mohamed Musa's fate and whereabouts and ensure that his human rights are upheld, but has not received any response from officials at the time of publishing.

Monitoring, documentation and reporting of the human rights situation in South Kordofan by United Nations and African Union human rights experts and bodies has been limited. The UN Independent Expert on Sudan, the UN Special Rapporteur on violence against women and a delegation from the African Commission on Human and Peoples' Rights all carried out official visits to Sudan in May 2015, but none visited South Kordofan. The previous UN Independent Expert visited Kadugli in the government-controlled region of South Kordofan in February 2014.<sup>80</sup> The mandate of the Independent Expert – which is to assess, verify and report on the situation of human rights with a view to make recommendations on technical assistance and capacity building for addressing human rights in the country – was extended for one year by the Human Rights Council in September 2014. That mandate will be up for renewal at the September 2015 session of the Human Rights Council. Additionally, the UN Secretary-General has appointed a Special Envoy for Sudan and South Sudan. Neither the Special Envoy (currently Haile Menkerios) nor the Chair of the African Union's High Level Implementation Panel (former South African President Thabo Mbeki), the body which leads the AU's efforts to broker a peace deal between the Sudanese government and the SPLA/M-N, has visited or instituted any form of human rights monitoring in the area.

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<sup>78</sup> Powers of Emergency, Article 3(i) of the 1997 Emergency and Public Safety Act.

<sup>79</sup> Amnesty International, "Health fears for detained Sudanese activist on hunger strike", 12 October 2011 (<https://www.amnesty.org/en/articles/news/2011/10/health-fears-detained-sudanese-activist-hunger-strike/>).

<sup>80</sup> *Report of the Independent Expert on the situation of human rights in the Sudan*, Mashood A. Baderin, A/HRC/27/69, 4 September 2014. Mashood Adebayo Baderin, the UN Independent Expert on the Situation of Human Rights in the Sudan, from 2012 to 2014, was replaced in November 2014 by Aristide Nononsi, from Benin.

# INTERNATIONAL AND REGIONAL FAILURE TO ADDRESS VIOLATIONS AND ENSURE ACCOUNTABILITY

Despite the ongoing conflict in South Kordofan, the serious violations of international human rights and international humanitarian law and the protracted humanitarian crisis precipitated by the Sudan government's refusal to allow humanitarian access to SPLA-N controlled areas, the international community has not taken any significant action to address the gross and systematic human rights violations or end the war crimes.

A report from the Office of the High Commissioner for Human Rights (OHCHR) was prepared in August 2011, documenting the wide range of serious violations of international human rights and humanitarian law in South Kordofan in June 2011. The report includes findings of indiscriminate killings, use of prohibited weapons, enforced disappearances, arbitrary arrests, illegal detentions, forced displacement, coerced returns, restrictions on humanitarian access, violations of the freedoms of expression, assembly and association, attacks on churches and attacks on the UN Mission in Sudan's staff and assets. The OHCHR recommended that "an independent, thorough and objective inquiry be conducted into alleged violations of international human rights and humanitarian law that occurred during the hostilities in South Kordofan".<sup>81</sup> That recommendation has not been taken up by the Human Rights Council or the UN Security Council. The report has not been discussed or acted upon in any way by UN bodies.

Notably the OHCHR report called for the independent inquiry to be held with a specific "view to holding perpetrators to account." The need for there to be justice and accountability with regard to the war crimes in South Kordofan has been consistently ignored by the Government of Sudan and the international community.

There have been no investigations launched into crimes under international humanitarian law and other serious violations of international human rights law by Sudanese officials and no one has been arrested, charged or tried in relation to any of the violations documented in this report. No action has been taken at the regional or international level either. The International Criminal Court's mandate with respect to Sudan, which originates in a referral from the UN Security Council, is limited to Darfur.<sup>82</sup> No other international body or State has taken steps to

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<sup>81</sup> Office of the High Commissioner for Human Rights, *Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011*, Thirteenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, August 2011, p. 12, [www.ohchr.org/Documents/Countries/13thSouth\\_Kordofan\\_report.doc](http://www.ohchr.org/Documents/Countries/13thSouth_Kordofan_report.doc) (accessed 26 July 2015).

<sup>82</sup> In December 2014, Fatou Bensouda the International Criminal Court's Prosecutor announced she was

pursue justice and accountability.

All Human Rights Council resolutions dealing with Sudan since the beginning of the conflict in South Kordofan have been under the Council's agenda item 10 dealing with technical and capacity building assistance, which does not bring the same level of scrutiny and political pressure that comes with agenda item 4 dealing with situations that require the Council's attention. The most recent resolution, from the Council's September 2014 session, noted "challenges" in conflict-affected areas such as South Kordofan and condemned violations and abuses of international human rights and humanitarian law in South Kordofan (along with Darfur and Blue Nile) while urging all parties to Sudan's various conflicts to "resort to peace". The Council also renewed the mandate of the Independent Expert on the situation of human rights in the Sudan for a period of one year (the same one year extension that has been granted each year since the Independent Expert was established in 2009).<sup>83</sup>

In his most recent report the Independent Expert, who is mandated to cover all concerns in Sudan, including Darfur, devotes three paragraphs to the situation in South Kordofan and another three paragraphs to the situation in Blue Nile. There are several recommendations directed to conflict-affected areas in the country in general and one which specifically calls on Sudan to cooperate with the international community in finding a permanent solution to armed conflicts in the country, including in South Kordofan (the only recommendation which specifies South Kordofan).<sup>84</sup> It is clear that the combination of a technical assistance mandate and the many serious human rights situations in Sudan is such that the Independent Expert is not able to scrutinize and investigate human rights violations in South Kordofan to the degree needed.

Meanwhile the UN Security Council (UNSC) only gave specific attention to the crisis in South Kordofan in 2012, when escalating tensions and military incursions between Sudan and South Sudan drew the UNSC's attention to the border areas between the two countries. Resolution 2046 (2012), adopted on 2 May 2012, expressed deep concern at the humanitarian situation created by the "continued fighting in the states of South Kordofan and Blue Nile in Sudan," and entrusted the African Union's High-Level Implementation Panel with responsibility for reaching a negotiated settlement between the Government of Sudan and the SPLM-N, and "strongly urged" both the Government of Sudan and the SPLM-N to permit humanitarian access. The resolution established an initial requirement for the UNSC to be briefed at two week intervals as to the status of compliance with the resolution.<sup>85</sup> Those briefings now only

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hibernating the investigations in Darfur. After referring the situation in Darfur to the ICC, the UN Security Council failed to take any action to support investigations and to ensure that warrants of arrest issued in 2007 were implemented. The ICC has issued arrest warrants for four Sudanese officials including the Sudanese President Omar Al Bashir, who stands accused of war crimes, crimes against humanity and genocide in Darfur. In June, the Government of South Africa failed to execute the warrant of arrest against President Omar Al Bashir, in violation of a high court order for his arrest.

<sup>83</sup> Resolution 27/29 adopted by the Human Rights Council: Technical assistance for the Sudan in the field of human rights, UN Doc. A/HRC/RES/27/29, 26 September 2014.

<sup>84</sup> Human Rights Council, *Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin*, UN Doc. A/HRC/27/50, 4 September 2014, paras. 13-18, 81(s).

<sup>85</sup> UN Security Resolution 2046, UN Doc. S/RES/2046(2012), adopted on 2 May 2012, paras. 3, 4 and 6.

occur once every three months.

There has been no further UNSC resolution dealing with the situation in South Kordofan since May 2012 despite the fact that over three years since Resolution 2046 (2012) there has been no meaningful progress towards a resolution, there has been no accountability for violations of international humanitarian and human rights law, the AUHIP process is deadlocked, and there is still no humanitarian access to areas controlled by the SPLA-N. The UNSC receives briefings every three months but has taken no follow-up action. The UNSC was briefed on 8 July as this report was being finalised, and again no follow-up action was taken. Amnesty International is calling on the UNSC to take action on a number of fronts, including exerting greater pressure on the Government of Sudan to stop committing war crimes and other international humanitarian law and human rights violations, and pressing for humanitarian access to all conflict-affected areas.

## AFRICAN UNION ENGAGEMENT

In October 2009, the African Union (AU) created the AU High-Level Implementation Panel on Sudan and South Sudan (AUHIP), a panel chaired by the former President of South Africa, Thabo Mbeki, to assist the Sudanese parties in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of Sudan and South Sudan. The mandate of this Panel has been successively renewed and is currently extended until December 2015.<sup>86</sup> However, the mediation process between the Government of Sudan and armed opposition groups in South Kordofan, Blue Nile and Darfur, led by the AUHIP has reached an impasse.

The last direct peace talks between the Government of Sudan and the SPLM-N under the auspices of the AUHIP were suspended in December 2014.<sup>87</sup> The two parties disagreed on the agenda, on the modalities of the discussion and on whether the process should be comprehensive, covering all conflict areas in Sudan, or only focus on Blue Nile and South Kordofan States. The SPLM-N wanted a comprehensive process that covered all conflict areas while the Government of Sudan wanted to focus only on the two areas of South Kordofan and Blue Nile.

Following the announcement of a "National Dialogue" in January 2014 by President Al-Bashir ahead of the general elections in 2015, the AUHIP attempted to support the process and "to realise a genuinely inclusive and transformative National Dialogue".<sup>88</sup> This was seen by some observers<sup>89</sup> as an opportunity to revive the mediation and was widely supported by the AU.<sup>90</sup>

<sup>86</sup> Communiqué of the 477<sup>th</sup> Meeting of the Peace and Security Council, 18 December 2014, <http://www.peaceau.org/uploads/psc-comm-477-auhip-18-12-2014.pdf> (accessed 3 July 2015)

<sup>87</sup> Sudan Tribune, 'African mediators suspend talks on Sudan's Two Areas', 8 December 2014, <http://www.sudantribune.com/spip.php?article53278> (accessed 27 July 2015)

<sup>88</sup> International Crisis Group (ICG), *Sudan: The Prospects for "National Dialogue"*, 2015, p.1.

<sup>89</sup> Democracy First Group, *Sudan: The Elusive Road to National Dialogue and Lasting Peace*, Policy Briefings, 24 November, 2014, <http://www.democracyfirstgroup.org/sudan-elusive-road-genuine-national-dialogue-lasting-peace/> (accessed 12 July 2015)

<sup>90</sup> Communiqué of the 456<sup>th</sup> Meeting of the Peace and Security Council, 15 September 2014,

Specifically, the AU Peace and Security Council (PSC) mandated the AUHIP to convene a meeting at the AU Headquarters in Addis Ababa, Ethiopia, for the stakeholders to agree upon the relevant procedures and process issues that would enable an efficient and truly participatory dialogue. Accordingly the AUHIP made attempts to hold a pre-National Dialogue meeting between opposition political parties and the Government of Sudan in Addis Ababa from 29-30 March 2015, but the Government of Sudan did not send a delegation. The AUHIP issued a statement on 1 April stating “it had no choice but to suspend the holding of the pre-Dialogue meeting”.<sup>91</sup>

It is unlikely that the AUHIP will be able to break the current stalemate considering the complete breakdown of talks on Darfur and on the Two Areas, as well as the shift in the Government's military success in Darfur.<sup>92</sup> At the moment, there seems to be little incentive for the Government of Sudan to resume the peace talks.

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<http://www.peaceau.org/en/article/communique-of-the-456th-meeting-of-the-peace-and-security-council#sthash.iQQbtaC8.dpuf> (accessed 29 June 2015)

<sup>91</sup> “AUHIP suspends Sudan's pre-Dialogue meeting in Ethiopia”, Sudan Tribune, 1 April 2015, <http://www.sudantribune.com/spip.php?article54478> (accessed 3 April 2015)

<sup>92</sup> JEM leader say they have lost South Darfur battle not the war, 30 April 2015, <http://www.sudantribune.com/spip.php?article54794> (accessed 25 July 2015)

# RECOMMENDATIONS

As the armed conflict in South Kordofan enters its fifth year, Amnesty International is urgently renewing the organization's call for immediate action to end the associated human rights and humanitarian law violations. In particular the organization is calling on:

- The Government of Sudan to:
  - immediately end all attacks directed at civilians and civilian objects, as well as all indiscriminate aerial bombardment and other indiscriminate attacks in South Kordofan;
  - end the use of all weapons and delivery systems which are too imprecise to be used lawfully in civilian areas including cluster bombs;
  - take all necessary precautions in all attacks in order to protect civilians, including by warning civilians of impending attacks;
  - allow unrestricted, independent humanitarian access to all areas of South Kordofan for the purposes of providing food, health services, support to the education system and other humanitarian assistance to civilians affected by the conflict;
  - ensure that all children, especially those in the most severely affected regions by the conflict have access to life-saving vaccinations and essential medicines;
  - ensure that national human rights defenders in South Kordofan are able to carry out their work freely and safely;
  - allow unimpeded access to all areas of South Kordofan to international human rights monitors from the United Nations, the African Commission on Human and People's Rights, and nongovernmental organizations;
  - launch prompt, independent, impartial and effective investigations into all violations of international human rights and humanitarian law in order to bring those suspected of criminal responsibility before ordinary civilian courts in fair trials without resort to the death penalty; and
  - adhere to all binding international human rights and humanitarian law obligations, in particular with respect to the protection of civilians in armed conflict.

- The Sudan People's Liberation Army – North to:
  - allow unrestricted, independent humanitarian access to and human rights monitoring in all areas of South Kordofan under their control; and
  - adhere to all binding international human rights and humanitarian law obligations, in particular with respect to the protection of civilians in armed conflict.
  
- The UN Security Council to:
  - insist that the Government of Sudan ends attacks directed at civilians and civilian objects and indiscriminate attacks in South Kordofan and Blue Nile States and ends the use of all weapons and delivery systems which are too imprecise to be used lawfully in civilian areas;
  - demand that the Government of Sudan and the SPLA-N respect all binding international human rights and humanitarian law obligations, in particular with respect to the protection of civilians in armed conflict;
  - demand that the Government of Sudan and the SPLA-N allow unrestricted, independent humanitarian access to all areas of South Kordofan and Blue Nile states;
  - call on the Government of Sudan to carry out prompt, impartial, independent and effective investigations to identify individuals responsible for war crimes in South Kordofan and Blue Nile states and to bring such individuals to justice in fair trials without resort to the death penalty;
  - expand the current UN arms embargo on Darfur to cover the whole of Sudan, and thus help to prevent further violations of international humanitarian and human rights law in the country;
  - request the UN Secretary-General to report to the UNSC on options for increased protection of civilians in South Kordofan and Blue Nile states;
  - request the UN Secretary-General to report to the UNSC on options for improved humanitarian access to all areas in South Kordofan and Blue Nile states for UN agencies and international humanitarian organizations, including cross-border relief operations, and targeted interventions focused on such urgent needs as acute food shortages, vaccines and essential medicines, water borehole repair and maintenance, and school materials;
  - demand that the Government of Sudan and the SPLA-N ensure the safety of national human rights monitors and allow unimpeded access for international human rights monitors and organizations in all parts of South Kordofan and Blue Nile states; and

- authorize the UN Secretary-General to establish an independent international Commission of Inquiry to investigate war crimes and other serious violations of international humanitarian and human rights law in South Kordofan and Blue Nile states, with a mandate to make recommendations as to how to ensure that perpetrators are brought to justice.
- The UN Human Rights Council to:
  - in the absence of a decision of the UN Security Council to establish an independent commission of inquiry, to establish its own independent international Commission of Inquiry into all alleged violations and abuses of international human rights and all alleged violations of international humanitarian law by all parties to the conflict in South Kordofan and Blue Nile states, as recommended by the UN High Commissioner for Human Rights in 2011;
  - mandate an independent Commission of Inquiry, as described above, to establish the facts and circumstances of such abuses and violations and of any related crimes perpetrated under international human rights and humanitarian law and to identify the individuals responsible, to make recommendations, in particular, on accountability measures, with a view to ensuring that those individuals responsible are held accountable; and
  - establish a Special Rapporteur on the situation of human rights in Sudan with a mandate to investigate and report to the Human Rights Council and the UN General Assembly on the human rights situation in Sudan, including South Kordofan and Blue Nile states.
- The African Union to:
  - increase pressure on the Government of Sudan and the SPLA-N to renew dialogue which prioritizes strengthened respect for international human rights and humanitarian law principles including the protection of civilians in armed conflict;
  - call for improving humanitarian access to all areas in South Kordofan and Blue Nile states for UN agencies and international humanitarian organizations, including cross-border relief operations, and targeted and time-limited interventions focused on such urgent needs as acute food shortages, vaccines and essential medicines, water borehole repair and maintenance, and school materials;
  - call on the Government of Sudan to carry out prompt, impartial, independent and effective investigations to identify individuals responsible for war crimes in South Kordofan and Blue Nile states and to bring such individuals to justice in fair trials without resort to the death penalty; and

- Support the expansion of the current UN arms embargo on Darfur to cover the whole of Sudan, and thus help to prevent further violations of international humanitarian and human rights law in the country.



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TO HELP**

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# DON'T WE MATTER?

## FOUR YEARS OF UNRELENTING ATTACKS AGAINST CIVILIANS IN SUDAN'S SOUTH KORDOFAN STATE

Since armed conflict began in June 2011 between the Government of Sudan and the Sudan People's Liberation Movement/Army – North (SPLM/A-N), people living in SPLA-N controlled areas of Sudan's South Kordofan State have endured an unrelenting campaign of aerial and ground attacks by Sudanese Armed Forces. This report documents the impact of the conflict on civilians.

From the outset, the armed conflict in South Kordofan has been characterised by widespread violations of International Human Rights and Humanitarian Law. Aerial bombardment by the Sudanese Armed Forces has resulted in the widespread destruction of civilian objects including homes, fields, food stores, hospitals, health clinics, schools and market areas. The Sudanese Armed Forces have used weapons which are inherently indiscriminate, such as cluster bombs, or used weapons and delivery systems which are too imprecise to be used lawfully in civilian areas, such as the use of unguided bombs dropped from Antonov aircraft in civilian areas.

The Government of Sudan continues to refuse humanitarian access to areas controlled by the SPLA-N, with devastating consequences on food supplies, health care and education creating a protracted humanitarian crisis. The attacks have spread fear and terror among the civilian population causing them to seek safety in foxholes, caves and crevices in the Nuba Mountains.

At the same time, regional and international governmental organisations' efforts to resolve the conflict have all but stalled.

As the conflict enters unabated into its fifth year, Amnesty International calls upon the SPLM/A-N, the Government of Sudan, and other governments working through both the African Union and the United Nations, to take immediate steps to end violations of international human rights and humanitarian law, including targeted and indiscriminate attacks against civilians; open up access to humanitarian relief, and uphold the human rights of the people of South Kordofan. It also calls for prompt, independent, impartial and effective investigations into violations of International human rights and humanitarian law, and that those responsible are held accountable.

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