

SUDAN-SOUTH SUDAN

DESTRUCTION AND
DESOLATION IN ABYEI

AMNESTY
INTERNATIONAL



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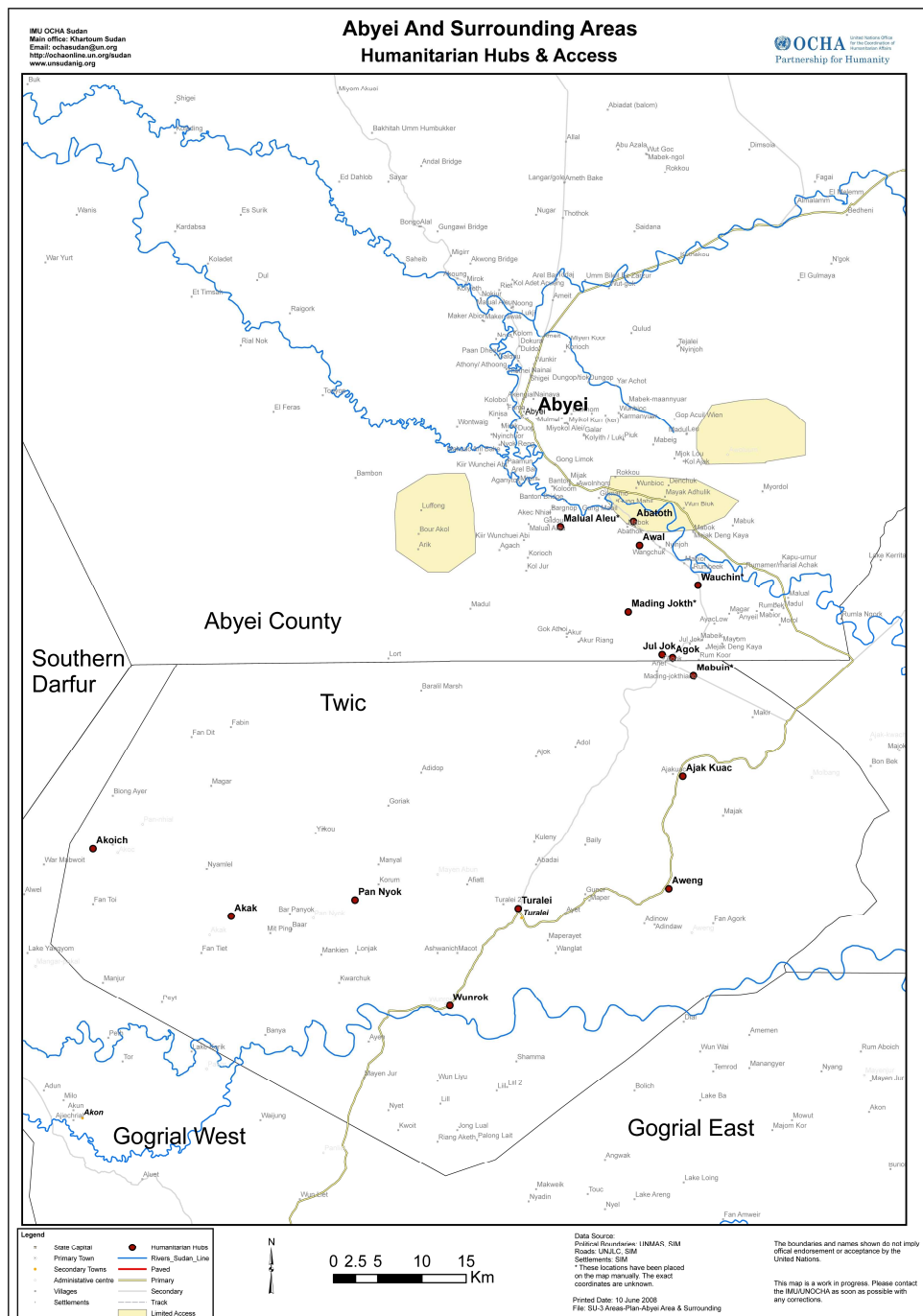
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CONTENTS

Map of Abyei and surrounding areas.....	4
Map of Sudan.....	5
INTRODUCTION	6
UNMIS’ FAILURE TO PROTECT CIVILIANS AND TO INVESTIGATE ABUSES.....	13
Build-up to outbreak of violence.....	14
ONGOING THREAT FROM LAND MINES.....	16
DIRE CONDITIONS AND BLEAK PROSPECTS FOR THE DISPLACED POPULATION	17
BACKGROUND – CIVILIANS TRAPPED IN ENDLESS CYCLE OF VIOLENCE	19
Sudan-South Sudan: Ongoing conflicts in the “Transitional Areas”	21
RECOMMENDATIONS	22
ENDNOTES.....	24

MAP OF ABYEI AND SURROUNDING AREAS



Map of Abeyi and surrounding areas. © United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

MAP OF SUDAN

Map No. 4458 UNITED NATIONS
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Cartographic Section

Map of Sudan. © United Nations

INTRODUCTION

“On Saturday [21 May 2011] evening the shooting which was previously distant got near as the [Sudanese] army and the Misseriya got closer to Abyei town. We ran away, but I was carrying my oldest brother, Ring, who is blind, and could not get far. We hid in the bush in Mading Achueng [south of Abyei town] and stayed there the whole night and the following day and night. On Monday morning [23 May] I was captured by five Arabs in civilian clothes. They brought a cart full of goods, mostly TVs and video recorders, and said I had to pull the cart. They told me: ‘you’re going to be the donkey from here to Abyei’. They beat me with a rubber whip on my back, head, legs and hands. I pulled the cart; it took more than three hours to reach Abyei town. There other militias joined my captors and told me: ‘we’ve seized Abyei. It is not yours anymore’. I managed to escape and eventually I got here [to Agok]. I have no news of my brother. I presume he died; he was 70 years old and not able to move on his own as he was blind. I have now managed to find my wife and two children. We had fled together but since I had to carry my brother they had gone ahead and we got separated. Our main problem is the lack of food. I don’t know when we’ll be able to return to Abyei. I don’t know what happened to our home.”

This is the testimony of Chol Deng Riak, a 45-year-old book seller displaced from Abyei with his family and now sheltering in Mayen Abun camp in South Sudan.

More than 100,000 inhabitants of Abyei - virtually the entire population of the area - were displaced by renewed conflict in the disputed region in May 2011. Their homes and properties were looted and burned to the ground and they now remain stranded in dire conditions in makeshift camps in South Sudan where they suffer from lack of food, clean water and sanitation. They are unable to return to their towns and villages due to ongoing insecurity in the area.

When Amnesty International delegates visited Abyei at the end of November 2011, the first visit by an international NGO since the May clashes, they found Abyei town and surrounding villages literally razed to the ground and emptied of their inhabitants. Tukuls, the traditional thatch-roofed mud houses (huts) had been burned down and the few brick buildings had been completely gutted - their roofs, doors, windows and any other fittings removed. Compounds of international humanitarian organizations had been similarly looted and vandalized.

Mgol Dau Deng, an elderly man from Gular, east of Abyei town, told Amnesty International:

“On 21 May at 1pm the soldiers came to Gular. Everyone was running but I couldn’t run so I stayed in my tukul. I saw soldiers wearing military uniforms and using cars. They searched the village. One soldier came and said he was going to burn my tukul down. He wanted to kill me but the other soldiers said not to because I am an old man. I was just standing there looking at my home burning. Soldiers asked ‘why are you staying here?’ and I said ‘this is my home, I want to stay here.’ I stayed there until night and when my brother-in-law came and helped me cross River Kiir.”



Tukuls burned down in Abyei town, 26 November 2011. © Amnesty International



Looted and burned buildings in Abyei town, 26 November 2011. © Amnesty International

Bar the limited presence of UN peacekeepers, Abyei has remained cut off from the outside world since May 2011. International organizations and media have had no access to Abyei, due to restrictions imposed by the Government of Sudan (GoS), ongoing insecurity caused by the presence of armed forces and militias, and the danger posed by land mines laid in the area by both sides.

Civilians started to flee Abyei on 20 May 2011, as armed clashes erupted between the Sudan Armed Forces (SAF), and the Sudan's People Liberation Army (SPLA) and Southern Sudan Police Service (SSPS). Following an attack on 19 May on a convoy of the United Nations Mission in Sudan (UNMIS),¹ which was transporting SAF members in Dokura (north of Abyei town),² SAF bombed and shelled SPLA/SSPS positions and other locations and took control of the area.

Armed confrontations spread involving SAF, Popular Defence Forces (PDF)³ and SAF-backed armed militias from the nomad Arab Misseriya community on one side, and members of the SPLA and SSPS and some armed Dinka Ngok youths on the other side. The confrontations and attacks caused the flight en masse of the Dinka Ngok population.⁴ At the same time the Government of Sudan unilaterally dissolved the Abyei Administration.⁵



Homes burning in Abyei, 23 May 2011. © ENOUGH project (CC BY-NC-ND 2.0)

During and immediately after the clashes, Misseriya militias, acting alongside PDF and with the support and complicity of SAF, systematically looted and burned down the inhabitants' homes and properties in Abyei town, the region's capital, and in surrounding villages. The looting and burning continued for days, while SAF was in full control of the area, and in the presence of UN peacekeepers.

Former UNMIS staff told Amnesty International that on 21 May SAF overran Abyei town with T-55 tanks and multiple-rocket launchers and that five artillery shells landed in the UNMIS compound, injuring two Egyptian peacekeepers and destroying a UN vehicle. SAF looted the World Food Programme (WFP) warehouse, bringing in heavy trucks to remove two UN Development Programme (UNDP) generators and the food. UNMIS asked for the food to be returned but the SAF commander said he had instructions to distribute the food to Misseriya leaders.



Looters in Abyei, 23 May 2011. © ENOUGH Project (CC BY-NC-ND 2.0)

On 23 May UNMIS sought access to the area but SAF refused to guarantee their safety from possible PDF attacks. Eventually UNMIS could only undertake limited patrols under SAF escort and without leaving the vehicles. Several days after the Abyei population had fled, the UN Office of the Coordinator of Humanitarian Affairs (OCHA) reported that: *“The Sudan Armed Forces (SAF) maintain their presence in the town and the presence of a large number of Misseriya militia has been reported. On 25 May...A road patrol in Abyei town revealed continued looting and burning of tukuls and confirmed that some humanitarian premises and emergency stocks had been looted. The heavy presence of armed men was also noted.”*⁶

An unpublished UNMIS report details similar patterns and incidents as reported to Amnesty International by former UNMIS personnel.⁷

On 26 May, SAF destroyed Banton Bridge over the Kiir/Bahr al-‘Arab river, which linked Abyei to South Sudan, in a seemingly deliberate attempt to prevent the Dinka Ngok population from returning to Abyei.⁸

An unconfirmed number of people - civilian bystanders not involved in the fighting as well as fighters - were killed and injured in the May 2011 clashes. Others remain unaccounted for.

Ngok Akech a father of four young children from Agani village (south of Abyei town) now

sheltering in a sprawling makeshift camp for displaced people in Mayen Abun in South Sudan, told Amnesty International:



“On Saturday afternoon I was near my home with my goats when everybody started to run away from the village because we heard that the SAF and the Misseriya were getting close to Abyei town. We had been hearing gunfire in the distance on and off since the morning. People who fled Abyei town came to Agani as they fled and so we knew that we should also run from the village. Me and my family fled south with everyone else.

Ngok Akech in Mayen Abun, 24 November 2011. © Amnesty International

At about 5pm something landed near me and exploded; I think it was a mortar. I was injured by shrapnel. Ring Deng Fadang was near me and was also hit. He was holding his baby. He fell and had a large wound on his back and died instantly. His baby was safe. Another man, Agok Dur Agok, was injured in his left leg. My relative found a car and took me to Anet. My family left on foot with the other villagers. I eventually found my wife and children and other relatives here in Mayen Abun a month later. Now we live in very difficult conditions; the last time we received food aid was in August [three months ago]. My wife makes mats by weaving grass and we try to sell them to get money to buy some food.

I heard that many other people were killed. One of them was Dau Aguek, a 29-year-old shop owner who sold sugar; and Maluak Agok, who sold oil, and his five-year-old son. They were killed in Mulmul.”

Regina Nyanut, a 29-year-old woman from Mulmul in Abyei, told Amnesty International:

“I saw soldiers and saw helicopters from different sides. Soldiers in green uniforms came by different means of transport—some by foot, motorbike and car. I was at home with my children on Saturday [21 May] because we had heard the sounds of



Regina Nyanut in Mayen Abun, 24 November 2011. © Amnesty International

bombs in the area for three days. We didn't expect SAF to come to Abyei town. Men on motorbikes in military uniform shot my neighbours Dau Aguek, who was 29 and sold sugar in the market, and Maluak Agok, who sold oil, and his five-year-old son. They were shot when they tried to run from their house and were lying on the ground dead. I ran carrying my baby and my other baby was carried by my older son. We ran from Abyei towards River Kiir to cross to the other side."

A 14-year-old girl, Nyankir Dut Nguy, from Aganyintok village, got separated from her parents and brothers as the family fled on the evening of 21 May. Her father told Amnesty International:

"At about 6pm the shooting was getting closer and everybody started to run away. Me and my family also fled. I have six children, five sons and one daughter. People were running in all directions. My daughter got separated from us and has been missing since. I have looked for her and have asked everywhere but have not been able to find any news of her. She is my only daughter".

Kol Kech Ayuel from Akotchok village is among the elderly people who could not flee on 21 May and are reported missing since then. His nephew told Amnesty International:

"I took my family and left towards Agok and Kol stayed in the house alone because he had difficulties walking due to a long-term problem with his hip. I took my family to Malual Aleu and we stayed there overnight. On Sunday morning I set out to go back home to Akotchok to get my uncle but it was raining too heavily and I could not find a donkey cart to carry my uncle. In the meantime the security situation was worsening so I took my family south to Mayen Abun. I stayed there for five days and then I went back to Akotchok to look for my uncle but I did not find him and have not been able to get any news of him since."



Aguer Yak Kong in Agok, 26 November 2011. © Amnesty International

Those who fled had to walk for days in the mud and heavy rain, carrying children. Elderly and disabled residents who could not make the long journey and had no one to carry them had to stay behind. Some suffered attacks and others are missing and presumed dead.

Aguer Yak Kong, in his seventies, told Amnesty International:

"My wife and children and the rest of the family fled but I could not go with them; I was too weak to walk for a long time and my eyesight is so poor I can hardly see. I sat alone in my home and the militia came in and beat me on the head and stabbed me in my head and in

the back. The next day another militia came and took me to a house and kept me there until July. Sometimes they gave me tablets for the pain. In July they handed me over to UNMIS, who took me to Agok by helicopter. At the hospital they told me I had suffered internal bleeding. Now I feel weaker than before; I cannot walk any more."

Scars behind his left ear and on the left side of his back are consistent with the description of the stab injuries he received.

Alluel Atem, an elderly woman from Mading Achuen in the south of Abyei now sheltering in Mayen Abun camp, told Amnesty International that three elderly and disabled women had not been able to leave the village and had died there. Adhieu Woch and Ayen Alor were blind and Adol Ajuan could not walk, she said.



Yai Deng Deng in Mayen Abun with the only bag of food she had to feed her family, 24 November 2011.

© Amnesty International

UNMIS' FAILURE TO PROTECT CIVILIANS AND TO INVESTIGATE ABUSES

On 21 May, as Abyei town and surrounding villages has been virtually emptied of its population, UNMIS issued a statement expressing deep concern *"over the troop build-up and reported fighting, including the use of heavy artillery and bombing in the Abyei area", calling for "an immediate cessation of hostilities in Abyei" and calling upon all parties "to protect civilians in the affected area and to take all necessary measures to ensure they are not targeted"*.⁹

On 23 May 2011 UNMIS issued the following statement: *"UNMIS strongly condemns the burning and looting currently being perpetrated by armed elements in Abyei town. The Sudan Armed Forces (SAF) are responsible for maintaining law and order in the areas they control. UNMIS calls upon the Government of Sudan to urgently ensure that the Sudan Armed Forces fulfil their responsibility and intervene to stop these criminal acts."*¹⁰

Since its establishment in 2005, UNMIS' mandate included a Protection of Civilians (PoC) mandate under Chapter VII of the UN Charter. According to resolution 1590 (2005), UNMIS was *"authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence..."*¹¹

However, repeated incidents of armed confrontations and attacks over the years, which endangered civilians and caused the forced displacement of the entire population from towns and villages in Abyei, did not result in any concrete action by UNMIS to protect civilians from physical harm and to prevent their displacement.

During and after the May 2011 events UNMIS' role was extremely limited. It provided safe passage out of Abyei for a very small number of civilians, mostly those who had been detained by militias and/or by SAF and who were subsequently handed over to UNMIS, including a group of 20 women and men who remained detained in Abyei until 30 October 2011. However, UNMIS seemingly took no action to prevent or stop the attacks which caused the large scale displacement of the civilian population, and which were patently aimed at preventing the population's return to the area. Widespread looting and burning down of homes and properties took place all around the UNMIS compound and positions and continued for several days after armed confrontations had ceased and the population had fled, while UNMIS military personnel remained mostly bunkered down in their compound or observed the attacks without intervening.

Former UNMIS personnel told Amnesty International that on 26 May the SAF commander informed UNMIS that he had instructions to destroy the Banton Bridge (which linked Abyei and South Sudan) and UNMIS military personnel observed and photographed SAF placing explosive charges on and around the bridge and destroying it. They said that a decision was made for UNMIS not to militarily engage with SAF because SAF was better equipped and because it was a sovereign army.

UNMIS' mandate for the protection of civilians was explicitly dependent on the mission's capabilities within the specific areas of deployment of its forces. Hence the allocation of military capability resources, both to UNMIS (troops and assets) and within UNMIS itself (deployment to different areas within Sudan) was crucial for the mission's ability to fulfil its protection of civilians mandate.

BUILD-UP TO OUTBREAK OF VIOLENCE

The outbreak of violence in May 2011 was not unexpected. Rather, it was part of a pattern of recurrent clashes and attacks which in previous months (in January, February and March 2011) had already caused the displacement of tens of thousands of Abyei residents. In early March, thousands of Ngok Dinka from Abyei town and other towns and villages in northern Abyei fled southward to escape yet another round of armed clashes and some Misseriya fled north to avoid possible retaliation.¹²

It was clear from previous incidents that the negative impact on the civilian population was long-term. Thousands of residents of towns and villages north of Abyei town displaced by the clashes in March 2011 had not yet been able to return by May. Similarly, tens of thousands of civilians displaced from Abyei in a similar incident in May 2008 remained displaced for several months.¹³

In his report to the UN Security Council in July 2008, the UN Secretary-General stated that: *"In the aftermath of the May 2008 events in Abyei, UNMIS carried out a preliminary assessment of the situation and of its response. ...A number of lessons learned were identified that will inform the Mission's future crisis response and force posture. A review of force levels in Abyei will form part of the forthcoming UNMIS military capabilities study"*.

However, the events of May 2011 show that whatever lessons were learned and changes made pursuant to this assessment (in 2008), did not result in UNMIS being able to provide effective protection to the civilian population.

Since UNMIS' mandate ended in July 2011 a new peacekeeping force has been present in Abyei, the United Nations Interim Security Force for Abyei (UNISFA).¹⁴ Like UNMIS, UNISFA also has a mandate to protect civilians under Chapter VII of the UN Charter and on 14 December 2011 its mandate was expanded to include additional tasks related to the demilitarization of Abyei.¹⁵ It is imperative that UNISFA be given the necessary resources to enable it to fulfil its mandate and ensure effective protection for the civilians in Abyei.

To date no adequate investigation has been carried out into the human rights abuses committed by the various parties during and after the May 2011 clashes; neither UNMIS nor OHCHR have made public the findings of whatever limited investigations they were able to carry out in Abyei and among the displaced population.

Efforts by the OHCHR and UNMIS human rights officers to investigate the events were limited in scope and restrictions imposed by the GoS further hindered the initiatives.

In July the UN Secretary-General noted that: *“To date, the facts surrounding numerous allegations of grave human rights violations in Abyei have been difficult to ascertain owing to security, limited access and witness protection concerns. Nevertheless, UNMIS was able to conduct preliminary investigations through interviews with displaced persons in South Sudan before the Mission ceased operations on 10 July. the [Security] Council requested the Secretary-General to ensure that effective human rights monitoring is carried out.... ”*.¹⁶

And in September he noted: *“...OHCHR deployed a mission to the Sudan and South Sudan early in August to assess the possibility of establishing a human rights presence in Abyei to collect information on alleged human rights violations there since the SAF takeover of the Area in May. While the mission was welcomed by the Government of the Sudan and was able to visit Khartoum, it was denied access to Abyei ...”*¹⁷

ONGOING THREAT FROM LAND MINES

Both the SAF and SPLA have laid anti-vehicle and anti-personnel mines in different areas of Abyei, which constitute a major impediment to the safe return of the civilian population and humanitarian organizations and a danger for UN peacekeepers.

On 2 August 2011, four Ethiopian UN peacekeepers were killed and seven others were injured when a patrol vehicle was destroyed by a landmine in Mabok, 30 kilometres east of Abyei town. The UN Secretary-General expressed concern that the evacuation of the casualties by air was significantly hampered by a delay in the issuance of a flight clearance by the Sudanese authorities.¹⁸

In November 2011 the UN Secretary-General expressed concern that *“despite engagement with the Governments of the Sudan and South Sudan by UNISFA, neither party has provided maps of mine locations.”*¹⁹ In mid November the SPLA dispatched a demining team to show UNISFA its likely mined areas but, according to information provided to Amnesty International by UN personnel, the information they provided was very limited and mostly not sufficiently precise.



UNISFA peacekeepers in Abyei, 26 November 2011. © Amnesty International

DIRE CONDITIONS AND BLEAK PROSPECTS FOR THE DISPLACED POPULATION



Displaced Abyei residents in Malual Achot camp, 23 November 2011. © Amnesty International

More than six months after the May 2011 clashes the displaced Abyei residents are still living in dire conditions in hastily set-up camps or crowding in with relatives in host communities who have little or nothing to share. They are dependent on international humanitarian organizations for shelter, food, water and health care.

In November Amnesty International delegates met displaced families from Abyei who are sheltering in makeshift camps or with host communities in Wau, Mayen Abun, Malual Achot and Agok, in South Sudan.

Angelina Aguir, a mother of two young children in her mid 20s, sheltering in Mayen Abun camp told Amnesty International:

"My husband had a small shop in the village but when we run away from our home we could

not take anything. I was pregnant and we had to carry my son because he is too small to walk for a long time. During the journey I lost my husband and had to carry my son myself. I then found my husband again. We walked for three days to get here and life here is very difficult. We have hardly any food and nothing else. My second child was born here but how can I care for him here? I've got nothing to give him. I don't know what has happened to our home. We cannot go back so long as the army is there."

Another woman sheltering in the same camp, Naueer Mathiang Bitho, told Amnesty International:

There is no food. I collect grass and weave it into mats which I try to sell to buy food. If I can't collect grass then I have to beg. Sometimes I collect wild fruits to eat."

Some of the displaced residents of Abyei, especially those from villages in the south of Abyei, have started to go back to Abyei in recent weeks, but mostly to assess whether it is safe to return and a small number are reportedly staying close to the river. The installation of a new bridge by UNISFA²⁰ at the end of October 2011, to replace the Banton Bridge which was destroyed by SAF in May 2011, has made it possible for people to access Abyei for the first time after five months. However, virtually all the displaced residents interviewed by Amnesty International said that while they wished to return home, they did not yet feel it was possible for them to do so because of the presence of SAF in the area and fear of renewed attacks. The absence currently of any international humanitarian organizations in Abyei makes it more difficult for people to return, as much of the population relies to some extent at least on aid and services provided by aid organizations. This reliance is now greater because so many have had their homes and possessions looted and destroyed.

South Sudan has faced a severe shortage of food in 2011²¹ and the situation has been compounded by humanitarian emergencies in Abyei and elsewhere in Sudan and in the wider region, which have required re-allocation of food aid resources. A poor harvest, due to climate and to loss of crops/non cultivation because of conflict in certain areas, is a further challenge.

Incidents of looting of large quantities of food from UN aid agencies' stores in South Sudan by residents, SPLA soldiers and local authorities, have worsened food shortages for displaced and other vulnerable groups. One such incident involving the theft of over 600 metric tonnes of prepositioned food from a WFP store occurred in Raja (Western Bahr al-Ghazal state) on 27-28 August. Attempts to recover the stolen food were mostly in vain.

UN aid agencies and international humanitarian organizations have also expressed concern at continued incidents of harassment at the hands of SPLA soldiers on major routes in South Sudan, with soldiers commandeering organizations' vehicles, demanding to be transported and looting their property. Such incidents have caused delays to humanitarian operations and loss of supplies and funds, and have negatively impacted the safety and security of staff.²² Ultimately, such incidents hinder the ability of humanitarian organizations to provide desperately needed relief to displaced and other vulnerable groups.

BACKGROUND – CIVILIANS TRAPPED IN ENDLESS CYCLE OF VIOLENCE

The area of Abyei, which straddles the border between north and South Sudan, has long been a major flashpoint of political and inter-communal tensions between the region's Dinka Ngok population and the northern nomadic Misseriya tribes. The Misseriya migrate southward through Abyei annually to graze their cattle during the dry season, and some have settled in Abyei in recent decades.

Key provisions of internationally brokered agreements to resolve the Abyei conflict between the Government of Sudan (GoS) and the Sudan's People Liberation Movement/Army (SPLM/A) – now the Government of South Sudan (GoSS) – have not been implemented, notably those concerning oil wealth sharing, governance, access, border demarcation, and the holding of a referendum.

According to the Abyei Protocol,²³ a 2004 agreement between the GoS and the SPLM/A to resolve the Abyei conflict, a referendum on the future of Abyei – to decide whether it should be part of Sudan or secede – was to be held at the same time as the South Sudan referendum on 9 January 2011. However, the referendum has not yet been held as disputes persist between the parties concerning voters' eligibility. Sudan insists that large numbers of Misseriya nomads, who spend several months a year grazing cattle in Abyei, are eligible to vote, whereas South Sudan backs the Dinka Ngok's demand that only the historical inhabitants of the region (mostly Dinka Ngok) be allowed to vote. Though both parties accepted a 2009 ruling by the Permanent Court of Arbitration on the boundaries of Abyei,²⁴ the two countries have so far failed to reach agreement on the final border demarcation in the Abyei area.

In the absence of a referendum the status of Abyei remains disputed, with both Sudan and South Sudan claiming it as part of their own territory and with the two communities trying to consolidate their hold on the area ahead of the referendum. Over the past years and months SAF-backed Misseriya armed militias, have repeatedly attacked Dinka Ngok residents and forced them out of their homes and out of Abyei altogether and have looted and burned down their homes, seemingly in a deliberate attempt to prevent their return to Abyei. Dinka Ngok community leaders have accused the GoS of using Misseriya militias to deliberately force the Dinka Ngok population out of Abyei in order to replace them with Misseriya loyal to the GoS. The GoS and the Misseriya for their part have complained that the Dinka Ngok are seeking to undermine their long-established residency and grazing rights in Abyei.

Long-standing tensions in Abyei took on a new dimension after the 2005 Comprehensive Peace Agreement (CPA)²⁵ between the GoS and the SPLM, and with the discovery of significant oil resources.

For example, in May 2008 fighting between SAF and SPLA and attacks by SAF-backed Misseriya militias caused the displacement of some 60,000 Dinka Ngok residents of Abyei.

During and after the confrontations SAF and Misseriya militias killed civilians, looted and burned to the ground homes and properties.



Armed militias in Abyei, 23 May 2011. © ENOUGH project (CC BY-NC-ND 2.0)

The situation deteriorated further after the January 2011 referendum which resulted in South Sudan becoming an independent country in July 2011. In May 2011 the UN Secretary General stated that: *“The dispute over the future status of the Abyei area is the greatest challenge to the implementation of the Comprehensive Peace Agreement.”*²⁶

A series of agreements between the Sudanese government and the SPLM/A and between Misseriya and Dinka Ngok leaders – notably the Kadugli Agreements of January 2011 and the 20 June 2011 Agreement brokered by former South African President and Chair of the African Union High Level Implementation Panel (AUHLIP) Thabo Mbeki - were repeatedly broken.

The 13 and 17 January 2011 Kadugli Agreements called for withdrawal of unauthorized forces from both sides from the Abyei area. However, on 12 May 2011 UNMIS expressed concern that: *“Elements from South Sudanese Police Service (SSPS), [Sudanese] Popular Defense Forces (PDF), Misseriya militias, oil police and the 31st SAF Brigade are alleged to be in the Abyei area. They are unauthorized forces and must be withdrawn under the January Kadugli Agreements.”*²⁷

The 20 June 2011 agreement, which was the prelude to the establishment of UNISFA, stipulated that both sides would withdraw their respective forces and allow an interim

Ethiopian peacekeeping force into Abyei.²⁸ However, in its report to the UN Security Council the UN Secretary-General noted that as of 23 November 2011 SAF and Sudanese police forces remained in Abyei and that, while the SPLA had redeployed from Abyei as of 9 November, SSPS and individual SPLA members remained in the area.²⁹

With the two sides having so far failed to resolve their differences, and in the absence of guarantees that the sides will be made to honour their commitments to implement agreed measures to ensure security in the area, it has remained impossible for the displaced population to return to Abyei.³⁰

SUDAN-SOUTH SUDAN: ONGOING CONFLICTS IN THE “TRANSITIONAL AREAS”

Abyei is one of the so-called “Three Areas” or “Transitional Areas” where key provisions of the 2005 CPA between the GoS and the SPLM have not been implemented and where conflict has broken out in 2011. Whereas the agreement provided for a referendum to decide on the status of Abyei, in the other two areas, Southern Kordofan and Blue Nile, the peace agreement provided for “popular consultations” which could at most result in a measure of autonomous rule within Sudan. Conflict erupted in Southern Kordofan and Blue Nile in June and September, respectively, between the SAF and the SPLA-North (essentially composed of the former ninth and tenth divisions of the SPLA) as the GoS moved to assert tighter control over the areas and to disarm SPLA fighters. Armed confrontations are ongoing in both areas and, together with frequent and indiscriminate air strikes by SAF against civilian residential areas, have caused the displacement of more than 120,000 residents to refugee camps across the borders in South Sudan and Ethiopia, with more refugees continuing to arrive at the camps every day.³¹

On several occasions in recent months SAF launched air strikes in areas inside South Sudan, close to the border with Sudan. On 10 November a refugee camp was struck in Yida, in South Sudan’s Unity State, where more than 20,000 refugees displaced by the conflict in Southern Kordofan have been sheltering.³² Other strikes on 8 November killed and injured both civilians and fighters from the SPLA-North in and around Yafra, a hamlet in the area of New Guffa village in South Sudan’s Upper Nile state near the border with Sudan’s Blue Nile State.³³

Cross border attacks escalated in early December 2011 with fighting reported in Jau, which both Sudan and South Sudan contend is within their respective borders. There are growing concerns that these cross-border skirmishes could lead to a full-scale international conflict between Sudan and South Sudan.

RECOMMENDATIONS

In light of these findings, Amnesty International makes the following recommendations:

To the Government of Sudan:

- Allow immediate access to international human rights monitors, including monitors from the OHCHR, to all areas of Abyei;
- Carry out independent and impartial investigations into allegations of attacks against civilians and their properties by members of SAF, PDF and SAF-backed militias and bring to justice, in accordance with international standards, those found to be responsible for such acts, including those in command positions who failed to prevent them;
- Provide reparation for the victims of human rights abuses committed by members of SAF, PDF and SAF-backed militias;
- Ensure that no militias are allowed to operate in Abyei in order to ensure security for the displaced population to return;
- Facilitate the voluntary return of displaced people to Abyei by allowing international humanitarian organizations access to the region;
- Provide UNISFA and other relevant UN entities detailed coordinates and maps of any locations in Abyei where SAF have laid land mines.

To the Government of South Sudan:

- As residents begin to return to Abyei, ensure that the SPLA and SSPS do not undertake any action which might make civilians vulnerable to attacks or otherwise endanger their safety;
- Provide UNISFA and other relevant UN entities detailed coordinates and maps of any locations in Abyei where SPLA have laid land mines;
- Ensure the return of displaced people currently in South Sudan to Abyei is voluntary and with full informed consent;
- Instruct the SPLA not to harass humanitarian organizations and their staff and immediately investigate any reports of theft or looting by SPLA officers of humanitarian supplies.

To the United Nations

- In order to create the necessary security conditions for the prompt return to Abyei of the displaced population, protection of civilians should be prioritized and concrete mechanisms should be put in place to make this protection effective;
- Ensure UNISFA has the necessary resources, in terms of personnel and enabling assets to ensure effective protection of civilians, and to disrupt possible attacks against local

communities in line with UNISFA's mandate, and to ensure that security is restored to facilitate the return of the displaced population;

- Carry out a review of the circumstances which resulted in UNMIS' failure to fulfill its protection of civilians mandate in Abyei during 2011, in order to ensure that the necessary mechanisms can be put in place to prevent a recurrence of such failures;
- Conduct a thorough and full investigation into human rights abuses committed in Abyei in 2011, including allegations of killings of civilians and the burning and looting of civilian property, and other violations of international human rights and humanitarian law;
- Establish without delay an effective human rights monitoring mechanism in Abyei in accordance with Security Council resolution 1990 (2011).

ENDNOTES

¹ UNMIS (<http://unmis.unmissions.org>) was established on 24 March 2005 by UN Security Council resolution 1590 ([http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1590\(2005\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1590(2005))). On 17 May 2011, the UN Secretary-General called for a three-month extension of UNMIS' mandate (http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/314), but on 27 May 2011 the Sudanese Government informed the UN of its decision to terminate the presence of UNMIS as of 9 July 2011 (http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/333).

² http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_789.pdf. Two SAF soldiers and a UN driver were wounded in the attack. The UNMIS convoy was transporting 200 SAF members of the Joint Integration Units (JIU). The JIU, composed of SAF and SPLA members, were established following the 2005 Comprehensive Peace Agreement (CPA).

³ The PDF is a paramilitary force which often operates alongside SAF in conflict areas of Sudan.

⁴ The Dinka Ngok are a sub-group of the Dinka, the largest ethnic group in South Sudan and the historical inhabitants of Abyei, also known as "the area of the nine Ngok Dinka chiefdoms".

⁵ A civilian administrative body established in 2008 and consisting of both Sudan's National Congress Party (NCP) and the southern Sudan Peoples Liberation Movement (SPLM).

⁶ SUDAN – ABYEI crisis; Situation Report No 5, 25/05/2011: <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Situation%20Report%20%235%20on%20Abyei%20Crisis%2025%20May%202011.pdf>

⁷ Available at: http://www.foreignpolicy.com/files/fp_uploaded_documents/110606_hrreport-abyei.pdf

⁸ On 21 May UNMIS had reported that the Banton Bridge "*was targeted, but not hit*": http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_789.pdf

⁹ Available at: <http://unmis.unmissions.org/Portals/UNMIS/2011Docs/UNMIS%20Press%20Statement%2021-05-2011.pdf>

¹⁰ Available at: <http://unmis.unmissions.org/Portals/UNMIS/2011Docs/UNMIS%20PR%20Abyei%2023%2005%20eng.pdf>

¹¹ Available at: <http://www.un.org/en/peacekeeping/missions/unmis/mandate.shtml> and <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/284/08/pdf/N0528408.pdf?OpenElement>

¹² Clashes north of Abyei town on 2 March 2011 caused the displacement of some 20,000 residents. See: <http://reliefweb.int/sites/reliefweb.int/files/resources/5CD28808D9E2F8C28525784C0061C>

[9F6-Full_Report.pdf](#) and:

http://reliefweb.int/sites/reliefweb.int/files/resources/ED09AB956CF2CBC085257852005B7316-Full_Report.pdf

¹³ Available at: <http://www.hrw.org/news/2008/07/21/sudan-restore-security-abyei>

¹⁴ UNISFA (<http://www.un.org/en/peacekeeping/missions/unisfa/>) was established on 27 June 2011 by UN Security Council resolution 1990 ([http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1990\(2011\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1990(2011)))

¹⁵ Security Council expands mandate of UN peacekeeping force in Abyei: <http://www.un.org/apps/news/story.asp?NewsID=40731&Cr=abyei&Cr1=>

¹⁶ Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/429/79/PDF/N1142979.pdf?OpenElement>

¹⁷ Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/515/13/PDF/N1151513.pdf?OpenElement>

¹⁸ Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/515/13/PDF/N1151513.pdf?OpenElement>

¹⁹ http://reliefweb.int/sites/reliefweb.int/files/resources/UN_Document.pdf

²⁰ A pre-fabricated, portable bailey bridge was provided by the Ethiopian government and installed by Ethiopian engineers working with the UNISFA military contingent (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/603/84/PDF/N1160384.pdf?OpenElement> . para 4)

²¹ “Storm of hunger threatens lives of 2.5 million South Sudanese”: <http://www.wfp.org/news/news-release/wfp-warns-more-25-million-will-require-food-assistance-south-sudan> and: http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1994.pdf

²² Available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Sudan%20Weekly%20Humanitarian%20Bulletin%2020%20-%202026%20May%202011.pdf>

²³ *Protocol between the Government of Sudan (GoS) and the Sudan's People Liberation Movement/Army (SPLM/A) on the resolution of Abyei conflict*, signed in Naivasha, Kenya on 26 May 2004: <http://unmis.unmissions.org/Portals/UNMIS/Fact%20Sheets/FS-abyeiprotocol.pdf>

²⁴ Available at: http://www.pca-cpa.org/showpage.asp?pag_id=1306

²⁵ Available at: <http://www.sd.undp.org/doc/CPA.pdf>

²⁶ Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/338/17/PDF/N1133817.pdf?OpenElement>

²⁷ Available at: <http://reliefweb.int/node/401859>

²⁸ Available at: <http://www.un.org/News/Press/docs/2011/sc10286.doc.htm>

²⁹ Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/UN_Document.pdf

³⁰ “*Security fragile as stalemate over Abyei persists*” – senior UN official:
<http://www.un.org/apps/news/story.asp?NewsID=40666&Cr=abyei&Cr1=>

³¹ SUDAN-SOUTH SUDAN: Refugees stream into Upper Nile state, 14 December:
<http://www.irinnews.org/report.aspx?reportid=94472>

³² UNHCR concerned about thousands of refugees in South Sudan border areas, 21 November 2011: <http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/unhcr-concerned-about-thousands-of-refugees-in-south-sudan-border-areas.html>

UNHCR condemns bombing of refugee camp in South Sudan, 11 November 2011:
<http://www.unhcr.se/fi/media/lehdistoetiedotteet/artikel/a3efa51f5755e87c0b40d34361845c86/unhcr-condemns-bombing-of-refugee-c.html>

SUDAN: Weekly Humanitarian Bulletin, 4 – 11 November 2011, UN OCHA:
http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_356.pdf

³³ *Ibid*

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