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Introduction

Nearly three million people are displaced from their homes in the Sudan. They are congregated around towns and cities providing food and some security, around feeding centres established by the United Nations and humanitarian organizations and in refugee camps in neighbouring countries. Whole communities have moved on to the lands of their neighbours. The vast majority have been displaced by the destruction wrought by civil war. At the heart of the conflict is the gross violation of human rights.

The war, which began in 1983, is being fought in the south of Sudan and adjacent areas of the north such as the Nuba Mountains, southern Blue Nile province and Darfur where people identify themselves as African rather than Arab. The poor infrastructure of many of these areas has collapsed. In particular, markets for grain and livestock only exist as a shadow of their former extent, rendering the subsistence farmers and herders of rural Sudan vulnerable to periodic drought and severe flooding.

Rain failure and excessive floods have impoverished people and the war has reduced their capacity to survive. But on many occasions it is the gross violation of human rights that has caused them to flee and reduced them to dependency upon famine foods gathered in the wild and food relief provided, in the main, by the United Nations and non-governmental relief agencies.

All parties to the conflict have been ruthless in their assaults on civilians. There has been nothing accidental about these attacks, they are not the by-products of war. The targeting of the rural population has been a deliberate military tactic used by government forces seeking to regain control of areas held by the armed opposition Sudan People's Liberation Army (SPLA) and by all factions of the SPLA in the increasingly bitter conflict between different wings of the rebel movement.

The international community has expressed deep concern about the human rights situation in Sudan in decisive resolutions passed in the UN General Assembly in December 1992 and the UN Commission on Human Rights in March 1993.¹ The Commission on Human Rights has appointed a Special Rapporteur to investigate the human rights situation in the country, reporting back to the Commission in early 1994 and, in the interim, to the General Assembly in late 1993, an appointment which upgrades and makes public the role of an Independent Expert appointed by the Commission on Human Rights in early 1992. Both UN bodies have called on the government to comply with international human rights instruments and on all parties involved in armed conflict in Sudan to respect international humanitarian law, in

¹ UN General Assembly Resolution 47/142, adopted on 18 December 1992 by 104 votes to eight with 33 abstentions; UN Commission on Human Rights 49th Session, Resolution on the situation of human rights in Sudan, adopted on 10 March 1993 by 35 votes to nine with eight abstentions.

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particular the *Geneva Conventions of 1949*.²

Neither the government nor the SPLA has acted in response. The flagrant violation of human rights standards and the principles protecting civilians in times of conflict, enshrined in the *Geneva Conventions*, continues unabated. The war has now continued for 10 years, destroying hundreds of thousands of lives.

Wars within the war

Although at root the war is not a religious war, bigots on all sides, Muslims and Christians alike, are exploiting religion, making it a significant factor in the continuing fighting. The imposition of Shari'a (Islamic) law in September 1983 fuelled the conflict, causing many non-Muslims, who comprise at least one-third of the population, to argue that they were henceforth second class citizens in the eyes of the law in their own country. The current government, which seized power in a military coup on 30 June 1989 and which professes an ideology of militant Islam, has sought to impose its own interpretation of Islam by introducing a new version of Shari'a law in northern Sudan and by implementing strict codes of public morals. The government states that these measures do not apply in the south, the home areas of the majority of non-Muslims, but, with nearly 1.75 million displaced southerners in northern Sudan, with Khartoum the centre of political power, and some government authorities talking of the war as a *jihad* (holy war against unbelievers in Islam), few non-Muslims find this reassures them about their position in society.

Several wars are being fought within the overall civil war. In the past two years there have been three active zones of conflict in which there has been extensive loss of civilian life from famine and deliberate political killings. The SPLA are contesting the Nuba Mountains of South Kordofan with the Sudan army, government-created paramilitary Popular Defence Forces (PDF) and informal militia created among Arab pastoralists. Government forces, both the army and militia, have been actively engaged in military action against the SPLA in southern Sudan. Rival factions of the SPLA are engaged in a bloody conflict in the Upper Nile and Eastern Equatoria areas of southern Sudan.

In each of these conflicts rival forces have exploited ethnicity, pitting community against community, exacerbating conflicts over access to food relief, fishing grounds, grazing or water. Ethnic difference has been a feature of many of the worst human rights violations. In some parts of Sudan ethnic difference appears to have become a reason for killing.

For example, in the north, the populations of Darfur, South Kordofan and the southern Blue Nile are particularly ethnically mixed; communities speaking African languages and claiming African origins, often farmers, live interspersed, sometimes according to season, with peoples claiming Arab origins who are generally nomadic herders. The Sudan government has exploited tribes who define themselves as Arabs by using them as proxy forces. This has included allowing self-armed Arab militia to raid with impunity communities who define themselves as African and who are regarded by the authorities as possible supporters of the SPLA. Such militia have also been involved in joint operations involving

² The Geneva Conventions, to which Sudan acceded in 1957, require that all those taking no active part in hostilities, including both civilians and wounded or surrendered combatants, should be treated humanely. Article 3, which is common to each of the four Geneva Conventions, stipulates minimum provisions to be applied in armed conflict which is not of an international character. "Common Article 3" prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against anyone taking no active part in hostilities.

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militia and army. The military has supplied militia with arms and ammunition. Meanwhile, the SPLA has found the discontented African peoples of the periphery, most notably in the Nuba Mountains and southern Blue Nile, a fertile source of recruits.

After the current military government seized power in a coup on 30 June 1989 many militia bands drawn from communities identifying themselves as Arab were incorporated into a formal paramilitary force, called the Popular Defence Force (PDF), which is under the direct control of the military authorities. PDF troops recruited from the Misseriya Zuruq and Hawazma tribes, who define themselves as Arabs, have been repeatedly responsible for gross human rights violations in the Nuba Mountains. PDF drawn from the Misseriya Zuruq and the Rizeiqat have raided northern Bahr al-Ghazal. In both areas PDF have killed with impunity.

In the Nuba Mountains the government has followed a policy of forcibly clearing villages and re-settling civilians in so-called "peace villages" under the control of the army and PDF. These attacks have involved extrajudicial executions, rapes and the abduction of women and children by militiamen. The authorities have sought to destroy suspected opponents who might be influential. Administrators, school teachers, traders, and village leaders have been arrested and tortured; many have "disappeared" and are presumed to have been killed. Such arrests have taken place not just in the war zones themselves but also far away in the capital Khartoum and other northern Sudanese cities.

In the south there is fighting between the government and the different SPLA factions - although the government has concentrated its military effort against the Torit group led by John Garang de Mabior, formerly overall commander of the SPLA. In early 1992, for example, government forces exploited the internal fragmentation of the SPLA to recapture the towns of Bor, Pochala, and Pibor in Upper Nile, Yirol in Bahr al-Ghazal, and the strategically important town of Torit in Eastern Equatoria. In June and July 1992 the Torit faction responded by tightening its siege of Juba, the major city in the south, which it almost captured before being repulsed by government forces. The Torit faction still retains control of large swathes of countryside in Western Equatoria and Bahr al-Ghazal but its grip on Eastern Equatoria is less secure. Following SPLA incursions into Juba in mid-1992, civilians and soldiers were extrajudicially executed by government forces and hundreds of people "disappeared".

Open warfare between different factions of the SPLA, increasingly divided along ethnic lines, began in late 1991 after SPLA zonal commanders in Upper Nile broke away to form a group known as the Nasir faction. In October and November 1991 and again in March and April 1993 there was heavy fighting in Upper Nile. Nuer Nasir faction forces raided south in October and November 1991 and murdered thousands of civilians in the home area John Garang de Mabior, himself a Dinka. In March and April 1993 Dinka Torit group forces raided north and massacred hundreds of Nuer civilians in territory controlled by the SPLA-United group (formed in March 1993 by the merging of the Nasir group with a third SPLA faction led by William Nyuon Bany, former Torit group Deputy Commander).

William Nyuon Bany broke away from the Torit group in September 1992 to form the Unity group which began to recruit SPLA dissidents from the Pari, Lopit, Latuka, Didinga and Acholi ethnic groups in Eastern Equatoria. The Torit faction response was, in late 1992 and early 1993, to destroy dissident villages.

Each war is a war without prisoners of war. Few SPLA combatants captured in battle are held by the

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government. The evidence available indicates that they are routinely extrajudicially executed, either on the battlefield or after torture and interrogation. The SPLA holds few government soldiers; government troops captured in combat appear to be killed there and then.

Human rights outside the war zones

Serious human rights violations linked to the war are not the only human rights problem in Sudan. Since 30 June 1989 the government has sought to suppress any form of independent political activity and to destroy the institutions of civil society in all parts of Sudan. Political parties are banned. The media, while technically no longer the monopoly of the state after legal changes in mid-1993, is entirely dominated by the government or government supporters. The judiciary, the prisons service, the police force and the army have been purged of anyone suspected of opposition to the ideology of the state. In May 1993 the government even expropriated the holy centres of the three main orders of traditional Islam in Sudan, the Ansar, the Khatmiya and the Ansar Sunna.

Since 1989 many hundreds of prisoners of conscience have been detained in security offices in northern Sudanese towns and secret detention centres, known as "ghost houses". Torture of suspected political opponents has been rife.

The Nuba Mountains

The military government of President Omar Hassan Ahmad al-Bashir has followed a policy of deliberate destruction and displacement in the Nuba Mountains. This has left thousands of Nuba civilians dead and tens of thousands settled in so-called "peace villages" in areas under government control. Women have been raped and women and children abducted. The destruction of homes, grain stores, livestock and standing crops has created a famine in rural areas, deliberately exacerbated by military action designed to sever links between areas not fully controlled by the government and the outside world. For example, an attack on Om Dorein in July 1993, some 40 kilometres southeast of the provincial capital Kadugli, was designed to cut trading routes between SPLA-held areas in the eastern hills and areas west of the mountains. In contrast, food supplies and relief aid have been poured into government held towns in order to coax rural people out of SPLA-controlled zones.

The authorities have also suspected Nuba leaders and political activists, particularly those who were formerly members of the now-banned Sudan National Party (SNP),³ of being opponents. Hundreds of Nuba have been arrested. Scores of these men have since "disappeared" and the government has so far failed to account for them. The majority of arrests have taken place in the mountains area: however other Nuba have been arrested in Khartoum and other cities in northern Sudan.

As in all other areas of Sudan where there is war, there appear to be few, if any, prisoners of war in the Nuba Mountains, despite eight years of conflict in the area. Reports suggest that captured SPLA soldiers are interrogated and then extrajudicially executed.

The SPLA has also been responsible for human rights abuses in the Nuba mountains, particularly in areas

³ The Sudan National Party was a Nuba based political party formed in 1986 by the veteran Nuba politician Philip Ghabboush. Amnesty International 29 September 1993AI Index: AFR 54/29/93

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it is contesting with government forces.

The Nuba

The Nuba are a collection of diverse ethnic groups speaking over 50 related languages. They regard themselves as African rather than Arab. Economically they are settled subsistence farmers working land in and around the many hill massifs that rise out of the flat plains of Southern Kordofan. Christianity and Islam are both well-established among the Nuba. The plains between the hills are grazed by cattle-keeping pastoralists, such as the Hawazma, who regard themselves as Arabs and who are Muslims. The Misseriya Zuruq and Humr, groups with extensive territory spreading west of the Nuba mountains, have seasonal grazing in and around the western and southern fringes of the hills.

The SPLA infiltrated the Nuba Mountains in 1985 but military activity intensified in July 1987 when an SPLA battalion made up of Nuba returned to the area after being trained elsewhere. Between 1985 and 1989 the armed forces of the civilian government of Prime Minister Sadiq al-Mahdi followed a counter-insurgency strategy different only in its more modest scale from the program of the current military government. The Hawazma and the Misseriya formed militia groups, known as *murahaleen*, which were then allowed to raid into the mountains attacking Nuba villages thought to be sympathetic to the SPLA and to carry out extrajudicial executions with impunity. In July 1988, for example, 88 people were reportedly deliberately killed in a militia attack on the village of Om Dorein. Meanwhile the army was also responsible for the extrajudicial execution of villagers and the arrest and murder of educated Nuba. In one of a series of incidents, villages were burnt down near Abri in April 1988; at least 17 unarmed villagers were extrajudicially executed at the village of Iedan.

The Military government and "ethnic-cleansing"

In October 1989, three months after seizing power, the military government promulgated a Popular Defence Act which created a Popular Defence Force (PDF), a formal government militia. In South Kordofan the PDF was largely formed from the ranks of existing *murahaleen* militia, bringing them more clearly under the control of the security forces. However, far from representing a means of preventing raiding and assaults on civilians it became clear that formalizing the relationship represented the development of an overt policy of counter-insurgency through destruction. Access to the Nuba Mountains became tightly controlled, hiding the worst excesses from external scrutiny and making the verification of information difficult.

Since 1989 the government has used the PDF and allied informal militia in two ways. The first has been to allow informal militia to raid areas under the control of the SPLA in order to destabilize those areas. For example, in November 1989 Hawazma militia raided villages around Jebel Saburi, only 13 kilometres northeast of Kadugli, and killed 14 people.⁴ In the same month, another five were killed at al-Daoud. Since then scores of other killings by informal militia have been reported from other villages in the central and western mountains. Informal militia activity appears to be loosely coordinated by the authorities in that it takes place with impunity and involves assaults in areas regarded by the military as hostile.

⁴ Saburi was eventually destroyed by a joint army and PDF assault in 1991. Survivors report that the village was attacked shortly before dawn and completely burnt down. Some people were killed in their homes and others died as they fled. It has been alleged that 250 unarmed villagers were killed.

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The second use involves joint military activity between the army, PDF and informal militia in which unarmed villagers have been deliberate targets. Hundreds of civilians have been extrajudicially executed by PDF and soldiers during attacks on villages, the aim of which appears to be to destroy the SPLA in a locality by simply clearing the area of people. In early 1990 there were already reported to be 60,000 villagers congregated in the provincial capital Kadugli, displaced by a combination of direct attacks, the disruption of trade by war and drought.

The Declaration of jihad (holy war) in 1992

The tactic of direct assault on civilians became systematic in 1991 and intensified following the January 1992 declaration of a *jihad* (holy war) against the SPLA by the regional authorities. The western mountains between Lagowa and Dilling, the home of the Kamda, Tuleishi, Katla and Tabaq sections of Nuba, have been particularly targeted, especially between November 1991 and June 1992 when government forces mounted a campaign to dislodge the SPLA from the area. For example, in February 1992 PDF troops reportedly extrajudicially executed 25 villagers in the al-Faus area. In March and April over 40 civilians were reportedly extrajudicially executed around Jebel Tabaq. The government and the SPLA agreed a ceasefire in June, but despite this there was further military action by the army and PDF in al-Faus during the month and on 25 June 1992 at least 11 civilians were reportedly extrajudicially executed. In July a PDF unit attacked the village of Oma and extrajudicially executed five men and a woman.

Loba church, destroyed by government forces in January 1993

In January 1992, Omar Suleiman Adam, the Assistant Governor for Peace and Rehabilitation Affairs in Kordofan State, announced that the authorities had prepared 22 "peace villages" to absorb and resettle

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90,000 "returnees" from the SPLA.⁵ The villages, he said, were part of a project designed to absorb 500,000 people. The government presents these plans as a development initiative for Southern Kordofan. The "villages" that became known were, in the main, displaced persons camps located in Northern Kordofan many miles from the home areas of the Nuba, or camps prepared close to mechanized agricultural schemes around the fringes of the mountains. In June the authorities announced that 50,000 "returnees" had arrived in Kadugli, Dilling, Talodi and Lagowa. Over the next three months at least 30,000 people were trucked out of the Nuba Mountains. In July 1992, for example, a group of 135 people from Lagowa were moved under armed guard to Tahiba near Bara, well over 350 kilometres north of their home area. Already weak with malnutrition, they were given barely any water or food. Fifteen who were seriously ill were off-loaded in el-Obeid and taken to a military camp where five died. Reports suggest that thousands of those taken away in trucks were suffering from severe malnutrition.

It appears that by September 1992 the authorities, perhaps concerned that the removal of Nuba to Northern Kordofan was making the brutality of government policy in the area more visible to the Sudanese public and foreign governments, began to reduce the numbers being taken completely away from the mountains area.⁶ Over the next few months some of those removed to Northern Kordofan were brought back to camps located around Rashad and in land to the west of the mountains. In September 1992, in an interview to a government-owned newspaper, Omar Suleiman Adam gave revised figures for government plans, indicating that 89 "peace villages" to absorb 143,000 "returnees" were now planned. The treatment of "returnees" who changed their minds about staying in government-controlled areas was often brutal. Before they were brought under control, PDF troops controlling Rahmaniya, a camp south of Rashad, were reported to shoot on sight anyone who attempted to leave. In an incident elsewhere in the mountains, a woman from the Moro Hills who went to Kadugli in October 1992 was raped by soldiers in Kadugli barracks:

"When I arrived I discovered that people were herded together like cattle. I decided to go back (home). But soldiers caught me. I was taken to the town tied. They did a lot of things to me."

The Collapse of ceasefire: assaults on villages in late 1992 and early 1993

By November 1992 the ceasefire had collapsed and intensive attacks on villages resumed and continued in to 1993. The UN Independent Expert investigating the human rights situation in the Sudan was told by the Commissioner of Kadugli Province in November that the civil war was the cause of displacement in the area and that 60 to 70 people displaced from the countryside were arriving each day in Kadugli. The Commissioner added that if the war continued he expected the entire population of areas then held by the SPLA to be displaced. At the time of his comments a large area in the east of the mountains was controlled by the SPLA. In the same month, reports from north of the mountains suggested that thousands of Nuba were fleeing the area.

Hundreds of villagers were extrajudicially executed in assaults on villages in both the western and

⁵ The government defines a "returnee" as any individual who has left an area controlled by the opposition movement.

⁶ In December 1992, in reply to a petition by the London-based human rights organization Survival International, Sudan's Ambassador to the United Kingdom wrote denying human rights violations were taking place. He said: "The moving of people to areas outside the war zone was a temporary measure dictated purely by humanitarian purposes...This has now achieved its purpose of protecting civilians who have since been allowed to return to their original areas."

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southern hills in late 1992 and early 1993. In December 1992 villages around Tima were attacked by a combined PDF and army force from Lagowa, 35 kilometres to the south. Scores of unarmed civilians are reported to have been extrajudicially executed at al-Maryam. The forces then moved on to attack villages around Jebel Tabaq to the west and Wali to the north. Thirty three women and children were reportedly abducted from Wali by militia men and taken to Lagowa.

The Murder of Matti al-Nur and the Burning of Kamal Tutu

In December 1992 army and PDF troops assaulted al-Atmur al-Nagrah, a Moro Nuba village in Ningele.

The priest, Matti al-Nur, was captured at prayer in his grass-roofed church.

The deacon, Bolis, elders, Matamur, Zacharias and Abunok, and over 20 members of the congregation were locked with the priest in the church, which was set alight. All were killed.

Kamal Tutu was tied and thrown in the embers, suffering crippling burns.

The village was destroyed.

Kamal Tutu

In December 1992 and January 1993, a series of Nuba villages in the Heiban and Moro areas were attacked by PDF and soldiers. Over 100 civilians are reported to have died around Tumbira in December. Survivors report that the village was attacked in the middle of the night. People died in their homes as they were set alight or were shot down as they fled. Also in December PDF troops raided al-Lubi in the Moro Hills. Nine people were extrajudicially executed. In late 1992 the PDF attacked the village of Karkari al-Beira in the plains approximately 50 kilometres east of Kadugli town. Many houses were burnt down, but the people returned and rebuilt the village. On 13 January 1993, however, government forces from Kadugli, including army, PDF and informal militia, again attacked the village. This time scores of people were killed and 400 homesteads and the church were destroyed.

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The Destruction of leadership

The other dimension of the government's counter-insurgency war in the Nuba Mountains has been the destruction of Nuba political leadership where the authorities have suspected those leaders of being opponents of the government. Educated Nuba, irrespective of whether they are Muslims or Christians, former members of the banned Sudan National Party (SNP), traditional leaders in areas thought to be sympathetic to the SPLA, civil servants, health-workers, school teachers and others have been detained and tortured. Others have disappeared and many have extrajudicially executed.

A pattern of arrests, killings and "disappearances" by military intelligence became apparent in late 1990 and intensified in 1991. In July 1991, for example, Hamdan Hassan Koury, a lawyer from al-Lagori living in Kadugli was detained for one month. Immediately after his release, he was re-arrested with his father, Hassan Koury Bagari, a prisons service officer, and reportedly taken outside Kadugli town at night and shot. Others arrested in 1991 who have not been seen since include al-Sir Abdel Nabi Malik, an employee of the Soil Survey Department; Kamal Kano Kafi, a radio technician, and Ibrahim Marmatoun, an employee of the Water Department. The authorities have still failed to account for these men.

In October 1991 soldiers reportedly killed Mukhtar Musa, a man from the Kamda section of Nuba, in Lagowa barracks. Around the same time reports indicate that Hamza Farajallah, another Kamda man from the Lagowa area, was detained in el-Obeid. He was initially held in el-Obeid prison, but was handed over to a Military Intelligence official to be taken to Lagowa for questioning. On the way to the town the escorting soldiers reportedly executed him.

In November 1991 soldiers arrested 35 other Kamda men, apparently suspecting them of being sympathetic to the SPLA. Nineteen, among them Said Kabashi, Shukralla Namla and Omar Tiya, were reportedly extrajudicially executed on 27 November 1991.

A chief from Jebel Otoro, west of Heiban, was the survivor of an extrajudicial execution that took place in late 1991:

"We were called for a chiefs' meeting by the government, but when we went there we found there was no meeting. We were all arrested, detained and had our hands tied behind our backs. We spent 59 days in prison. We were 68 in the prison, all of us from the Nuba Mountains. One night, around 9.00pm, we were taken out from the prison. We were put on a truck (and driven into the countryside). They shot us. I was shot in the back of the head. The bullet went through here and smashed my jaw. I fell unconscious...all the others died but I survived. I saw all the others around who were dead and I moved in to the bush for four days."

Scores of Nuba men have been held in detention for periods lasting from a few weeks to several years on suspicion of being government opponents. For example, Abu Bakr Hamad, a religious teacher from Dilling reportedly arrested in February 1990, was in September 1992 reported to remain in detention in el-Obeid. It is not known if he has subsequently been released. Examples of more recent detentions include the arrest in May 1992 of al-Khair Hussein Walkiz, the clerk of Dilling Court, and Mahmud Hamid, secretary to the district commissioner, were arrested with five other men in Dilling. In July 1992 a further six men, among them the administrator of a mosque, were arrested in Dilling. All these people were transferred to el-Obeid prison. In August 1992 Adil Hassan Khair al-Sid, a postal worker, and six

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others were detained in Kadugli, reportedly after SPLA troops made a limited incursion into the town.

Ismail Gibril, an Episcopalian priest, was reportedly arrested in September 1992 in Dilling on suspicion of complicity with the SPLA. In October he was released, apparently after the government responded to the intervention of his bishop, but in November he was re-arrested and is reported to remain in detention. At the end of 1992 he and at least 70 other Nuba were reported to remain in detention in el-Obeid prison.

In May 1993, Hamid Yacoub, a Nuba working overseas, was arrested as he returned from Kadugli to Khartoum after spending a holiday with his family. Military Intelligence officials stopped the bus on which he was travelling in a remote area 75 kilometres north of Kadugli town. They entered the bus asking for him by name. A security man who had shadowed him on the bus identified Hamid Yacoub. The bus departed and Hamid Yacoub was taken into the bush, accused of helping the SPLA, blindfolded and threatened with execution. He denied involvement with the SPLA and was taken to Kadugli barracks. After two weeks of incommunicado detention, with his family and friends in Kadugli believing he was in Khartoum and those in Khartoum believing he was in Kadugli, it was discovered that he was in detention. A Nuba government minister intervened on his behalf and he was freed.

Like southerners, Nuba living in other parts of Sudan have also come under suspicion of being involved in political activity against the state. In June 1993, for example, Mohamed Hamad Kowa, a senior member of the banned Sudan National Party, and Khamis Farajallah Kortel, a priest, were arrested with three other leading members of the Nuba community in Khartoum. Mohamed Hamad Kowa was a minister in the elected government of former Prime Minister Sadiq al-Mahdi which was ousted by the current military government. They were taken into incommunicado detention. The reasons for their arrest remain unknown but there is grave concern that they may have been subjected to torture.

The "Disappearance" of Karshum Mango Atia

Karshum Mango Atia, a Nuba from Kadugli, was arrested in Port Sudan on the Red Sea coast in November 1992.

A Muslim in his 30s, he had lived in the town for several years, teaching in a primary school.

He was held at the security offices in Port Sudan for several days before being taken to an unknown destination in Khartoum.

He then "disappeared". Some reports say he was taken to South Kordofan. Others claim that he has been killed.

Before he left Port Sudan he said: "they can kill my body but they cannot kill my soul".

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Torture in the Nuba Mountains

There are persistent reports that Military Intelligence officials, soldiers and members of the PDF torture prisoners arrested in the Nuba Mountains. A man arrested in Dilling on 11 November 1989 described his ill-treatment:

"They took me to my home which they searched. They were asking me about both the SNP and the SPLA. Nothing happened at this stage. I did not answer their questions and that's when they started to torture me. Around midnight. Two soldiers. They beat and whipped me. They kicked me and used gun butts...I was taken back to my cell. After two hours another team came. They kicked me with boots. I was only given food every three or four days and very little water.

In the cell there were 17 people. Suleiman Ismail was taken out and shot in January 1990. Some were freed but others were taken to el-Obeid. Some of them died because of the torture they received. Ibrahim Bashir. He died in January 1990. His brother, Kortobeir, died in June 1992. Bashir Ali was killed in el-Obeid in July 1992. This was just before I was released.

In about February 1990, in the middle of the night, they took me and some others to Jebel Kurgal (some 25 kilometres south of Dilling) and made us watch an execution. Twenty people. They were shot. They soldiers said they were SPLA. They made us watch to scare us."

In addition to beatings, torture methods that have been used in the Nuba Mountains include tying a bag containing chili powder over the head of a prisoner. Another former prisoner has described a technique called "the plane takes off":

"The prisoner's elbows are tied to his knees and a wooden pole is pushed through the gap. He is left hanging for days. They give him drops of water and keep flogging him."

Prisoners who are reported to have died under torture include Mohamed Hamad and Ramadan Jaksa, both from Dilling. Khalifa Naway, a 51-year old miner, and Shaib Sabreya, a 27-year old farmer from al-Maryam, were tortured by troops in the Tima area after they were captured and accused of being members of the SPLA. In April 1992 Ismael Sultan and Sheikh Hamdin, a chief from Katla south of Dilling, were reportedly both tortured to death in el-Obeid. Ahmad Nasser was reportedly arrested in Dilling in May 1992, deliberately blinded and then released.

SPLA Abuses in the Nuba Mountains

The SPLA has also been responsible for human rights abuses in the Nuba Mountains, generally in areas that it is contesting with the government. In particular, people suspected of being government informers and local leaders thought to be hostile to the armed opposition group have been deliberately and arbitrarily killed.

The majority of the incidents known to Amnesty International took place while the SPLA was establishing itself and consolidating its forces in the area in the early years of the war. In October 1987,

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for example, the *sheikh* (chief) of the Nuba community around Tira Lumum was abducted and killed.⁷ Sheikh Hussein Karbus and Sheikh Ismail Ali Jiger of Delami are also reported to have been killed. Killings by the SPLA were also reported as they infiltrated the Tuleishi area south of Dilling, starting in April 1989. On 13 November 1989, for example, six villagers were killed by SPLA forces which attacked al-Melaha.

The Southern Sudan

There have been persistent reports of extrajudicial executions in villages attacked by the army and PDF in widely separated parts of the south, but poor communications and the sheer size of the Sudan mean that it is often difficult to corroborate them. In contrast, well-attested incidents took place in Juba, the major city of the south, in mid-1992 when hundreds of civilians were extrajudicially executed and over 230 others "disappeared" following SPLA incursions into the city. Torture is also reported from military barracks and interrogation centres in the city. The government's counter-insurgency war also extends beyond the south to include southerners resident in other parts of the country. Many southerners have been arrested in Khartoum and other northern Sudanese towns and cities and accused of being involved with the SPLA. Some of these people have died under torture and others have "disappeared".

The Assault on villagers: extrajudicial executions in the countryside

During 1992 and 1993, army and PDF assaults on villages during which civilians have been extrajudicially executed have been reported from Bahr al-Ghazal and Upper Nile. In April 1992, for example, an army unit that captured the southern Bahr al-Ghazal town of Yirol cleared Dinka villages and cattle camps, stealing the cattle, in a 20-kilometre radius around the town in a scorched earth operation designed to drive the people away. There were reports that people were killed but casualty figures are unknown.

In May 1992 PDF units raided Dinka cattle camps and villages located along the railway line leading from northern Sudan to the southern town of Aweil in northern Bahr al-Ghazal. The operation was designed to clear the railway line of people in anticipation of trains being sent into the south bearing arms and food supplies for Wau and Aweil. The population of this area was already in a desperate condition caused by heavy wet season flooding in the previous year. By late May 47,000 people had arrived at Meiram in Southern Kordofan. Dinka from the area alleged that the PDF troops had abducted 150 young women and 46 boys from their homes north of Aweil. At least 30 children were kidnapped by militia men lying in wait along the railway line as people trekked north. Meanwhile, Anyanya Two militia, a pro-government force primarily drawn from the Bul section of Nuer, were attacking Dinka villages and cattle camps to the south around Gogrial. In March and April 1993 there were further reports of PDF raids in northern Bahr al-Ghazal, again in advance of trains being sent down the line. It was alleged that civilians were killed in the raids, that scores of women were raped and that around 300 women and children were abducted. It appears, however, that the army made a rare intervention to free those abducted.

Army patrols from the garrison in Bor, captured from the SPLA in April 1992, are reported to have been

⁷ Human rights violations between 1985 and 1989 were documented in detail in an Amnesty International report, *Sudan: Human rights violations in the context of civil war* (AI Index AFR 54/17/89), issued in December 1989. Amnesty International 29 September 1993 AI Index: AFR 54/29/93

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responsible for a succession of extrajudicial executions in the countryside around the town in late 1992 and early 1993. Eight church elders, among them Matthew Kuc Duop, Paul Kon Ajieth and Joseph But, were reportedly extrajudicially executed after they were captured by a patrol in late 1992. Paul Kon Ajieth was reportedly dismembered. In February 1993 soldiers are reported to have captured and raped a young woman gathering food in the bush around Baidit. She died as a result. Her father, who was captured with her, was extrajudicially executed. Also in February, soldiers from Bor are reported to have penetrated SPLA held territory as far north as Kolnyang near Kongor. They attacked the village and captured and killed an unknown number of people.

Killings and "disappearances" in Juba

The Torit faction of the SPLA mounted major assaults on Juba in June and July 1992 which nearly captured the town. In the immediate aftermath of the attacks and in the weeks that followed government forces responded by extrajudicially executing civilians and captured SPLA soldiers during house-to-house search operations and arresting over 230 soldiers, police officers, prisons guards, paramilitary forces attached to the Department of Wildlife and prominent civilians. Only a few of these people are reported to be in prison or to have been released. Most have "disappeared" and it has become clear that the majority have been killed. Lalogo, the densely populated suburb through which the SPLA entered the city, was razed to the ground to create a free-fire zone, displacing tens of thousands of people who spent weeks without proper shelter at the height of the wet season. Despite an international outcry, the government has still not accounted for the disappeared.

The incidents reported to Amnesty International included the killing of civilians as government troops moved from house to house through suburbs evacuated by the SPLA as they withdrew. The troops were seeking SPLA soldiers that might have remained in the city. People who showed resistance and young adult men suspected of being SPLA soldiers were taken out and shot. In other incidents people were summarily killed by soldiers who stopped them in the street. For example, three members of the Mundari ethnic group suspected of being members of the SPLA were shot dead by soldiers on 11 June. The soldiers' suspicions were aroused because the men were wearing shoes soled with strips cut from car tyres, which was taken as evidence that they had come into Juba from the surrounding countryside. On 16 July, two women and a man discovered collecting firewood on the outskirts of the city were shot dead by government forces. On 1 August three civilians discovered out of doors after the evening curfew were extrajudicially executed. According to some reports their bodies were dismembered and thrown into the Nile. Other reports describe a man being shot in front of his family while he was listening to the BBC news on the radio in September.

The soldiers and others arrested were suspected by the security authorities of having collaborated with the SPLA forces, who had managed to penetrate deep in to Juba's defenses before they were detected. The suspicion was heightened by the defection of a number of soldiers and others to the SPLA as the rebels withdrew. Those arrested included Major General Peter Cirrilo, a former Governor of Equatoria under the elected government of Sadiq al-Mahdi (1986-1989), who was detained in June, and a Roman Catholic priest, Father David Tombe, who was arrested in August. Both men were flown to Khartoum where they remained in incommunicado detention until their release in February 1993. Others who are reported to have since been released include Henry Mawa Samuel, a captain in the Department of Wildlife paramilitary forces, and two civilians, Kenyi Bandere and Juma Mohamed.

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The government claims that in the days that followed the SPLA incursions the authorities brought some of those arrested before summary military tribunals. In Sudan such tribunals do not conform to international standards of fair trial. Their proceedings are summary, there is no right of defence counsel and no right of appeal. At least nine prisoners are reported to have been sentenced to periods of imprisonment. Augustine Swaka, for example, is reported to be serving a 20 year sentence. In September 1992 government officials admitted that Andrew Tombe, a Sudanese employee of the United States Agency for International Development (USAID), and Mark Laboke Jenner, who worked for the European Commission, had been executed in Juba in mid-August 1992 after they had been convicted of treason.

However, in respect of the vast majority of cases, as of July 1993 the authorities had either provided contradictory information, information which had been subsequently disproved or had simply failed to account for what happened to the prisoners. For example, in November 1992 the authorities in Juba told the UN's Independent Expert that Michael Muto Atia, a senior United Nations Development Program (UNDP) official in Juba arrested on 31 July 1992, was awaiting trial in Khartoum. The authorities in Khartoum said that he had "disappeared". The authorities in Juba claimed in March 1993 that Camillo Odongi Loyuk had never been arrested. Amnesty International has confirmed his death under torture. In March 1993 government officials indicated that 55 soldiers, prison warders, police officers and members of other paramilitary forces had been "investigated" and that "it was up to the President to decide whether to make public their fate". The officials were responding to a list of 100 "disappeared" people provided by Amnesty International to a delegation of British members of parliament visiting

The Case of Camillo Odongi Loyuk

A former soldier working as a senior civil servant, Camillo Odongi Loyuk was arrested in Khartoum on 1 August 1992.

He had arrived from Juba only a few days before, apparently to put his daughters in to school.

Security men took him to an unknown destination. His family received no word about him.

In December 1992 he was tortured to death.

He was tied spread-eagled to the bars of a window. A cord with a sliding noose which tightened as he moved was bound round his testicles. He was then beaten.

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Sudan. In the vast majority of cases, however, the authorities have so far failed to provide any information at all.

Those who have "disappeared" include Michael Lado Lobja, a 40-year old local government official; Kennedy Khamis, a customs official arrested in June 1992 after he went to Juba military headquarters in search of his missing son; and Lieutenant Colonel George Oketch, an officer in the paramilitary force attached to the Department of Wildlife who, like a number of others, was arrested in Khartoum. A list of those reported to have been arrested between June and August 1992 is contained in Appendix 1 at the end of this report. It is feared that both the 55 prisoners who have been "investigated" and over 150 others about whom the authorities have so far failed to provide any information have been executed, either extrajudicially or after summary hearings. The day after the first SPLA assault in June 1992, 40 soldiers providing air defence at Juba Airport are known to have been extrajudicially executed. More executions of soldiers are reported to have taken place after nightfall on 16 July 1992.

In November 1992, in the face of international protests and the threat of censure at the United Nations, five months after many of the arrests, the government established a committee chaired by a High Court judge to "investigate the incidents witnessed by Juba town in June and July and their resultant effects on the citizens and the state". Because the publicly-stated terms of reference of this investigation were not well defined it is not at all clear that allegations of human rights violations by agents of the state were the central part of this inquiry or even within its remit. Senior security officials meeting British members of parliament in Juba in March 1993 were reportedly in some confusion as to whether they had met the committee or not. However, in June 1993 Ali al-Nasri, rapporteur of the committee, announced that it had visited Juba and that its report would be submitted to the government by the end of the month. He said that "the committee (had) found no evidence of improper action by the military courts or the army". As of July 1993, the committee report had not been made public.⁸

Torture in Juba

Prisoners detained by Military Intelligence officials, PDF or other security authorities in the southern Sudan are seriously at risk of torture. This is particularly true of captured SPLA combatants. In Juba a building near the military headquarters, known as the "White House", another army barracks near the White Nile bridge, known as the Mechanised Battalion, and the headquarters of the Internal Security agency near the old commercial centre of the city, have all become notorious as torture centres.

Amnesty International has received information describing psychological and physical torture in these places. A prisoner arrested in early 1992 for possession of anti-government leaflets and taken to the White House said:

"[I was] taken to the Main Barracks and put in a trench where I was badly beaten, punched and kicked. One of the "executioners" put his gun into my mouth, waiting for me to confess the name of the person who wrote the paper they had found with me, but I could not answer because I did not know it. The interrogation went on for several days and with it cruel physical and mental tortures. One night I was taken to the foot of a nearby mountain. They began to question me again. I could hear their voices, but I was unable to see them. It was very dark. They beat and kicked me until I fell on the ground. A soldier

⁸ On 17 July 1993 the government published a document on human rights drafted by the Human Rights Commission of the Transitional National Assembly. This is not believed to be the report of the Juba committee.
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walked on me and put his gun in my mouth for a name. But my answer was the same: "I don't know". I was brought back to the White House, in one of its two rooms, and never called for interrogation again. In that room there were other men and women, about 25. They all carried the signs of torture. One had burn marks all over his body. A hot iron had been pressed on his flesh."

Other reports describe the torture and execution of SPLA soldiers captured in combat (rather than SPLA soldiers who have given themselves up voluntarily). On 23 June 1992 seven wounded SPLA soldiers captured in Juba were severely tortured in the "White House" before being taken to a small hill range west of Juba and shot dead. Their arms and legs were tied behind their backs by troops who suspended them from the ceiling, each man's back arched backwards because of the weight of his body. They were then left hanging for several hours. Hot chili pepper was rubbed in their wounds and they received severe beatings.

The War within the SPLA: the killing of civilians

The frequency of deliberate and arbitrary killings⁹ by SPLA forces increased after August 1991 when political divisions within the movement led to the breakaway of commanders in Upper Nile. The breakaway faction continued to call itself the SPLA and became known as the "Nasir group" to distinguish it from the mainstream SPLA which became known as the "Torit group". The two groups rapidly became polarised along ethnic lines: SPLA-Nasir drew support primarily from Nuer and Shilluk (and, as time has passed, from many smaller ethnic groups in Eastern Equatoria) while most SPLA-Torit support was drawn from Dinka. Almost immediately fighting broke out between the two factions and since then both parties have deliberately targeted civilians in attacks that increasingly appear to have taken place for ethnic reasons.

The August 1991 split led to the release of information about prominent internal dissidents held by SPLA-Torit group forces. In early 1992 the SPLA-Torit High Command announced that a military tribunal formed to hear the cases of detainees had led to the release of 56 prisoners into the care of a church organization based in Torit, then controlled by the SPLA. Many of those released have subsequently alleged that they had been seriously tortured. At least 15 dissidents known to Amnesty International remained in detention. In September 1992 four prisoners escaped and one, Malath Joseph Luath, a former member of the southern regional assembly, was shot dead. The Torit group still holds several prominent internal dissidents, some of whom have been in detention for long periods. For example, Martin Majer Gai, a member of the southern regional assembly before it was abolished in 1983, has been held since 1985. Martin Makur Aleu, a retired army officer, was arrested in 1986, apparently following disagreements with the SPLA leadership over strategy in northern Bahr al-Ghazal.

Killings by SPLA-Nasir¹⁰

⁹ Amnesty International uses the phrase "deliberate and arbitrary killing" to denote wilful killings committed on the authority of an armed political group or with its acquiescence, analogous to extrajudicial executions by governments. Like the Sudan Government, the SPLA is bound by the Geneva Conventions of 1949 governing armed conflict. Common Article 3 prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against anyone not or no longer taking active part in hostilities.

¹⁰ In March 1993 the SPLA-Nasir group amalgamated with the SPLA-Unity group to form SPLA-United. Amnesty International 29 September 1993AI Index: AFR 54/29/93

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Despite citing human rights abuses within the SPLA as one of the reasons for the split, within weeks Nasir group forces were themselves responsible for the massacre of Dinka and Mundari civilians in parts of Upper Nile controlled by the Torit group. In October 1991 SPLA-Nasir troops were reported to have opened fire on Dinka civilians in the town of Akobo near the border with Ethiopia. Reports from the town indicated that between 20 and 30 women and children were killed, many of whom had returned from refugee camps in Ethiopia a few months earlier.

In October and November 1991 there was fighting along the Duk ridge in Upper Nile, an area of dense population at this time of year because it affords the only dry land in an area of widespread seasonal flooding. In October forces loyal to the Nasir group left the small Nuer town of Ayod to raid south towards the Dinka town of Kongor, the home area of John Garang de Mabior, the leader of SPLA-Torit. The raiders included civilian Nuer and former members of the pro-government Anyanya Two militia who had recently defected to the rebels. They moved from homestead to homestead, killing civilians and looting property, food and animals. There were reports of women and children being abducted. Hundreds of people were killed in the Kongor area and thousands of others fled towards the town of Bor, some 100 kilometres or so further south. Thousands of cattle, the mainstay of the local economy, were stolen.

A second phase of the assault in mid to late November 1991 pushed beyond Kongor through the Dinka country of Baidit, Bor and Malek to the Mandari village of Gemmeiza. Again, hundreds of civilians were reported to have been deliberately and arbitrarily killed. People were killed as they fled along the road southwards or as they hid in the long grass and scrub woods. Several bodies were found with cords or belts around their necks that had been used to strangle them. In Baidit, for example, nine young men were tied up and then reportedly strangled and burnt. Other civilians were bound at their ankles and wrists and then speared to death. Between Bor and Baidit

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three adolescent boys were tied to a tree and clubbed to death. In other places men were castrated or disembowelled. There are reports that many women were raped. Tens of thousands head of cattle were plundered, rendering thousands of people destitute.

After pushing south to Gemmeiza, the Nasir forces withdrew with looted cattle and other foodstuffs. SPLA Torit forces following them northwards appear to have surprised some of the attackers and there are reports that Nasir faction soldiers captured by the Torit group forces were summarily killed in retaliation for the widespread atrocities they had committed. For example, 19 young Nuer men were reportedly tied up in a cattle byre near Bor and then speared to death.

The true casualty figures are likely never to be known as the local population lived in dispersed homesteads and scattered cattle camps. It is estimated that as many as 2,000 people may have died. Approximately 200,000 people are reported to have been displaced by the attacks which cut a swathe through one of the most densely populated parts of southern Upper Nile. Many of these people fled south to Mongalla and beyond to camps close to the Ugandan border near Nimule.

Dinka villages in Bahr al-Ghazal have also been raided by forces loyal to the Nasir group. On 22 January 1992 the villages of Pagarau and Adermuoth near Yirol in eastern Bahr al-Ghazal were attacked. Ninety two civilians are reported to have been arbitrarily killed, among them patients at a leprosy hospital. There are reports that at least 20 women and children were abducted. The villages were burnt to the ground. The raiders then moved on to Wun Riit, a large Dinka cattle camp on the road to the Nile port of Shambe, where at least 40 civilians are reported to have been killed and several thousand head of cattle stolen.

In July 1992 Nasir group troops were among a large force of Nuer led by the religious leader Wutnyang Garkek who entered Itang in Gambella province in Ethiopia and massacred over 200 highland Ethiopian civilians and looted property and foodstuffs. The Nasir group has denied that their forces were responsible for the incident and have blamed it on Nuer civilians led by Wutnyang Garkek. However, subsequently the Nasir group has indicated that they now regard Wutnyang Garkek as an SPLA-Nasir commander.

Killings by SPLA-Torit

The Torit group has also victimized civilians belonging to ethnic groups regarded as supporters of either the government or the Nasir faction. In May 1992 there were reports that Torit group forces were responsible for the deliberate and arbitrary killing of civilians of from the Toposa ethnic group in villages around Kapoeta in the extreme southeast of Sudan. The SPLA attack on Toposa villages was in retaliation for the involvement of Toposa pro-government militia in the capture of Kapoeta and subsequent attacks on refugees fleeing the town.

In September 1992 there were further defections from the SPLA-Torit in Equatoria when William Nyuon Bany, the deputy commander of SPLA-Torit, formed a new faction called the Unity group. The Unity group received support from Nuer who were serving in Equatoria as well as troops drawn from a number of Equatorian ethnic groups, among them the Latuka, the Pari and the Didinga. In the early part of 1993 SPLA-Torit began an operation which involved the destruction of villages thought to be sympathetic to the Unity group. In January, 17 Latuka villages around the Imatong and Dongotona mountain ranges

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were destroyed, displacing tens of thousands of people. In the same month Torit faction forces moved further north and attacked Pari villages around the densely populated area of Jebel Lafon, some 100 kilometres east of Juba. Scores of civilians remain unaccounted for and are alleged to have been killed. The majority, around 30,000 people, were able to escape and settled near farm plots deep in the bush. SPLA-Torit forces occupied Lafon but are reported to have ransacked it in February after an attack by Unity group forces. The Torit group troops moved from house to house systematically burning the village down in retaliation for alleged Pari support for the attacking Unity group. There were further reports of civilians being deliberately and arbitrarily killed.

In March 1993 the SPLA-Nasir and Unity groups merged to form SPLA United. The Torit group sent forces northwards from Equatoria in an attempt to destroy the leadership of the new faction. The meeting to form the new group, which took place in Kongor in Upper Nile, was attacked. Four relatives of Arok Thon Arok, a Dinka SPLA-United leader and former prisoner of the Torit group, are reported to have been deliberately and arbitrarily killed and their bodies dumped in the house used by Riek Machar, the leader of the Nasir faction. Other civilians apparently died in crossfire during the engagement. The Torit group forces pursued the retreating Nasir faction leadership northwards towards the Nuer town of Ayod, an important centre for food distribution and a focus for internally displaced people. In late March they attacked Poktap, a village approximately 35 kilometres northwest of Kongor, killing scores of civilians. At least some were killed deliberately and arbitrarily; several women were hacked to death and their oblong carrying baskets reportedly then placed between their legs.

At the start of April 1993, Ayod town was shelled with mortars and rocket-propelled grenades resulting in scores of civilian deaths. Yuai, a village approximately 65 kilometres southeast of Ayod, was attacked 10 days later. A United Nations feeding centre was struck by rocket propelled grenades resulting in the death of over 40 people waiting for food. Tens of thousands of Nuer who had congregated at the centres fled eastwards towards the Sobat river.

Over the next three weeks Torit group troops displaced thousands more Nuer civilians north and east of Ayod by moving from home to home through the scattered villages killing anyone they found. The village of Pathai, approximately 35 kilometres east of Ayod, was totally burnt down. Over 100 civilians are reported to have been massacred. At the village of Pagau, about 12 kilometres from Ayod, 32 women were lined up by the Torit group forces and then each shot once in the head. Eighteen children are reported to have locked in a hut which was then put to the torch. Three attempted to escape and were gunned down. In Paiyoi, an area of dispersed settlement northeast of Ayod, 36 women are reported to have been burnt to death in a cattle byre. Nine others were clubbed to death.

The SPLA-Torit troops were ostensibly in pursuit of the withdrawing United faction leadership yet civilians were the deliberate target of many of these killings; the motive appears to have been revenge for the massacres in Kongor and Bor in 1991. The result was the internal displacement of tens of thousands of people already suffering the effects of famine, and the disruption of all efforts to feed them.

The Torit group has also been responsible for a series of other deliberate and arbitrary killings. In late September 1992, shortly after the defection of William Nyuon Bany and the creation of the Unity group, SPLA-Torit soldiers shot dead four foreign citizens. Myint Maung, a Burmese doctor who had worked in southern Sudan for many years, and Tron Helge Hummelvoll, a Norwegian journalist, were killed by multiple gunshot wounds on 27 September 1992 near the site of an ambush set by Torit faction troops for

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Unity group soldiers near Panyikwara in Eastern Equatoria. Autopsies carried out in Kenya revealed that Vilma Gomez, a Filipino woman nurse, and Francis Ngure, a Kenyan driver, were killed approximately two days later by single bullet wounds in the head. The Torit group blamed Unity group troops. However, subsequent investigations indicate that their own forces were responsible and that the Torit group had tried to cover up their responsibility.

The Torit group has been draconian and swift in taking action against its own soldiers suspected of trying to desert to join either the Nasir or Unity groups. Ten Nuer SPLA soldiers suspected of trying to join the Nasir faction were reportedly executed at Kaya in Eastern Equatoria in mid May-1992. In July 1992 six Nuer soldiers, among them James Deu Wang and James Kong Buoth, were executed at Ikotos in Eastern Equatoria, reportedly because they were suspected of supporting the Nasir group. On 5 November 1992 around 20 Acholi and Madi SPLA members were reportedly executed by the Torit group at Nimule in Eastern Equatoria. They were suspected of planning to defect to the newly formed Unity group. In December 1992 there were reports that over 200 deserters from Torit group forces stationed around Juba were disarmed and then deliberately killed by loyal Torit group troops near Tonj in Bahr al-Ghazal. The men were Dinka who had decided to opt out of the SPLA and return to their homes in northern Bahr al-Ghazal.

Conclusion

The Sudan Government claims to be formulating its own principles for safeguarding human rights which draw on its interpretation of Islam. It dismisses reports of human rights violations as "politically motivated and largely based on reports from dubious sources". Amnesty International, said the Sudanese delegation to the UN Commission on Human Rights in March 1993, "is no longer credible and not as such qualified to address any matter relating to the Sudan". Foreign governments who have criticized the Sudan's human rights record, continued the delegation in a formal statement to the Commission, are developing "political grudges and ill-feelings" towards the Sudan "because of its Islamic orientation".

The appeal to Islamic sentiment is propaganda aimed at misrepresenting the truth to devout Muslims in Sudan and to Muslim communities and countries in the wider world. The military government wishes to characterize itself as a victim of western, in particular United States, self-interest.

The government is guilty of double-speak. The human rights that are being violated in the war zones of Sudan (and in other parts of the country) are human rights under any definition, whether they be codes based on Islam drawn up by the Sudan Government, or universal standards accepted by the world community and, indeed, ratified by the Sudan Government. *The Sudan Document on Human Rights*, a report adopted by the Transitional National Assembly (TNA), Sudan's government-appointed parliament, in July 1993 underlines, according to the government-controlled press, "that the life of a human being is sacred and that every human being has the right of personal safety and that he should not be subjected to any form of physical or psychological torture or to ill-treatment". The document, reported the press, confirms Sudan's commitment to international laws and charters regarding human rights.

The Sudan acceded to the UN *International Covenant on Civil and Political Rights (ICCPR)* in March 1986. Among other provisions, the ICCPR states that "every human being has the right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Yet in the war zones of Sudan

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civilians are the deliberate target of government forces seeking to destabilize territory controlled by the SPLA and, in the Nuba Mountains, to drive communities suspected of supporting the SPLA out of their homes into so-called "peace villages" created by the government. In the course of these operations thousands of civilians have been extrajudicially executed. In Juba hundreds of civilians and government soldiers, police officers and other paramilitary forces have "disappeared". The likelihood is that they have been killed.

The Sudan signed the UN *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in June 1986. Among other provisions, the convention commits States to taking effective measures to prevent torture and asserts that no exceptional circumstances whatsoever, including war, can be invoked to justify torture. Yet in Sudan torture is routinely reported from military barracks and security offices all over the country, both in the war zones and elsewhere. Like many others, Camillo Odongi Loyuk, who according to the authorities was not even arrested, died under torture.

The Sudan acceded to the *Geneva Conventions of 1949* in 1957. Common Article 3, which applies to all parties involved in internal conflicts (as opposed to conflicts of an international nature), armed opposition groups as well as governments, lays down minimum humane standards protecting persons taking no active part in hostilities. It prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture". Yet in Sudan enemy combatants captured on the battlefield have been tortured and killed by government forces and, it is widely alleged, by the SPLA. In addition, both SPLA-Nasir (United) and SPLA-Torit have massacred civilians from ethnic groups considered to support the other rival faction in an increasingly bitter internal war.

The Sudan Government and rival factions of the SPLA have between them created a humanitarian disaster by waging war on rural villagers and herders. The displacement of millions of people has not been a by-product of the conflict but a tactic integral to it. The flagrant violation of human rights standards and the principles protecting civilians and others in times of conflict has created famine and dependency on food relief in many areas affected by war. Hundreds of thousands of people have lost their lives through illness, food shortage or deliberate assault.

Recommendations

The war against civilians, a war in which people are being killed on account of their racial or ethnic origin, must be ended.

To this effect, Amnesty International is urging the Sudan Government to translate immediately into practice its public commitments to international human rights treaties and standards. Similarly, Amnesty International is calling on both the Sudan Government and all factions of the SPLA to commit themselves publicly to abiding by the humanitarian principles protecting those taking no active part in hostilities enshrined in the *Geneva Conventions of 1949*.

In addition to honouring the instruments cited above, the government should apply the UN *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* which call for:

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- ◆ a clear chain of command control (to ensure, first, that troops are properly under control and, secondly, that those responsible for human rights violations can be readily identified);
- ◆ the removal of those implicated in human rights violations from positions of control and power;
- ◆ the thorough, prompt and impartial investigation of all extra-legal, arbitrary and summary executions (as a central measure to prevent further killings). The principles make clear the essential requirements for proper investigation. These include making a comprehensive public report which makes clear the scope of the inquiry, its methodology, the procedures and methods used to evaluate evidence and recommendations based on findings of fact and applicable law. The government should, within a reasonable period of time, reply to the report or indicate what steps it is taking in response;
- ◆ the bringing to justice of those alleged to have participated in or to have been responsible for such executions.

In June 1993, the rapporteur of the government-appointed inquiry into events in Juba in mid-1992 indicated that its report would be submitted to the government by the end of the month. Amnesty International is calling on the government to make this report public. Immediate official investigations should also be initiated in to "disappearances" and extrajudicial executions in the Nuba Mountains and extrajudicial executions in northern Bahr al-Ghazal and southern Upper Nile.

Similarly, all factions of the SPLA are urged to mount thorough investigations into deliberate and arbitrary killings reportedly carried out by their troops. They, too, should ensure clear chain of command control and that persons implicated in deliberate and arbitrary killings are removed from positions of control and power over others.

Amnesty International is calling on both the Sudan Government and the SPLA to allow immediate access by qualified, independent inspectors from internationally recognised humanitarian organizations to all places of custody on a regular basis. The inspectors should be allowed to make unannounced visits and have unrestricted access to all prisoners.

The international community also has a deep obligation to the people of Sudan to ensure that the Sudan Government and all factions of the SPLA respect humanitarian and human rights principles. The international community is addressing the consequences of humanitarian disaster through the extensive UN relief operation called Operation Lifeline Sudan (OLS).¹¹ In addition, however, the world must address the human rights issues which lie at the heart of the destruction and displacement being wrought by the warring parties. Amnesty International is recommending that human rights issues be directly addressed in all ceasefire or peace negotiations, including the Organisation of African Unity (OAU) sponsored peace process facilitated by the Nigerian Government.

The international community has a major responsibility in ensuring that human rights abuses in Sudan do not remain unknown or unreported. The appointment of a Special Rapporteur, charged with investigating and reporting on the human rights situation in Sudan, is an important step. However, he must be provided

¹¹ In April 1993 the UN approached the international donor community seeking \$US130 million to fund OLS relief programs aiming to avert famine from an estimated 2.8 million people.
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with all the support necessary for him to discharge his mandate thoroughly and effectively. It is only possible for the Special Rapporteur to make periodic visits to Sudan. It is therefore imperative that the international community should seek additional ways to support those in Sudan attempting to monitor human rights issues on the ground. This should include political and material support as well as training in human rights issues.