



# **‘WE HAD NO TIME TO BURY THEM’**

**WAR CRIMES IN SUDAN’S  
BLUE NILE STATE**

**AMNESTY  
INTERNATIONAL**



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**AMNESTY  
INTERNATIONAL**



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*Cover photo:* A child's drawing found in a bombed and abandoned school in Blue Nile state, Sudan, April 2013. Many children have been among those killed and injured in recent attacks by Sudanese military forces on civilian villages in the state. © Amnesty International

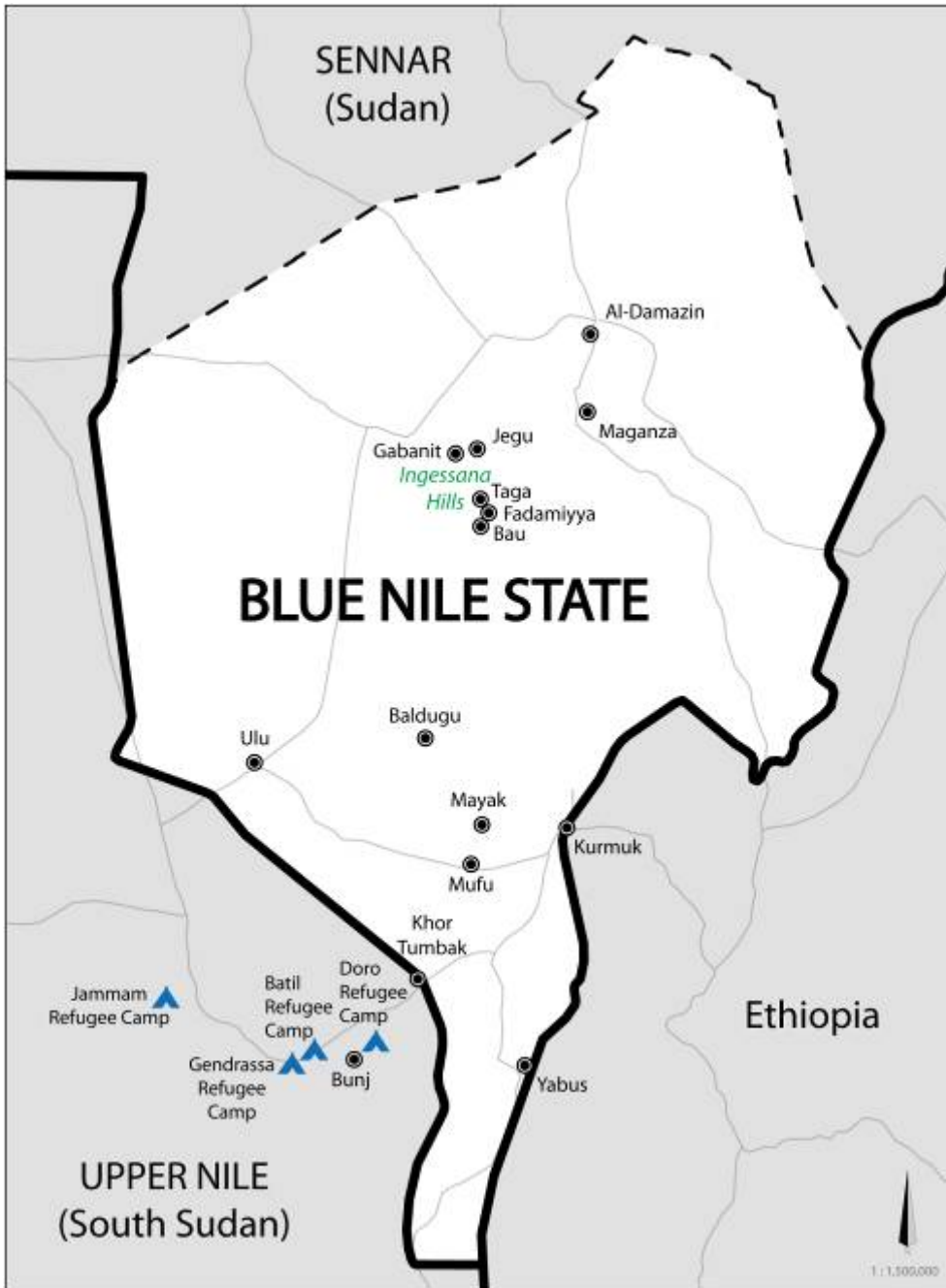
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Sudan and the 'Two Areas' (Southern Kordofan State and Blue Nile state).



Map of Blue Nile state, Sudan, and the refugee camps of Upper Nile State, South Sudan.



Sayub Ahmed Ule, age 67, walked for three days from the village of Wadega to reach the border of South Sudan. But several of his friends were too old and frail for the journey and were left behind.

# 1. SUMMARY

When war broke out in Sudan's Blue Nile state in September 2011, waves of refugees numbering in the tens of thousands poured out of the southern half of the state, fleeing indiscriminate aerial bombings and deliberate ground attacks by Sudanese military forces. Now, nearly two years later, some 150,000 people from Blue Nile state languish in a string of refugee camps in neighboring Ethiopia and South Sudan, and tens of thousands more have been forcibly displaced within Sudan. And although the frequency of armed clashes between Sudanese government and rebel forces has diminished, violence against civilians continues.

"I lost my daughter last month when an Antonov bombed us," a father who recently arrived in a refugee camp in South Sudan told Amnesty International in April, referring to the heavy, Russian-made transport planes that the Sudanese military uses to carry out its bombing runs. "When I heard the sound of the Antonov I yelled to my children to lie down on the ground. It dropped a bomb, and I heard my wife cry out, 'my child, my child, my child'. . . . She was eight years old."

Not just one but three children were killed in that attack, one of several 2013 attacks on civilian areas in Blue Nile state that Amnesty International has documented. While the Sudanese government says that it is fighting an armed rebellion by the Sudan People's Liberation Army-North (SPLA-N), civilians in SPLA-N-held areas of the state are bearing the brunt of the violence. In what appears to be a concerted attempt to clear the civilian population out of SPLA-N-held areas, and to punish the residents of these areas for their perceived support of the SPLA-N, the Sudanese government has both attacked civilians and denied UN agencies and humanitarian groups access to assist them.

Indiscriminate bombing has been the Sudanese government's signature tactic in Blue Nile state, to devastating effect. Bombs have injured and killed civilians, and damaged and destroyed civilian infrastructure, including homes, schools, health clinics and farmland. Sudanese forces have also employed indiscriminate shelling, deliberate ground assaults on civilian villages, and abusive proxy forces. These actions constitute war crimes—which, given their apparent widespread, as well as systematic, nature—may amount to crimes against humanity.

The Ingessana Hills, the birthplace of rebel leader Malik Agar, have been particularly hard hit. During the first half of 2012, the Sudanese government carried out a deliberate scorched earth campaign of shelling, bombing, and burning down civilian villages in the area, and forcibly displacing many thousands of people. Some civilians who were unable to escape were burned alive in their homes; others were reportedly shot dead. The wide scale of the attacks was confirmed by satellite images obtained by Amnesty International, which show village after village in which nearly all of the homes were destroyed by fire, as were mosques, schools and other structures. Now, the only signs of life in these villages are Sudanese military positions.

Many civilians in SPLA-N-held areas of Blue Nile state abandoned their villages early on in the conflict, and have spent many months living in makeshift, temporary shelters in the bush,

often moving from one temporary shelter to the next to escape bombing or shelling. Because of this forced displacement, vast areas of the state have been depopulated, and many villages in SPLA-N-held areas in the south and west of Blue Nile state are either empty or sparsely inhabited.

The humanitarian situation for people who remain in SPLA-N-held areas is dire. Unable to tend their crops because of the fear of being bombed, many people—particularly those living in remote parts of the state—face food shortages and other hardships. With the Sudanese government barring humanitarian access to SPLA-N-held areas, food supplies are scarce; shelter is precarious, and even the most basic medical care is non-existent.

These deprivations disproportionately affect the very old, the very young, and the disabled. Numerous refugees told Amnesty International about the plight of elderly and disabled people who—because they were physically unable to make the long trek to the refugee camps in South Sudan—were left behind. Some people were forced to choose between carrying their children to safety or carrying their elderly parents. Others described how children died during the journey, victims of malnourishment, untreated diseases, and exhaustion.

Sayub Ahmed Ule, age 67, was one of the lucky ones; he walked for three days from the village of Wadega to reach the border of South Sudan. But several of his friends were too old and frail for the journey. "My friend Hussain is almost 80," Ule said, describing a friend who was left behind, "he can't walk at all."

Amnesty International found that refugees from Blue Nile state face additional challenges even upon reaching safety in South Sudan, including the threat of coercive recruitment by the SPLA-N. The SPLA-N's active presence within the camps undermines the camps' civilian and humanitarian character, diverts scarce resources, and detracts from the credibility of the humanitarian effort.

Prospects for both refugees and people remaining in war-ravaged areas of Blue Nile state are dim. While the refugee outflow from Blue Nile state triggered a humanitarian response from the UN High Commissioner for Refugees (UNHCR) and aid organizations, the conflict has otherwise received scant international attention. Preoccupied by relations between Sudan and South Sudan, the UN Security Council and the African Union have failed to take real action to address the violent abuses, or to address the need for urgent and impartial humanitarian assistance in Blue Nile state or in nearby Southern Kordofan state, where a closely related armed conflict is taking place. The possibility of a long-term stalemate and protracted forced displacement is extremely worrying.

Much of what is now happening in Blue Nile state and Southern Kordofan follows a pattern that is familiar from Darfur, and, indeed, from Sudan's decades-long war in southern Sudan, now South Sudan. Although Sudan's President Omar al-Bashir and several other high government officials remain under indictment by the International Criminal Court (ICC) for the grave human rights crimes they allegedly committed in Darfur, the pursuit of justice has lagged. Neither the UN Security Council nor influential states have shown any great eagerness to press Sudan to cooperate with the court's investigation, and President Bashir continues to travel to an array of African, Asian and Middle Eastern countries without hindrance. With no accountability for past crimes, there is little deterrence for those of the



present.

## KEY RECOMMENDATIONS

To the Government of Sudan:

- Immediately cease indiscriminate aerial bombings and deliberate ground attacks on civilian areas;
- Grant immediate and unhindered access to UN agencies and international humanitarian organizations to all areas of Blue Nile state to facilitate the provision of all necessary assistance to civilians affected by the conflict, including food, shelter and medical care;
- Initiate prompt, effective and impartial investigations into violations of international human rights and humanitarian law and bring those suspected of criminal responsibility to justice before ordinary civilian courts in fair trials, without the death penalty.

To the UN Security Council and AU Peace and Security Council:

- Demand an immediate end to indiscriminate aerial bombings and other violations of international humanitarian law by the Government of Sudan in Blue Nile and Southern Kordofan states;
- Urgently press the Government of Sudan to allow humanitarian organizations and independent human rights monitors immediate and unhindered access to both Blue Nile and Southern Kordofan states;
- Establish an independent inquiry to investigate the serious violations of international humanitarian and human rights law committed in the territory of Blue Nile and Southern Kordofan states since June 2011.

## METHODOLOGY

This report is based on interviews and other research conducted both inside and outside Sudan since the start of the conflict in Blue Nile state in 2011. Field research was carried out in April 2013, during a 10-day visit to rebel-controlled areas of Blue Nile state, and refugee camps in Upper Nile State, South Sudan. Amnesty International interviewed 42 refugees and displaced people during this visit, including refugees living in three camps. All of this report's descriptions of indiscriminate bombings and deliberate attacks on the civilian population are based on these interviews.

Most interviews were conducted in Sudanese Arabic with English translation; in some cases interviews were conducted in indigenous languages such as Ingessana, Uduk, and Jumjum with English translation. While a few interviews were held in groups or in the presence of family members, the majority were conducted in private.

Amnesty International also interviewed numerous representatives of UN agencies and NGOs involved in the delivery of humanitarian aid to refugees in South Sudan, Sudanese rights activists, community leaders, SPLM-N and SPLA-N officials, and academics. The names and

affiliations of some people have been withheld in order to protect them or their organizations from possible reprisals. A thorough review of the relevant literature, including numerous past reports on Sudan by Amnesty International, also informs our analysis.

Amnesty International was unable to travel to government-controlled areas of Blue Nile state due to the Sudanese government's long-standing denial of access to international human rights organizations, and thus, with the exception of information received by phone, could not document human rights violations or other abuses that may be occurring in those areas. Amnesty International was also unable to document abuses committed by the SPLA-N, except for those in and around refugee camps in South Sudan.

The satellite images used in this report were commissioned by Amnesty International from DigitalGlobe Analytics.



Left: Child's drawing in a partially bombed school in Somari, Blue Nile state.

Below: Assit al-Bushra Idriss, age 50, faced hunger in the bush and survived on wild roots before finding refuge in the Doro refuge camp in South Sudan.



## 2. BACKGROUND

The current violence in Blue Nile state is rooted in long-standing political and ethnic conflicts.<sup>1</sup> During the second Sudanese civil war, from 1983 to 2005, Blue Nile was a key frontline state and the site of intense fighting between, on the one hand, Sudanese government forces and their proxy militias, and on the other, the southern-dominated Sudan People's Liberation Army (SPLA).<sup>2</sup> Areas of southern Blue Nile around Yabus and Kurmuk were held by the SPLA at several points in the conflict, leading to heavy government reprisals.<sup>3</sup> Facing indiscriminate bombings and other abuses, tens of thousands of civilians fled to Ethiopia, some remaining there for years.<sup>4</sup>

During the peace negotiations that finally ended the civil war, the ruling National Congress Party (NCP) opposed granting self-determination to Blue Nile and Southern Kordofan, two states that were located north of the presumptive border with southern Sudan but that had strong popular support for the Sudan People's Liberation Movement (SPLM). The SPLM, focused primarily on securing a self-determination referendum for the south, did not prioritize the status of Southern Kordofan and Blue Nile, settling on a vaguely-worded compromise solution that promised "popular consultations" in the two states. In the 2005 Comprehensive Peace Agreement, therefore, the future of the two states was left uncertain.

In January 2011, southerners voted overwhelmingly for independence. As the secession of South Sudan loomed, tensions rose over the status of the thousands of SPLA soldiers still deployed north of the planned border between the two countries. Khartoum refused to integrate them into the government forces, and in May 2011 demanded that all SPLA troops north of the border be withdrawn to the south.

Attempts by Sudanese security forces to disarm the SPLA in Southern Kordofan state quickly escalated, engulfing the state in full-scale conflict in early June 2011. On 1 September, two months after South Sudan became formally independent, fighting spread to Blue Nile state. Sudanese government forces bombed the residence of Malik Agar, the leader of the SPLM-N in Blue Nile and state governor. In the following days, President Bashir removed Agar as governor, banned the SPLM-N, and declared a state of emergency in Blue Nile.

Vastly outnumbered by government forces, the SPLA-N lost Damazin, the state capital, in a matter of days. In the following two months, the government asserted its authority over large swathes of territory south of Damazin. On 2 November 2011, it took over Kurmuk, the southernmost urban centre in the state and a key SPLA-N stronghold.

Most of the refugee outflow occurred during the first six months of the conflict.

By March 2012, more than 100,000 people had fled Blue Nile state for Ethiopia and South Sudan, and tens of thousands more were believed to be displaced within the state. Since that time there have been occasional surges of violence and a smaller but continuing outflow of civilians to South Sudan, raising the current count of refugees to about 150,000.<sup>5</sup>

New fighting erupted in late 2012 and continued in early 2013 along the front lines,

particularly in and around the villages of Ulu, Baldugu, Surkum, Mayak and Mufu.<sup>6</sup> It was characterized by indiscriminate aerial bombardment and shelling, causing further displacement.

The SPLA-N now controls the southernmost part of Blue Nile, as well as certain parts of the west, areas that are south and west of a zigzagging line running from Ulu to Surkum, Mufu, and Diem Mansour. The de facto division of the state has historical precedents. During the 1990s, when the SPLA controlled territory in Blue Nile state, the state functioned as two administrative units: its northern areas—including Damazin, Bau, and Roseres localities—were under the control of the Sudanese government, and its southern reaches, including Kurmuk, were run by the SPLA.<sup>7</sup> Many of the ethnic groups in the latter areas have deep historical ties to the SPLA and a long-standing mistrust of Khartoum.

It is difficult to estimate the pre-war population of areas currently controlled by the SPLA-N, but Sudan's 2008 census gives a rough sense of their numbers. Out of a total Blue Nile population of 832,112, about 111,000 lived in Kurmuk locality, in the south of the state, and another 127,000 lived in Bau locality, in the centre and west of the state.<sup>8</sup> Of Blue Nile state's six administrative districts, Kurmuk and Bau are the only two in which the SPLA-N controls territory, and they are where the civilian population has been hardest hit. Many parts of Bau locality, in particular, have been emptied out, with civilians fleeing to Kurmuk locality, to refugee camps outside the country, or to government-controlled areas of Blue Nile state.<sup>9</sup>

Precise estimates of how many people remain in rebel-controlled territories of Blue Nile state do not exist, but they are believed to number in the tens of thousands.<sup>10</sup>

Prospects for a prompt resolution to the conflict seem remote. An agreement reached in June 2011 following negotiations between the SPLM-N and the government, was quickly repudiated by President Bashir, and efforts to agree to a ceasefire since then have all failed. The two parties resumed direct negotiations in April 2013, but no visible signs of progress have been made.



Yusuf Fadil Muhammed lost his eight-year-old daughter Dahia in February 2013 when an Antonov dropped bombs on Benamayo, where they had found refuge. Dahia's head was injured and she bled heavily. Yusuf carried her for two hours to seek medical help, but she died on the way.

## 3. THE CIVILIAN TOLL

Since the onset of the armed conflict in Blue Nile state in September 2011, the Sudanese government has carried out frequent indiscriminate aerial bombing of SPLA-N-held areas of the state, as well as deliberate ground attacks against civilian villages and indiscriminate shelling of civilian areas close to the front lines. Residents of areas held by the SPLA-N interviewed by Amnesty International—who are often from ethnic groups such as the Uduk, the Ingessana and the Jumjum that are perceived as supporting the insurgency—face killings, serious injury and forced displacement.

### INDISCRIMINATE BOMBING

The Sudanese government's signature tactic in Blue Nile state, as in other armed conflicts past and present, is indiscriminate aerial bombardment.<sup>11</sup> Nearly every single refugee and displaced person interviewed by Amnesty International cited bombing as a primary factor—often the single most important factor—motivating their decision to abandon their home and seek refuge elsewhere. Scores of civilians have been killed and injured in bombing attacks; homes have been destroyed; schools and other civilian facilities have been severely damaged, and livestock have been slaughtered. The frequent overflights, even when the planes are not dropping bombs, stoke civilian fear.

In carrying out bombing runs, Sudanese forces generally fly heavy Antonov cargo planes at high altitudes, and use unguided bombs that cannot be precisely targeted.<sup>12</sup> When conducted in areas inhabited by civilians, such attacks are inherently indiscriminate, and thus in violation of international humanitarian law.

Additionally, in all of the bombing incidents that Amnesty International investigated, witnesses and victims stated that there were no SPLA-N troops or other military targets in the vicinity at the time of the attacks. While Amnesty International cannot confirm, in every case, that SPLA-N forces were absent, the uniformity of the civilian accounts—and the civilians' unqualified belief that they were the targets of the Sudanese government's attacks—was striking. Civilians often spoke of hiding from military planes and told Amnesty International they believed that if they were spotted they would be bombed.

Amnesty International documented several fatal bombing attacks that occurred in 2013. An attack on 26 February near the village of Benamayo, in Kurmuk locality, killed three children, including Dahia Yusuf Muhammed, age eight.

*When I heard the sound of the Antonov I yelled to my children to lie down on the ground," said Yusuf Fadil Muhammed, Dahia's father. "[The Antonov] dropped a bomb, and I heard my wife cry out, 'my child, my child, my child.' The plane circled back and dropped two more bombs, and my neighbors yelled at me to get back down on the ground, to protect myself from the bombing. I said to them, 'I can't stay down; my child is dying.'*

Dahia was still alive when her father reached her. She had been hit in the head and hand by shrapnel and was bleeding heavily. Her father carried her for two hours in a futile effort to reach the border area and obtain medical care; she died along the way.

Dahia's cousin Umana Muhammed, age four, was killed by the same bomb; the girls had been playing together when the attack took place. Hit in multiple places by shrapnel, she was killed instantly, her relatives told Amnesty International.

Both Yusuf Fadil Mohammed, Dahia's father, and Assor Muhammed, Umana's father, originally from Mufu, had only been in the Benamayo area for a few days when the attack occurred. They told Amnesty International they had moved there out of fear, because of frequent Antonov overflights in their previous location. After the deaths of the two girls, both families fled immediately to South Sudan.

The third child who was killed in the Benamayo bombing was Sobri Abdulahi, age five. Batul Gambi Buldogi, the boy's mother, was resting under a tree with her four children when the attack took place. "It was about 4 pm," she said, "my husband had gone to get water. I was holding my new baby, and the other children were playing near me. The Antonov bombed us, injuring me and two of my children."

His parents said that Sobri Abdulahi was not killed instantly, but was badly injured in the leg and the stomach, with some of his intestines exposed. His father tried to carry him to the border to obtain medical care, but he died before they arrived there. Dictor Abdulahi, another son, age seven, lost his toe in the attack and was operated on at Bunj Hospital in South Sudan to remove shrapnel from his back. Buldogi, the mother, was injured in her left leg.

Originally from the Mufu area, the family told Amnesty International they were on their way to South Sudan and were only resting in Benamayo when the attack occurred.

A similar attack reportedly took place in March 2013 near the village of Balila, in Kurmuk locality. Two young children were killed: a boy named Abdallah Imam, age three or four, and a girl named Aisha Muhammed, age approximately seven.<sup>13</sup>

"We were taking shelter in the bush near Balila," recalled Bushra Imam, a sheikh (traditional leader) from Balila. "When the Antonov came, at about 1pm, I hid. Afterwards we looked around and found their bodies. The girl had been hit in the left side; the boy's body was totally destroyed."

Maki Bala, a sheikh from Lebu village, near Wadega, described a recent attack that he said took place on 10 April 2013. He told Amnesty International that a group of people were walking together not far from Lebu; they had gone to get water. An Antonov reportedly dropped three bombs in succession, killing a young man named Farajallah and a teenage girl named Fatima. "We buried them," Bala said. "Farajallah was cut in two."

The Ingessana Hills, southwest of the state capital, Damazin, were subject to frequent indiscriminate bombing during the first half of 2012. In an incident in May 2012, an elderly man named Adam Abu Shok was reportedly killed in his home in the village of Jegu. Ali Ablil, an acting sheikh from Jegu, described what happened:

*Adam was still living in his home, which was in a group of four houses, a bit outside the village. I was hiding in the bush about 300m from there. Adam was inside his home when the Antonov came and dropped two bombs. One fell near the water. The other fell near*



*Adam's home and flattened it. I got afraid for my children and ran to the water place to see if they were safe. Then I ran to Adam's house and found him dead. Shrapnel had hit him in his stomach and armpit.*

Near neighbouring Khor Jidad, an elderly man was killed in August 2012. Balla al-Beh Qasim, a 39-year-old man from the village of Tordabugul, told Amnesty International:

*We were in the bush near Khor Jidad. At night we would leave our shelters to get food, but we couldn't do it during the day because of Antonovs. There was this man from Agadi who was staying with us. I can't remember his name—he was about 50 years old. One day in August 2012 he went to get food in the morning with his donkey. He was on the road when he was hit by an Antonov. We went there in the evening to see what had happened. We found his head cut off and his legs cut off. His stomach was open and his hand was severed. Dogs were eating his corpse.*

## INTERNATIONAL LAW AND ATTACKS ON CIVILIANS

**Sudan is under a legal obligation to respect the right to life of everyone within its territory and subject to its jurisdiction, a right that is non-derogable under the International Covenant on Civil and Political Rights and that is also protected under the African Charter on Human and Peoples' Rights.<sup>14</sup> Sudan is a state party to both these treaties.**

International humanitarian law (IHL), which applies only in situations of armed conflict, regulates the conduct of hostilities. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict. Since September 2011, when the non-international armed conflict in Blue Nile state began, all parties to the conflict have been bound by the applicable rules of IHL.<sup>15</sup> Serious violations of these rules may amount to war crimes.

A fundamental rule of international humanitarian law, known as the principle of distinction, requires parties to the conflict to at all times “distinguish between civilians and combatants.” In particular, “attacks may only be directed against combatants” and “must not be directed against civilians.”<sup>16</sup> A similar rule requires parties to distinguish between civilian objects and military objectives.

Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects, is a war crime.<sup>17</sup>

Indiscriminate attacks are, firstly, those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>18</sup> Secondly, indiscriminate attacks involves those attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>19</sup>

Intentionally launching an indiscriminate attack resulting in death or injury to civilians (that is, knowing that the attack will not distinguish between military objectives and civilian objects, or that it will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.<sup>20</sup>

Among the other rules of international humanitarian law that are relevant to assessing Sudan's conduct in Blue Nile state are the prohibitions on destruction of property unless required by imperative military necessity; pillage; the use of starvation of the civilian population as a method of warfare, and attacking or destroying objects indispensable to the survival of the civilian population.<sup>21</sup> Violations of these rules may constitute war crimes.<sup>22</sup>

### **DELIBERATE ATTACKS ON VILLAGES IN THE INGESSANA HILLS**

Besides aerial bombardment and shelling, a number of civilian villages were subject to deliberate attacks by Sudanese ground forces. Villages in the Ingessana Hills, in particular, endured repeated scorched earth offensives. Although survivors of these offensives were not always able to pinpoint dates with precision, their testimonies suggest that the attacks came in waves that began in December 2011.<sup>23</sup> Media reports indicate that these attacks intensified in April and May 2012,<sup>24</sup> while satellite imagery confirms that attacks occurred throughout the first half of 2012, and might have continued until late in the year.<sup>25</sup>

Located 40km southwest of Damazin, the state capital, the Ingessana Hills are the birthplace of SPLA-N chairman Malik Agar. Their population—largely members of the Ingessana ethnic group—represents a key SPLA-N constituency. Given their strategic location, SPLA-N loyalties, and symbolic value, it was unsurprising that the Ingessana Hills were hotly contested.

During the first months of the conflict, even while the government was able to capture the southern town of Kurmuk and most territory along the Damazin–Kurmuk road, the Ingessana Hills remained under SPLA-N control. Access to the region from other SPLA-N-held areas was cut, however. Sudanese forces working in conjunction with proxy militias managed to capture a strip of land south of the Ingessana Hills, separating the area from other rebel-controlled territory and turning it into an enclave from which civilians were afraid to flee.

Toward the end of 2011, the Sudanese army launched its first large-scale ground offensive to capture the Ingessana Hills. In the months that followed, the army used scorched earth tactics, destroying at least eight villages in the area and probably many more.

The attacks on Ingessana villages documented by Amnesty International appear to follow a pattern. Sudanese forces would bomb and shell villages before invading and burning them down. The army and the air force used overwhelming and indiscriminate firepower, even in instances when witnesses said that no SPLA-N forces were present in the immediate vicinity of the village. Civilians fled when the attacks began, but some of those who were unable to flee because of disability or age were burned alive in their homes or shot by soldiers. In addition, soldiers looted civilian possessions before methodically setting fire to houses.

As Sudanese troops advanced, civilians found refuge in the SPLA-N-held, mountainous terrain surrounding their villages, or in government-controlled areas to the north and east. Facing dire living conditions in the bush, the majority of those who had remained in SPLA-N controlled areas eventually travelled to refugee camps in South Sudan. During the strenuous and dangerous two-week journey, civilians walked at night, sometimes under SPLA-N protection, to hide from roaming militias who looted cattle and opened fire on sight. Many elderly people reportedly died of exhaustion or were lost on the way.

An analysis of satellite imagery of six villages confirms that the villages experienced widespread and deliberate destruction. Houses were destroyed by fire, according to a pattern that suggests the systematic, intentional burning of infrastructure rather than accidental fires or wildfires. The images also show that the Sudanese forces established defensive positions in several villages, which otherwise appear to be abandoned.

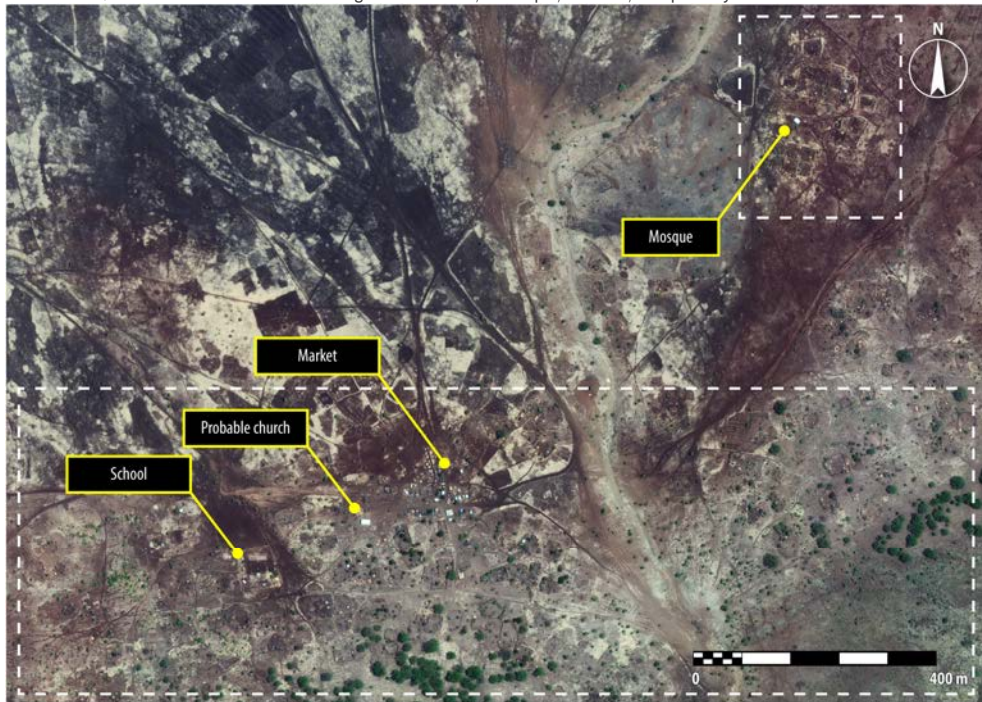
The villages of Qabanit, Jegu, Khor Jidad, Taga, Kumrik, Marol, Bau and Fadamiyya were destroyed in this way, and their inhabitants displaced. Witnesses also told Amnesty International that the villages of Mirik, Gan, Harra Khamsa Qabanit, Torda, Salban, Filga, Gammar Massoud, Gammar at-Tom and Abu Garin were burned down, although Amnesty International was unable to verify these claims.

Such deliberate attacks on civilians are war crimes. Because they were widespread as well as systematic, they may also amount to crimes against humanity. Their widespread nature further suggests that they may have been designed to clear the Ingessana Hills of their population.



Idris Amoda, a 40-year-old man from Qabanit. His brother Mereh was burned alive in his house.

Overview of Qabanit on 18 June 2011. The village has a market, a mosque, a school, and possibly a church.



DigitalGlobe Natural Color Imagery, June 18, 2011, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

By December 2012, Qabanit had been destroyed and a Sudanese forces position had been established in the school.



DigitalGlobe Natural Color Imagery, December 7, 2012, Gebanit, Sudan, 11 30 51 N, 33 59 45 E



DigitalGlobe Natural Color Imagery, December 7, 2012, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

## **QABANIT**

Qabanit is in the northwest part of the Ingessana Hills. As of June 2011, it had an active market, a mosque, a school, and possibly a church, and it hosted more than 100 families.<sup>26</sup> Like other villages in the area, it was the target of a Sudanese ground offensive.

Residents interviewed by Amnesty International said that Sudanese forces attacked the village in May 2012. The ground invasion followed Antonov bombings and artillery shellings and culminated in the looting and deliberate destruction of Qabanit by Sudanese soldiers. SPLA-N forces were reportedly present in the Qabanit area, briefly exchanging fire with government forces, but were never present in the village.

Faki Moul, deputy sheikh of Qabanit, described the attack, saying that "government troops came in with trucks and cars with mounted guns." He told Amnesty International that the attack lasted from early in the morning until late afternoon.

Awadallah Hassan, a 28-year-old resident, said, "the army came from a place called Buk. I saw them—they were so many! They had six trucks and 20 land cruisers. They bombed us so we ran out of the village and climbed the mountain." Mugos Masim, a 36-year-old woman from the village, said, "SAF [Sudanese Armed Forces] was using huge Dushka [Russian-made] machine guns, shooting at each house." Moul concurred: "the army fired their guns at the houses and burned them all. From the mountain I saw the whole village burning."

Those who could not escape were killed. Weret Kendela, a 65-year-old woman, and Mereh Duh (also known as Nasser Hamouda), a 60-year-old man, were both burned alive in their homes. Hassan said, "my grandmother Weret was blind and couldn't run. [When we ran away] we thought someone had taken her—my father Al-Hadi Sulafa had been with her but he was captured by SAF. We went back to the village at 5pm and found Weret's body completely burned. Her body was black."

Mereh Duh's brother, Idris Amoda, a 40-year-old man from Qabanit, told Amnesty International, "My brother couldn't walk because one of his legs had been broken a long time ago when he fell off a camel. I was in the mountain when the soldiers came. I returned to our homes afterwards and found the scorched body of my brother." Masim explained, "Mereh could only crawl—he tried to crawl away but the flames caught him and he burned. The bodies of these two old people were left in the village. We had no time to bury them."

Three other elderly people were reportedly burned in their homes during the attack: Suleiman Jor, a blind man; Jaden Tirit, a man who was unable to walk, and Daram Suleiman, a blind woman.

Hassan added, "all the cattle that were left behind—they took it. Some of it they put in pickup trucks. The rest were led by soldiers back to Buk. Everything else was burned." Moul said, "[The government forces] chased people and they didn't want them to come back. We don't know why they were after innocent civilians."

Satellite imagery commissioned by Amnesty International shows that by December 2012, no building was left standing in Qabanit, with the exception of the school, which was being used by the Sudanese army as a defensive position.

The center of Jegu in January 2011.



DigitalGlobe Panchromatic Imagery, January 13, 2011, Jegu, Sudan, 11 31 21 N, 34 03 00 E

Only the school buildings remained standing in Jegu on 25 January 2013.



DigitalGlobe Natural Color Imagery, January 25, 2013, Jegu, Sudan, 11 31 21 N, 34 03 00 E

## JEGU

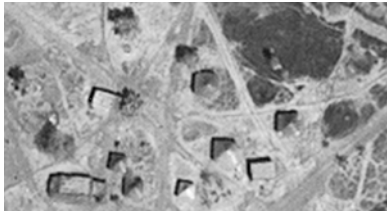
The village of Jegu, located to the northeast of the Ingessana Hills, had a population of more than 110 families in early 2011.<sup>27</sup> In approximately December 2011, Sudanese government forces attacked it and deliberately burned it down. The attack was accompanied by indiscriminate aerial bombardment and shelling, which killed two people and injured three.

Prior to the attack, SPLA-N forces had reportedly been present in the mountains about three kilometres from the village. Ali Ablil, acting sheikh for Jegu, said that Sudanese forces had bombed both the village and the nearby mountain without distinction, using Antonov planes and artillery. Artillery shells killed 70-year-old Effendi Abiad and his grandson Mahmoud Ramtallah, and injured three of their relatives, including two babies and a woman named Mayo Cola.

Ablil described the incident:

*Effendi, my neighbour, was drinking coffee at home. Two shells dropped; the first one landed far away but the second hit his home. Effendi was killed immediately. In his arms he was carrying a baby, who was injured on the feet. Another baby was hit on the head, and Mayo Bola was wounded on the arm. Mahmoud, the grandson who was visiting from the village of Abu Garin, was hit on the legs. He was taken to a local healer but died on the way.*

*Tukuls* (traditional thatched houses) in Jegu, before and after.



This incident immediately preceded the ground invasion in which the village was destroyed. As Ablil described it:



*After the Antonovs and the heavy artillery, soldiers came to the village in cars with mounted machine guns and four trucks. We took off and hid nearby in the bush. There was no one left in the village when they arrived. Then we saw that the soldiers were burning houses one by one – mine was one of the first to be destroyed. We came back later to find any remaining items but all the homes had been burned down.*

After the attack, the village remained deserted, as all of its inhabitants took refuge in the bush. Satellite imagery from January 2013 shows the abandoned school as the only building in the village left standing. All the houses had been destroyed, as well as the mosque.

**KHOR JIDAD**

Khor Jidad, a gold-rich village in the west of the Ingessana Hills, was destroyed in the same manner by government forces during an offensive in the dry season of 2011-2012.<sup>28</sup> An estimated eight civilians were killed in the attack.

Haroun Jamay, a Khor Jidad resident, told Amnesty International, "Whenever there was any movement from the SPLA-N, there would be Antonov bombings and [government forces] would shoot heavy artillery towards us. It was sometimes twice a week, sometimes twice a month." Komandane Jaakalou Seret, a 30-year-old man who was displaced to Khor Jidad during the conflict, said, "When we arrived [in Khor Jidad], there was heavy artillery coming from the main road [to Damazin], hitting the villages of Komrik, Khor Jidad and Jokum."

On the day of the offensive, bombings combined with automatic weapon fire prompted villagers to flee to the bush in panic. Shaybou Osman, a 30-year-old resident of the village, described the attack: "The attack started at 7am. Antonovs dropped bombs and then Arabs came in vehicles with mounted guns and shot everywhere, in all directions. The SPLA-N was behind [the village, on the other side], shooting as well. We ran and hid ourselves in the river."<sup>29</sup>

Haroun Jamay, a Khor Jidad resident, said that on the day of the attack, "the whole village left at once, some to government-controlled areas, some to the [SPLA-N held] mountain."

Zubaida Hammad, a 21-year-old woman who lived in Khor Jidad, said:

*I heard small gun sounds, then I heard a very big sound—I couldn't tell what it was. People shouting, children crying. I got out of my tukul [traditional thatch-roofed house] and saw people running out of the village, so I started running with them. I carried Al-Wali, my 10-month boy. My mother-in-law, who was living with me at the time, went with my other son Ahmad, who is three years old. They ran in the other direction [toward government-controlled areas].*

Hammad has not seen or heard of her son Ahmad or her mother-in-law since, despite many efforts to find them.

Seret, who hid in the bush near Khor Jidad, described how Sudanese troops opened fire on him and three other men, injuring all four, one of them fatally. He said:

*I went to collect sorghum [a staple grain in the region] from Khor Jidad with three other men, Issa, Dilep and Abdulaye ar-Radi ... We were looking for sorghum in houses when we saw people in military uniforms who started shooting at us. They were a group of about 60. They had one small vehicle and one truck, and Dushka [heavy machine guns], BM-12 [multiple rocket launchers] and RPGs [rocket-propelled grenade launchers] ... The four of us were hit by bullets, but we ran. Dilep had been hit in the leg and when we reached the bottom of the mountain he couldn't climb. We left him there and told him we would come to pick him up the next day. When we came back the following day, we just found his dead body lying on the ground.<sup>30</sup>*

Seret was treated by a local healer.



Once inside Khor Jidad, government troops burned the village to the ground. Seret said: "after we had walked some distance we saw fire and realized that the whole village had burned." Jamay confirmed that Khor Jidad was burned "totally."

Some people were shot and killed, while others—notably those who were elderly or disabled—were left behind in the chaos that followed the shootings. Hammad said, "we came down from the mountain after four days to see what was left. On the road near the waterpoint we saw the body of Daw Saad, a very old man who was my neighbour in the village. His body was full of blood. We got afraid, didn't touch it, and left."

Osman recalled:

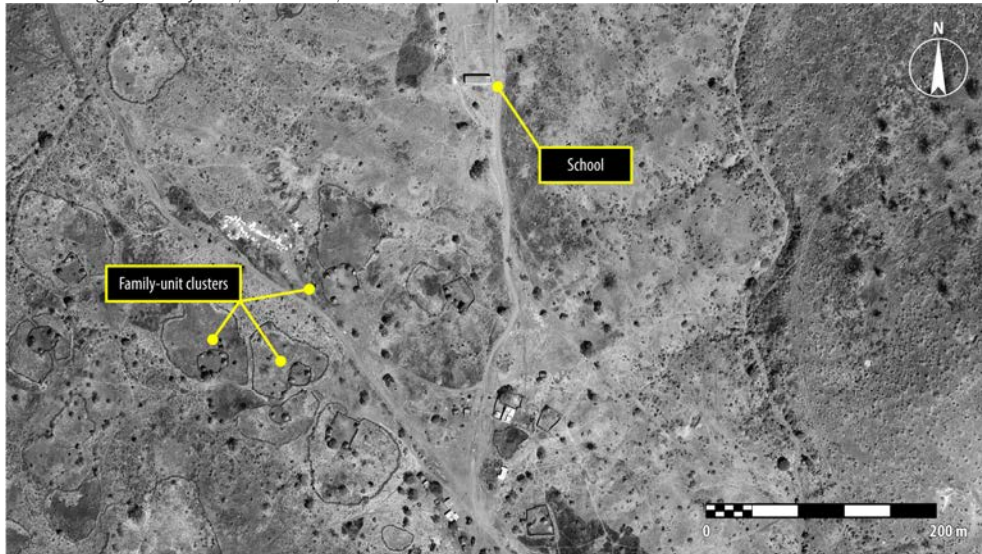
*[On the same day as the attack] we came close to the village at night to fetch some water. On our way, we found three corpses on the roadside. One was that of a man called Al-Amin, who was about 70 years old and used to live on the side of the village opposite to my house. He had been shot in the head and the bullet had come out of his forehead. I also found the bodies of two children. One was about 10 years old; a bullet had entered his neck and come out through his cheek. The other was about seven years old and had been shot in the back; the bullet had come out of his stomach and his intestines were hanging out.*

Among the other people left behind were Jamay's grandparents, Tedan Jaddak Komelfa, an 80-year-old man, and Gatou Goutt, an elderly woman. Both were left behind in the village and are now presumed dead. Jamay said, "they didn't know which way to go: the mountain or government areas. They were confused and decided to stay there [in the village]. Since then I haven't heard from them." Another man named Wardi, who was said to be about 80 years old, was also reportedly left behind.

Komandane Jaakalou Seret, who was shot in the abdomen by Sudanese forces in Khor Jidad, shows his injury.



Center of Taga in January 2011, with houses, a school and a mosque.



DigitalGlobe Panchromatic Imagery, January 13, 2011, Taga, Sudan, 11 23 35 N, 34 03 24 E

A defensive position of the Sudanese forces is the only sign of life remaining in Taga in January 2013.



DigitalGlobe Natural Color Imagery, January 25, 2013, Taga, Sudan, 11 23 35 N, 34 03 24 E

## **TAGA**

The village of Taga was burned down around mid-2012 and turned into a base by the Sudanese army. Prior to the attack, the village was home to around 30 families and had a market, a mosque and a church.

Balla al-Beh Qasim, from Tordabugal, was in Taga when the attack occurred:

*We stayed in Taga for a month after leaving Tordabugul ... The attack started at 8am. I was at the water place with my cows near the village. Antonovs came first, then [government forces] came with land cruisers and started shooting. I saw the military guys in uniforms move around and capture a few people. Then I saw them burn houses one by one.*

Suleiman Farr, an elderly man, was killed in the attack. Qasim said, "Suleiman was burned alive in his *tukul* because he was too old; he couldn't run away. He was screaming, and no one helped him get out."

Qasim also said he helped an injured man on that day. He told Amnesty International the man's name was Mohammed Mostafa, that he was 18 years old, and that he had been injured by a bullet in the leg during the attack. Qasim said that he led Mostafa to a traditional healer, and has not heard from him since.

Qasim later returned to the village to recover his sorghum and grinding mill, but found that his shelter had been burned and that parts of his grinding mill were missing. Jamay, from Khor Jidad, confirmed he saw from a distance that Taga had been "totally" burned down.

Satellite imagery confirms the complete destruction of the village. As of January 2013, the only sign of life in Taga was a defensive position within the two former school buildings hosting an infantry company of the Sudanese army. No houses remained intact within a two-kilometer radius, and piles of ashes were visible.

## INDISCRIMINATE SHELLING

Indiscriminate shelling is another feature of the Sudanese government's military operations in Blue Nile state. Because of the limited range of mortars, however, fewer civilians seem to have been subject to shelling—generally only people living within firing distance of the conflict's front lines. As with aerial bombing attacks, survivors told Amnesty International that their homes were shelled despite the absence of SPLA-N fighters in the vicinity.

A 15-year-old girl was reportedly killed in April 2012 when a shell landed on the village of Qabanit, in the Ingessana Hills. Faki Moul, deputy sheikh of Qabanit, described the bombing: "the shelling came from nowhere. The girl ran with us to the river to hide but shrapnel hit her in the stomach and she died immediately."

Amna Bashir, a 24-year-old woman from Mufu (southwest of Kurmuk), was killed by a shell in February 2012. Her husband, Habash Muhammed, told Amnesty International: "We were living in the bush in Abdira, between Mufu and Benamayo. My wife was under a tree near our shelter when the bomb hit."

Muhammed's father, Zain Muhammed, was also present during the attack. "There were four shells," he explained. "The first three didn't hit anyone; the fourth one hit my daughter-in-law ... We found her in the bushes. She was still alive. We put her on a bed and we carried her for three hours, but she died." He said that shrapnel had hit her in the stomach, cutting up her intestines.

Zain Muhammed explained that the front lines of the conflict had previously been far away but had moved closer. He and his family spent months moving around the region, fearful of shelling and bombs. While he said that the SPLA-N was operating in the region, government forces were not just shelling SPLA-N positions, which were mostly in the mountains, but were also targeting numerous purely civilian areas.

## THE ARMS SUPPLY CHAIN

**It is a testament to the lack of effective regulation of the international arms trade that the Sudanese government's long record of war crimes and human rights violations has not deterred other governments from supplying the country with arms.<sup>31</sup>**

In recent years, China, Russia, Belarus and Ukraine have been Sudan's main arms suppliers, but other countries, including Iran and Egypt, have also reportedly supplied arms.

China has been one of the main suppliers of conventional arms to the Sudanese government. In 2008 and 2009, China sold Sudan more than US\$23 million worth of artillery, nearly US\$11 million worth of tanks and other armoured fighting vehicles, and US\$1.8 million worth of military firearms, according to UN customs data.<sup>32</sup>

According to data submitted by Russia to the UN Register for Conventional Arms, Russia exported 45 armoured combat vehicles to Sudan in 2010, and 15 of them the previous year.<sup>33</sup> In addition, in 2008 and 2009, Russia exported eight attack helicopters to the country.<sup>34</sup>

Belarus exported a Sukhoi-25 combat aircraft to Sudan in 2010, armoured vehicles in 2004 and 2007, and 32 large calibre artillery systems in 2003, according to data it submitted to the UN Register of Conventional Arms.<sup>35</sup> The 2011 UN Panel of Experts' report shows that Belarus exported more than a dozen additional Sukhoi-25 aircraft to Sudan between 2008 and 2010.<sup>36</sup>

With the UN General Assembly's April 2013 adoption of a historic Arms Trade Treaty—one that will prohibit countries from supplying conventional weapons to other countries when they know those weapons will be used for genocide, crimes against humanity or war crimes—the first step has been taken toward ending the flow of arms to Sudan. The next step is for countries to ratify the treaty so it can enter into force and, most importantly, to comply with its terms.

## PRECARIOUS SURVIVAL

People remaining in SPLA-N-held areas of the state face onerous living conditions. They generally lack clean water and sufficient food, and have no access to basic medical care, let alone services such as education.<sup>37</sup> Displaced people, often living in crude, ad hoc shelters that give little protection from the elements, face especial hardship. Many of them move frequently, constantly improvising new shelters and finding new sources of water and food. Some seek safety in the mountains or in caves.

Many of the displaced people interviewed by Amnesty International, even those who eventually fled the country, had spent months living in the bush, away from their home villages. A significant proportion of the people whom Amnesty International interviewed said that they had left home when war broke out—or when the conflict began to affect their region—but that they had not immediately fled the country. Many displaced people said that they had hoped that the war would be over quickly and that they would be able to return to their homes. Some expressed emotional reasons for remaining. As one old man declared, “we want to die on our land.”

The most challenging problem is the lack of food. The fear of bombing prevents civilians from tending to their crops, greatly disrupting normal cultivation patterns. Some civilians whom Amnesty International interviewed said that they were able to farm small plots close to where they were living, and grow small amounts of staples such as sorghum. Others said that although they no longer lived in their villages, they were able to return to them occasionally to access stores of food. In addition, some refugee food aid trickles into Blue Nile state from South Sudan, and there is at least one market open in the Yabus area, in the southernmost part of the state.<sup>38</sup> But many people have no access to these options, and whatever food they manage to obtain is insufficient. Some told Amnesty International of returning to their village to get food and finding the village burned.

Many people told Amnesty International they ate once a day, or even less.

Dozens of interviewees spoke of eating wild foods, including poisonous roots that needed to be soaked in water for days to be edible. In Blue Nile state, people showed Amnesty International samples of these foods.<sup>39</sup> “We dug for roots called *kau*,” one woman said. “We also ate a root called *kabu*, but it made some people sick; it gave them a stomach ache.”

There have been many reports of civilians dying of hunger, as well as of diseases related to

poor quality water and nutrition.<sup>40</sup> Indeed, Amnesty International heard more accounts of people dying from hunger, illness and deprivation than as a direct result of the violence. Children and the elderly, the most physically vulnerable members of the population, are disproportionately affected.<sup>41</sup>

Assit al-Bushra Idriss, an older woman from Boqish village, in the Mayak area, described how she and her neighbors struggled to survive during the year they lived in the bush:

*After the Antonovs came, we would get water from the river. We could not get any sorghum. We could not eat. Sometimes we would spend two days without eating. Sometimes we would boil poisoned roots so we could eat them . . . People would become sick frequently. Some of the children died because there was not enough food or their mothers didn't have enough to eat to produce milk.*

People in the Ingessana Hills, an area where civilians were trapped for months in 2012, suffered particularly serious deprivation. Fatush Boin, from Qabanit village, said, "Elderly people were dying all the time. Some didn't even get buried; they were eaten by hyenas." He described how Dalam Kugbas, the elderly mother of one of his friends, died of hunger in September 2012 while trying to escape to South Sudan:

She and a blind person spent nine days wandering around in the bush. The blind person survived. We were in the bush and we heard him shout. When we found him, he told us that Mateleh's mother had died nearby. They had tried to find roots to eat but she died. We looked for her and found her body; it was all swelled up.<sup>42</sup>

Haroun Jamay, who left the Khor Jidad area of the Ingessana Hills in December 2012, said that Yam, an extremely old woman, died of hunger in August 2012. "Because she was too old," he said, "she could not walk, and was left behind in [her village]. People would go back sometimes to feed her. I came one day to that village to feed her and found her dead."

Balla al-Beh Qasim, also from the Ingessana Hills, said that two other old people died of hunger in the same period: Nimr, a man, and Wal, a woman. He told Amnesty International that because they were unable to walk, both of them were left behind in their villages when the rest of the inhabitants fled, and they later died.

Besides a lack of food, many people face shortages of clean water. Some of the bore holes and pumps that previously served the region have stopped functioning or can no longer be accessed.<sup>43</sup> Displaced people typically drink from streams and other water sources that may be contaminated or impure.

The lack of medical care can be deadly. Many of the accounts of civilian deaths from bombings documented by Amnesty International involved people who had survived the initial strike, and might have lived had they received urgent medical treatment. Besides these emergency cases, civilians in Blue Nile face an array of potentially fatal conditions—including malaria, hepatitis, HIV/AIDS and dysentery—that simply go untreated. Pregnant women and lactating mothers receive no prenatal or postnatal care, severely aggravating the risk of complications, and births occur in extremely hazardous conditions. Mothers told Amnesty International about how they tried to treat sick children using traditional medicines

such as roots.

Many of these deaths and illnesses are avoidable. If humanitarian assistance were provided—foodstuffs, medicines and basic medical care—civilian suffering could be greatly relieved.

*Gop*, a wild, poisonous root that displaced people boil for a day, or soak for a week, before eating.



## THE FLIGHT TO SOUTH SUDAN

People from Blue Nile who seek refuge in South Sudan—who have often already spent months in the bush—face a difficult journey. In addition to the distance, the lack of transport, the shortages of food and water, and the often intense heat, there is the continued threat of violence, either through bombing or ambush by militias.

Some people who want to escape Blue Nile state cannot physically manage it. Abdullah Salik, a 30-year-old man from Wadega, said that when he left Wadega a few months ago, many people remained there. "They will eventually come," he predicted, "as there's no way for them to live there. They have no food. But they don't have the energy to come. They have children and old people; they can't travel."

Some people whom Amnesty International interviewed said the trigger for their decision to leave the country was aerial bombardment, or an incoming ground offensive. In other cases, it was the increasingly desperate food situation or the death of a loved one that prompted their flight.

Sittana at-Tor Warqu, an elderly woman from the Mayak area, explained her decision: "My husband Abdel Rahman Jumu died less than a month ago—I don't know if it was because of sickness or hunger. He had been guiding me and protecting me. I was alone, with no one to take care of me, so I came here."

People interviewed by Amnesty International mostly fled on foot, in groups of varying sizes, staying off the main roads to hide from Antonovs. A few people rode donkeys.

Those who were too old, or unable to walk, were sometimes left behind. In some cases people chose to remain with their relatives while the rest of the family fled to South Sudan, in that hope that someone would be able to send a donkey cart back to Blue Nile to assist them.

Sayub Ahmed Ule, a 67-year-old man from Wadega, arrived in South Sudan in March 2013 after a three-day walk. He said, "I have friends who are too old to make the journey: Al-Hadi Issa and Jima Ule, for instance, are both really old—older than me. They can't walk. Jima's son stayed there to take care of both them, as they live together. My friend Hussain Sid al-Beit is almost 80 and can't walk at all. He and the others are living in caves in Jebel Wadega."

Aisha Mansour, age 45, said, "after leaving Wadega [near the end of the rainy season in 2012], we moved to Balila and then to the bush. We left some old people behind: Mohammed Madda, my uncle, and Sargu Adam, my grandmother. We dug up some roots and left them for them. And one of my sons stayed to care for them."

Families with large numbers of dependents faced a cruel choice: who to carry with them. Nier Nasser Ahmadnir, a 27-year-old man from Timfona who fled to South Sudan from Mufu in April 2013, said: "We couldn't carry anything except the children and some water, so we left my parents behind in the village; they can't walk in this heat. Both of them are very old, and my father is blind. My brother and his wife stayed behind to take care of them. He's waiting for the rainy season, and then he will try to travel with them, very slowly."



In other instances elderly people were left behind in extremely difficult conditions.

Mabrouk Musa, the 'omda (traditional leader) of Mufu, said, "the people who stayed behind were old. There was Jarum Dokma, who was almost 80, and his wife Madina Bourri, who was older—maybe 93 or 95 years old, but stronger. She's taking care of him and her brother, Ja'ber Bourri, who is about 85 and who is blind."

For Blue Nile residents who live in villages near the border, the journey takes between two and three days. But for those from the Ingessana Hills, travelling to South Sudan takes two weeks or more.

Rauda Bashom, Ahmadnir's pregnant wife, described how she travelled: "I carried two of my children, age two and three, in a basket on my head. The other two children rode the donkey. I also carried water in a jerry can."

People interviewed by Amnesty International said the trek from the Ingessana Hills was so punishing that sometimes weaker people would die en route. Mado Lemko, from Soda, near Chali, who fled to South Sudan in April 2013, said, "two people from our group died on the road. One was a young girl from the village of Beh, who was maybe five or six years old. We don't know what she died of, but it was probably hunger, because we had no food to eat—for five days we only ate nuts. The other was a woman from Chali. A dog had bitten her on the hand, and she died before she could get treatment."

Serdal Daws, a 45-year-old farmer from Mugum, told Amnesty International that his mother, Adogo Suleiman, died while escaping the Ingessana Hills in May 2012: "we didn't have anything to eat on the road. There was only a little water on the way, and we all had children to carry. We carried my mother on our backs, but she died after four days, of hunger and lack of water."

Besides these challenges, people from the Ingessana Hills faced the additional threat of attacks by militias deployed in Bau locality, between the Hills and the SPLA-N controlled parts of southwestern Blue Nile. Witnesses interviewed by Amnesty International described these militias as groups of local ethnic Fellatas who opened fire on sight and looted their cattle.<sup>44</sup> Amnesty International was unable to confirm details of the groups' affiliation, although their ability to operate unhindered in this region suggests government complicity and support.<sup>45</sup>

In one such incident, a large group of hundreds of Ingessana civilians was ambushed in Madah in December 2012 while walking in the direction of South Sudan. As everyone ran for safety in a panic, at least two people were lost in the bush and never found again: an elderly woman called Sharra, and a 70-year-old man named Jaakalou Siafa Babakr.

Balla al-Beh Qasim, the sheikh from Tordabugul, described the attack: "When we crossed [government-controlled areas of Bau locality], there were militias in Taga, Bau, Jam, Soda and Qabanit, so we had to walk at night and send a few people ahead of the group to check that the path was clear. Despite that we met armed Fellatas on the way. It was nighttime. They were a group of 15 to 20 people. They opened fire at us. We ran and we lost three people. They also took our cows, 40 in all. Before the war the Fellatas had been living in the

mountains, but when the war started [the government] brought them near the villages and armed them."

Six other witnesses confirmed details of the attack. One of them, Sadig Hussein Siefa Jamam, a 35-year-old man from Filga, near Qabanit, explained how his father Jaakalou went missing: "We were walking and crossing the road when we came across Fellata militias. They started firing at us from both sides. We ran away, and my father disappeared. We were carrying our small kids, we were not paying attention to who was there or not, but unfortunately afterwards we found out that he was missing."

## 4. DENIAL OF HUMANITARIAN ACCESS

Tens of thousands of people remain in SPLA-N-held areas within the state, eking out a precarious existence.<sup>46</sup> Of those who have chosen to stay—or who have been unable to leave—at least half are displaced, and possibly more.<sup>47</sup> Living conditions for most people are extremely precarious, and are worsened significantly by the Sudanese government's refusal to allow UN agencies and humanitarian aid organization to operate in SPLA-N-held areas.

The government began to bar access to humanitarian aid organizations at the very start of the conflict in Blue Nile. In September 2011, the same month that fighting broke out, Sudanese Foreign Minister Ali Karti explicitly conditioned the delivery of aid to SPLA-N-held areas on a ceasefire with the SPLA-N, insisting that the government "will not accept that the rebels benefit from the humanitarian assistance to the civilians."<sup>48</sup> The following year, Sudanese Vice-President Ali Osman Taha went so far as to threaten people who "smuggled" food into SPLA-N-held areas. He said that government forces were under orders to kill smugglers, explaining: "The emergency law will be implemented so that we do not fight the enemy with one hand and provide it with supplies and aid on the other hand."<sup>49</sup>

Whatever the government's motive for denying aid, the impact on civilians is clear.<sup>50</sup> Over the past two years, worsening humanitarian conditions have been an important factor in pushing civilians out of the country.

A number of states have pressed the Sudanese government to allow access. A so-called "tripartite proposal" on humanitarian access was put forward by the African Union (AU), the UN and the League of Arab States in February 2012, and quickly accepted by the SPLM-N.<sup>51</sup> On 4 and 5 August, the Sudanese government and the SPLM-N signed separate memoranda of understanding with the tripartite partners, thus formalizing their adhesion to the agreement.<sup>52</sup> The agreement expired in November, however, having reached its three-month implementation deadline without being put into effect.<sup>53</sup>

Shortly after that, pro-government media reported that Suleiman Abdul Rahman, Sudan's top aid official, had declared that the tripartite initiative had expired and that Sudan would launch "a new humanitarian initiative" under the leadership of his Humanitarian Aid Commission.<sup>54</sup> He also reportedly denied the existence of a humanitarian crisis in Southern Kordofan and Blue Nile, describing the situation as "stable."<sup>55</sup>

Little concrete progress has been made since that time, and international attention has wavered. A January 2013 AU Summit neglected the question of humanitarian access, focusing instead on relations between Sudan and South Sudan.<sup>56</sup> Nor has the UN Security Council put meaningful pressure on Sudan, its members failing to reach agreement on several draft presidential statements.<sup>57</sup>

In April 2013, Sudan and the SPLM-N resumed direct negotiations, which had collapsed in June 2011. UN Security Council and AU Peace and Security Council members appear to be pinning their hopes on these talks for an agreement on humanitarian access.<sup>58</sup> Yet as humanitarian conditions in Southern Kordofan and Blue Nile stagnate, each day of inaction takes a further toll.

Tree as the only shelter: displaced people in Somari, Blue Nile state. April 2013.



## 5. ARBITRARY ARREST AND DETENTION

Since the beginning of the conflict, the Sudanese authorities have arrested and detained scores of suspected SPLM-N members across Sudan. When the government banned the SPLM-N in September 2011, it began arresting party members and others for alleged links to or support of the group. Many have been kept in prolonged detention without trial. Amnesty International is concerned that these detainees are being held because of their political views rather than for actual criminal activity, making their arrest and detention arbitrary.

### PROLONGED DETENTION WITHOUT CHARGE UNDER THE NATIONAL SECURITY ACT

The 2010 National Security Act grants employees of the National Security Service (NSS) broad powers, yet provides little accountability. NSS agents can search anything and anyone on a written order of their director, and can arrest and detain "any suspect" for up to four and a half months without judicial oversight. Agents are immune from criminal prosecution or civil actions for acts committed in the course of their work. While this immunity can be lifted by the NSS Director, such decisions are in practice extremely rare.<sup>59</sup>

Sudan is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the rights to freedom of opinion, expression, and information.<sup>60</sup> Restrictions of these rights may only be for the protection of certain public goods such as genuine reasons of public order or national security, must be in accordance with law, strictly necessary and the least restrictive means of protecting this public good. Arrest and detention because of a person's political views do not satisfy these requirements. Article 9 of the ICCPR prohibits arbitrary arrest and detention, including arrest and detention for purely political reasons.<sup>61</sup> In addition, indefinite detention without charge or trial has been found to be arbitrary.<sup>62</sup>

Amnesty International has also received credible information indicating that 85 men arrested on suspicion of supporting the SPLM-N in Blue Nile state remain in indefinite detention without charge at Senja prison, in Sennar state. They reportedly include students, casual labourers, government employees, policemen, soldiers, former SPLA members of mixed Sudanese-SPLA military units, and even agents of the NSS. While it is not clear what evidence, if any, the Sudanese authorities have to justify their arrests, Amnesty International is concerned that they are being detained long-term without charge, and that they may have been arrested for their political views or ethnic background. The majority of the detainees are originally from Blue Nile state, or are Nubas or South Sudanese. Nearly all have been detained without charge for about 20 months, since September 2011.<sup>63</sup>

Most were initially detained incommunicado in Military Intelligence or NSS detention centres, before being transferred to the authority of a special prosecutor in Senja. Amnesty International received credible but unconfirmed reports of torture of these detainees by the NSS, Military Intelligence and police officers, including the use of electric shocks, as a way to coerce detainees into making confessions.

Only six detainees are facing charges; the rest are being held without charge. The six defendants were charged in May 2013 with several criminal counts under the 1991 Criminal Code, the 1986 Weapons and Ammunitions Act, and the 2001 Counter-Terrorism Law.

Amnesty International has also received unconfirmed reports that the SPLA-N has carried out arbitrary arrests and detentions in Maban County, South Sudan, in the vicinity of refugee camps, and in SPLA-N-held areas of Blue Nile state.

## THE STATE OF EMERGENCY IN BLUE NILE

**On 2 September 2011, President Omar al-Bashir declared a state of emergency in Blue Nile state. According to Sudan's 2005 Interim Constitution, such a declaration gives the President power to suspend the bill of rights, with the exception of a limited number of rights, including the right to life, freedom from torture and the right to a fair trial.**

The President is further granted power to dissolve or suspend any state organs or powers, prescribe the manner in which affairs of the state will be managed, and take any measures that are deemed necessary, which will have the force of law.<sup>64</sup>

The September 2011 decree also authorizes the President and the Blue Nile governor (a presidential appointee) to establish special courts of first instance and appeal, and to determine their rules of procedure.<sup>65</sup> It further authorizes the Minister of Justice to establish special prosecutors and to determine their rules of procedure. In practice, both provisions allow the executive to bypass judicial safeguards for defendants as laid out in the 1991 Criminal Procedure Code, and contravene Sudan's obligations, under international human rights law and international humanitarian law, to uphold the right to a fair trial.

## 6. REFUGEE CAMPS IN SOUTH SUDAN

The approximately 150,000 civilians who have fled Blue Nile state are now living in Ethiopia and South Sudan, with the bulk of the refugee population located in refugee camps in South Sudan.<sup>66</sup> There is a string of four camps along a road that runs from Jammam to Doro, in South Sudan's Upper Nile state, all of them within 55km of the border with Sudan.<sup>67</sup> Perhaps in part because they are close to SPLA-N-held areas across the Sudanese border—with all but one being closer to the border than UNHCR guidelines allow—the camps are visited frequently by SPLA-N fighters.<sup>68</sup>

International norms require states to take steps to ensure the civilian and humanitarian character of refugee camps.<sup>69</sup> In the case of camps in South Sudan, the SPLA-N's presence and activities suggest that this rule is not being adequately enforced.

The SPLA-N do not overtly dominate the camps.<sup>70</sup> Nevertheless, the SPLA-N's presence in the camps is substantial, and is evidenced in several ways.<sup>71</sup> First, a portion of humanitarian aid is diverted from refugees to the SPLA-N. Second, young male refugees are being recruited to fight for the SPLA-N, and SPLA-N "deserters" are being rounded up, in some cases with a degree of coercion. And third, armed soldiers and camouflaged vehicles are a frequent sight in and around the camps, eroding the camps' civilian character.<sup>72</sup>

According to UNHCR rules, SPLA-N members are allowed to visit their family members in the refugee camps, but they must not wear uniforms or carry firearms. In practice, though, these rules are frequently flouted.

"There is definitely an SPLA-N military presence in the camps," one NGO representative said categorically. "Our staff see armed men and men in uniforms, or in partial uniforms, on a regular basis ... They also frequently see pick-up trucks covered with mud, SPLA-N vehicles."<sup>73</sup>

Many NGO workers described the SPLA-N trucks that food and supplies are loaded onto and carried away. This "taxation", as people call it, typically happens on the days immediately following the monthly aid distribution in the camps.

The SPLA-N is also carrying out recruitment in the camps. Although some recruits join the SPLA-N voluntarily, not all of the young men who are approached want to go and fight. Some recruits apparently resist being taken; in other cases their upset mothers complain to the staff of international NGOs. "It's hard to say how much of it is forced and how much is voluntary," one NGO staff member explained. "Almost nobody dares to step forward and complain." Even without coercion, such recruitment is objectionable; no recruitment, voluntary or otherwise, should be carried out within refugee camps.

Estimates of the level of recruitment are only approximate, but some believe that refugee families with male members of military age have to give up one son. The sheikhs and the 'omdas in the camps are said to coordinate recruitment on behalf of the SPLA-N; they inform the families whose contribution is needed.

SPLA-N recruitment efforts were said to follow a pattern. In many instances, the SPLM-N's Blue Nile leader, Malika Ngar, would visit the camps and hold a meeting with local leaders, including village sheikhs and 'omdas. Over the following days, NGOs would see SPLA-N vehicles exiting the camps full of young men.<sup>74</sup> In one instance, a UN staff person was reportedly threatened by SPLA-N militants when he tried to film a mass rally of departing soldiers.

Sudanese NGO staff have even been forcibly recruited themselves, until an "exemption" from recruitment was reportedly carved out for them in late 2012. Amnesty International has previously documented forced recruitments in the refugee camps in Maban County in 2011.<sup>75</sup>

Humanitarian personnel who work in the camps told Amnesty International that May 2012 saw a dramatic intensification of visible SPLA-N activity in the camps. According to two witnesses, about 150 SPLA-N militants entered Doro camp on 8 May 2012 to round up missing recruits. They reportedly had a list of "deserters" and soldiers who had overstayed leave from active duty, and they tracked these men down and dragged them out of the camp, using a school facility to hold the men before sending them away in trucks. One NGO worker who observed the round up said that both South Sudanese police and South Sudanese SPLA assisted the SPLA-N in this effort.

OXFAM has reported a recruitment drive that was said to have taken place in November 2012 in several camps, "which saw large numbers of teenage boys 'disappear.'"<sup>76</sup>

The UN and humanitarian agencies appear to be struggling to counter the SPLA-N's aggressive tactics. UNHCR is said to be developing a joint plan of action with the UN Mission in South Sudan (UNMISS), by which checkpoints would be established within the refugee camps that would allow them to conduct searches for weapons and block the entry of SPLA-N vehicles. The agency has also set up a reporting process for monitoring visible manifestations of the SPLA-N's presence. Finally, UNHCR has been conducting biometric registration and verification in the camps as a means to prevent fraud and, in particular, to manage the problem of SPLA-N fighters registering as refugees.

In addition, following UNHCR complaints to the South Sudanese authorities, John Obi Muntu, the deputy governor of Upper Nile state, initiated a disarmament exercise. The exercise took place between 24 and 31 January 2013, and was carried out with the participation of 'omdas and sheikhs. According to UNHCR figures, only 64 weapons were collected in Yusuf Batil camp, while 1,014 suspected fighters reportedly left the camps.<sup>77</sup> A voluntary disarmament in Jamam failed to recover any weapons. According to local humanitarian sources, the whole exercise was diverted by the SPLA-N for its own benefit: its fighters entered the camps and seized valuable weapons while the South Sudanese police stood by. In February, after the exercise was complete, UNHCR continued to express concerns over "possible recruitment in the camps," and recruitment-related detention outside the camps.

Some NGO staff told Amnesty International that they feel these efforts are ineffective. "In truth, [the UN and NGOs] largely ignore the problem and hope for the best," one person said.



The SPLA-N's activities within the camps undermine the camps' civilian and humanitarian character.<sup>78</sup> The camp's creeping militarization diverts scarce resources, infringes on refugees' rights to be free of forced recruitment, and detracts from the credibility of the humanitarian effort. It is important to address this problem before it worsens. The active SPLA-N presence in the camps puts refugees in danger, creates ambiguity about the status of what should be an indisputably civilian object, and unlawfully subjects the civilian residents of the camps to an increased risk of a Sudanese attack.

Jammam transit camp, April 2013.



## 7. INTERNATIONAL RESPONSE

The international response to the violence in Blue Nile and Southern Kordofan states has been subdued and ineffective. Key international bodies such as the UN Security Council and the AU Peace and Security Council have largely treated the conflict as secondary to negotiations between Sudan and South Sudan. In doing so, they have failed to accord the continued grave violations of international humanitarian and human rights law in Blue Nile and Southern Kordofan states the serious attention they deserve.

Security Council resolution 2046—adopted on 2 May 2012, during a period in which 35,000 refugees were flowing out of Blue Nile state—exemplifies the woefully inadequate response of the UN Security Council to the situation in Blue Nile and Southern Kordofan states.<sup>79</sup> While the resolution condemned “all acts of violence committed against civilians in violation of international humanitarian law and human rights law,” it failed to specify what kinds of abuses were occurring, or to place responsibility for those abuses on the Sudanese government.<sup>80</sup> And while the resolution urged the Sudanese government and the SPLM-N to grant humanitarian access to Blue Nile and Southern Kordofan—or the “two areas,” as they are sometimes called—it did not set out a timeline or other conditions to ensure that such access would be granted. Notwithstanding its inadequacy, the resolution is the Security Council’s only response to date to the violence in Blue Nile and Southern Kordofan. Splits within the council—pitting Russia and China against several of the other members—have effectively blocked further action.

The AU Peace and Security Council on 24 April 2012 expressed “deep concern ... at the aerial bombardments [and] the continued fighting” and strongly condemned “the violations of human rights of non-combatants” in Southern Kordofan and Blue Nile.<sup>81</sup> Like the Security Council, the AU failed to specifically condemn the indiscriminate bombings carried out by the Sudanese armed forces. They also failed to dedicate sufficient attention to the human rights situation in both states, and to act on the recommendations of an August 2011 UNHCHR report documenting grave violations in Southern Kordofan.<sup>82</sup>

Meanwhile, the Sudanese officials who are the key decision-makers in the armed conflict in Blue Nile and Southern Kordofan are the same people who devised the brutal counter-insurgency in Darfur and who are wanted for the most serious crimes under international law. Sudan’s President Omar al-Bashir, who has been charged by the ICC with several counts of war crimes, crimes against humanity and genocide, remains the head of state. Abdel Rahim Mohammed Hussein and Ahmed Haroun, who are both under ICC indictment for war crimes and crimes against humanity, are respectively Minister of Defense and Governor of Southern Kordofan.<sup>83</sup>

International efforts to enforce the indictments have been tepid at best. The Security Council, which referred the situation in Darfur to the ICC in 2005, has failed to take measures to ensure the implementation of its resolution. Recent AU decisions have urged members not to cooperate with the ICC. President Bashir has travelled widely, including to states such as Chad and Djibouti, which are parties to the Rome Statute of the ICC, but which have failed to comply with their legal obligation to cooperate fully with the arrest of its suspects.

## 8. CONCLUSION AND RECOMMENDATIONS

As the conflict between the government and the SPLA-N ends its second year, the only clear loser is the civilian population. By its relentless bombardment of civilian areas and deliberate attacks on villages, the Sudanese government has forced tens of thousands to seek refuge abroad. By its staunch denial of humanitarian access, the government appears to be attempting not simply to defeat the SPLA-N, but also to expel the civilians it regards as the SPLA-N's base of support.

The violence in Blue Nile state is part of a long history of internecine conflict in Sudan. The breadth and complexity of the issues and the absence of fruitful negotiations between the parties to the conflict are not, however, reasons to delay action to protect civilians. The United Nations and the African Union must press for progress on key issues immediately. First and foremost, they must persuade the Sudanese government to allow immediate and unhindered access to Blue Nile and Southern Kordofan states for UN agencies and international humanitarian organizations.

At the same time, the international response should not ignore the serious crimes that continue to be committed in Sudan. The UN Security Council and the AU Peace and Security Council must directly address the specific, mounting evidence of war crimes and possible crimes against humanity, demand an end to indiscriminate attacks and the deliberate targeting of civilians, and consider methods of enforcing compliance.

Finally, justice must be done for the victims of grave violations of the laws of war in Sudan. Ten years have passed since the onset of violence in Darfur, yet the same President and security officials who are wanted for alleged war crimes, crimes against humanity—and in the case of Omar al-Bashir, genocide—are now engaged in another conflict. As long as there are no consequences for those who ordered or committed the most serious crimes under international law, the door remains open for such crimes to continue.

### RECOMMENDATIONS

To the Government of Sudan:

- Immediately cease indiscriminate aerial bombings and deliberate ground attacks on civilian areas;
- Grant immediate and unhindered access to UN agencies and international humanitarian organizations to all areas of Blue Nile state, facilitating the provision of all necessary assistance to civilians affected by the conflict, including food, shelter, and medical care;
- Take all necessary precautions when carrying out attacks on military objectives to protect civilians, including by warning civilians of impending attacks; and ending the use of imprecise weapons, including unguided air-dropped bombs, artillery and mortars, to attack

targets in the vicinity of civilians;

- Grant civilians safe passage out of areas where active fighting and bombing is taking place;
- Initiate prompt, effective and impartial investigations into violations of international human rights and humanitarian law and bring those suspected of criminal responsibility to justice before ordinary civilian courts in fair trials, without the death penalty;
- Immediately and unconditionally release all persons held solely for political expression, opinion, or identity; all other detainees should be charged with internationally-recognized criminal offences or released;
- End all torture and other ill-treatment, and promptly ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- Allow international human rights monitors, including UN monitors and NGOs, access to all areas of Blue Nile state;
- Promptly accede to the Rome Statute of the International Criminal Court, and surrender President Omar al-Bashir and other suspects to the court.

To the Sudan People's Liberation Army-North:

- Demonstrate respect for the humanitarian and civilian character of refugee camps by immediately ceasing the diversion of food and other humanitarian aid, and all recruitment inside refugee camps into SPLA-N forces;
- Take all feasible precautions to protect civilians and civilian objects in SPLA-N-held territory from the effects of attacks;
- Take concrete steps to ensure fighters respect international humanitarian law and, in particular, avoid locating troops, military bases and any other military objectives within or near densely populated civilian areas, including settlements of displaced people;
- Facilitate the immediate and unhindered access of UN agencies and international humanitarian organizations to all areas of Blue Nile state under SPLA-N control, allowing them to provide all necessary assistance to civilians affected by the conflict;
- Remove from the ranks any SPLA-N forces suspected of violating international humanitarian law, including persons with command responsibility for such violations.

To the UN Security Council:

- Demand an immediate end to indiscriminate aerial bombings, deliberate attacks on civilians, and other violations of international humanitarian law in Blue Nile and Southern Kordofan states by the government of Sudan;

- Urgently press the Government of Sudan to allow humanitarian organizations and independent human rights monitors immediate and unhindered access to both Blue Nile and Southern Kordofan states;
- Establish an independent inquiry to investigate the serious violations of international humanitarian and human rights law committed in the territory of Blue Nile and Southern Kordofan states since June 2011, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;
- Expand the current UN arms embargo on Darfur to cover the whole of Sudan, in light of the real risk that weapons will be used to commit violations of international humanitarian and human rights law;
- Convene a working group to consider how to address Sudan's lack of compliance with the International Criminal Court.

To the African Union Peace and Security Council:

- Demand an immediate end to indiscriminate aerial bombings, deliberate attacks on civilians, and other violations of international humanitarian and human rights law in Blue Nile and Southern Kordofan states;
- Urgently press the Government of Sudan to allow humanitarian organizations and independent human rights monitors immediate and unhindered access to both Blue Nile and Southern Kordofan states;
- Request the UN Security Council to establish an independent commission of inquiry to investigate the serious violations of international humanitarian and human rights law committed in the territory of Blue Nile and Southern Kordofan states since June 2011;
- Support the efforts of the International Criminal Court, including by pressing for the surrender of those wanted by the court, thereby helping to protect tens of thousands of African victims.

To the Government of South Sudan:

- Protect the civilian and humanitarian character of refugee camps, including by ensuring law and order, preventing the entry and use of firearms, disarming armed elements, and separating out fighters;
- Ensure that all police and security forces operating in and around refugee camps in South Sudan are legally constituted and accountable under South Sudanese law.

To UNHCR, UNMISS, other UN agencies and international NGOs:

- Monitor the diversion of humanitarian aid by the SPLA-N and other infringements on the humanitarian and civilian character of refugee camps, and report such behaviour to the UN Secretary-General.

## APPENDIX: SATELLITE IMAGERY

Amnesty International commissioned satellite imagery and analysis of several villages in the Ingessana Hills of Blue Nile state, Sudan, from DigitalGlobe's Analysis Center (DGAC). In particular, we asked DGAC to examine the following villages: Bau, Gabanit, Fadamiya, Jegu, Taga and Marol.

The resulting satellite images tell a dramatic story of destruction, providing compelling corroboration of refugee accounts of attacks on their villages. Imagery shows that villages across the Ingessana Hills were attacked in a similar manner, during a similar time period, and that civilian dwellings and infrastructure were destroyed. While the images do not show which forces destroyed the villages—they simply show the villages before and after the attacks—they do indicate that the former inhabitants abandoned the villages and that Sudanese military positions were established across the area. Notably, Fadamiya was the only village for which SPLA-N positions could be seen in the vicinity prior to the attack.

This appendix summarizes the information that DGAC provided Amnesty International about the fate of the six villages.

### METHODOLOGY

DGAC located the six villages using several maps and databases, including a 2012 map of Blue Nile state issued by the UN's Office for the Coordination of Humanitarian Affairs, and examined satellite imagery dating from 2011 to 2013. After the villages were mapped, archival imagery of an area covering approximately 16 square kilometers was reviewed.

In the discussion that follows, each of the villages is described as it appeared prior to the reported attacks, followed by an account of what was destroyed or damaged, and of when the destruction occurred. Each section ends with a brief description of the village's current status, based on the most recent satellite images available.

## BAU

Bau, one of the larger villages/towns in Blue Nile state, is located on the east side of Lake Bau. The town is 57 kilometers southwest of Ad Damazin and 90km northwest of Kurmuk. In January 2011, there were more than 200 clusters of *tukuls* (traditional thatched-roof homes) in the immediate town area, which covers more than 225 hectares (Figure 2). The town hosted what appears to be a regional upper-level school, regional administration offices, a mosque with a minaret and possibly another, smaller mosque (Figure 3).

Between April and May 2012, almost all of the family-unit clusters were destroyed by fire (a cluster represents a probable family unit within a separately secured area, as shown in Figure 3). The pattern of destruction (e.g., a thorough burning of structures and fences) suggests a systematic, intentional burning of infrastructure rather than a natural wildfire or disaster. Imagery from 12 May 2012 shows an early-stage establishment of a probable Sudanese military or Popular Defence Forces (PDF) defensive position on the east side of the lake, between the lake and the town. This earthen-bermed defensive position eventually supported an infantry company (Figure 4).

Imagery from 9 November 2012 indicates that only the mud-brick walls of many of the destroyed *tukuls* remain. The larger buildings are still intact, but a lack of human track activity suggests that the town was abandoned by its previous inhabitants (Figure 5).

Figure 2: Overview of the approximate perimeter of the village of Bau

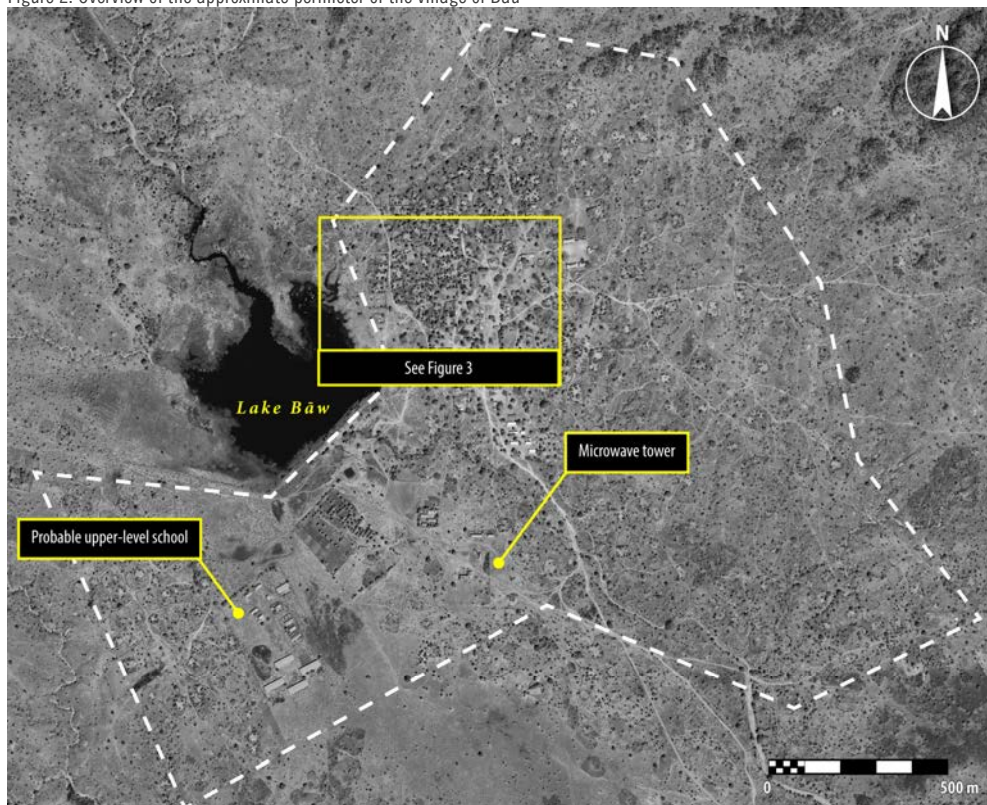


Figure 3: Family-unit clusters are each contained in a fenced area with one to five tukuls.



DigitalGlobe Natural Color Imagery, May 12, 2012, Bāw, Sudan, 11 20 18 N, 34 03 51 E

Figure 4: Destroyed (burned) structures and a Sudanese forces position on 12 May 2012.



DigitalGlobe Natural Color Imagery, November 9, 2012, Bāw, Sudan, 11 20 18 N, 34 03 51 E

Figure 5: On 9 November 2012, the village of Bau remained abandoned except for the Sudanese forces position





DigitalGlobe Panchromatic Imagery, January 13, 2011, Baw, Sudan, 11 20 18 N, 34 03 51 E

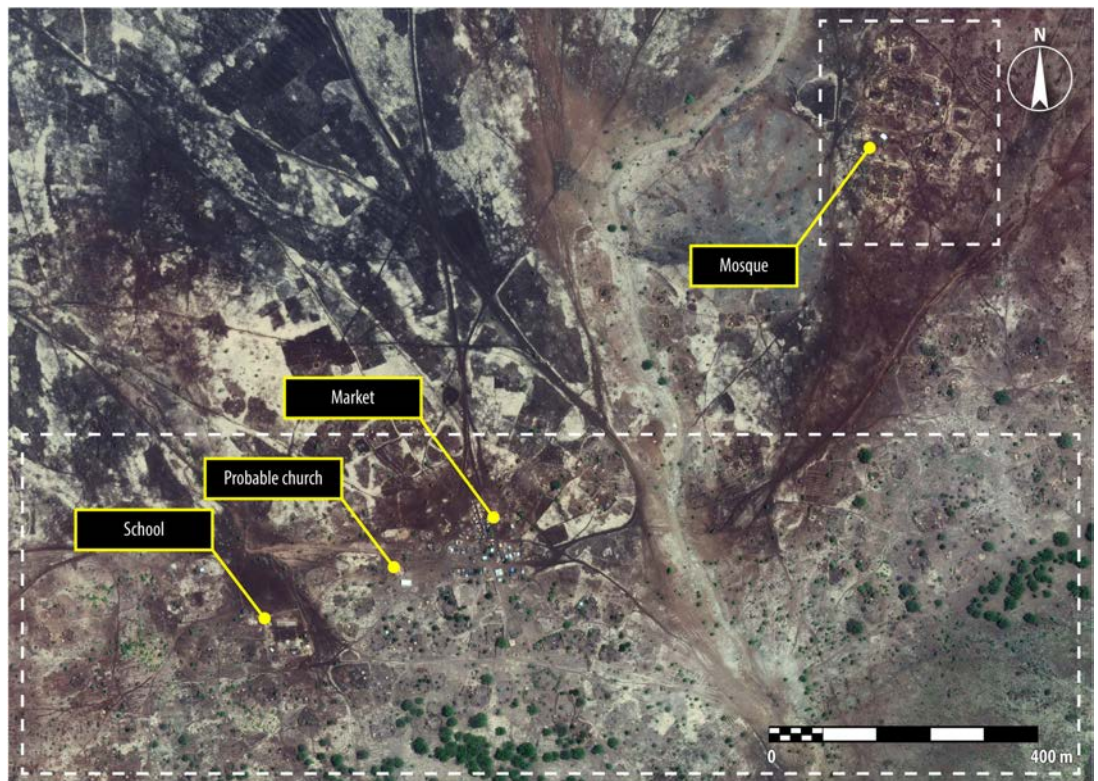
## QABANIT

The village of Qabanit appears to be made up of several groups of family-unit clusters, with the largest grouping around a market area on the west side of Wadi Qabanit. The village is 20 km northwest of Bau and 47km southwest of Ad Damazin.

As of June 2011, this village had an active market, and what appears to be a church, a mosque, a school and more than 100 family-unit clusters of *tukuls* (Figure 6). By 7 December 2012, only the mud-brick walls of the former market and a few of the *tukuls* remained (Figure 7). (DigitalGlobe did not have archival imagery from between 20 April 2012 (when the village was intact) and 7 December 2012 (after the village was destroyed).)

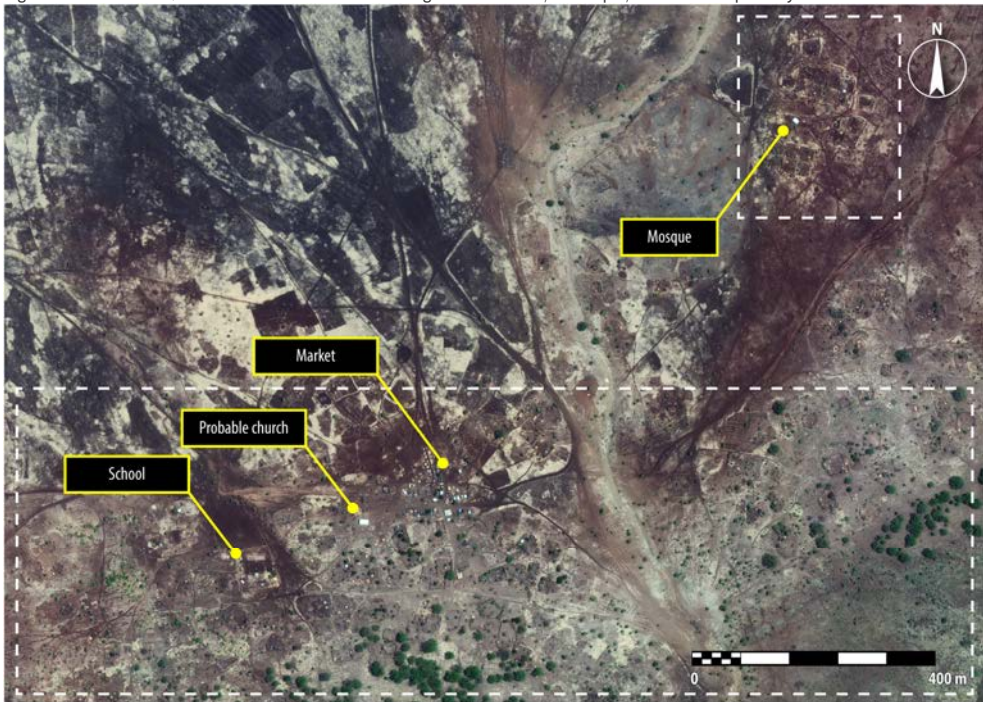
No structures could be found where the mosque had previously been located. Judging from the deteriorated condition of the village by December 2012, DGAC indicated that the village might have been destroyed in April or May 2012. In the area of the former school, Sudanese military forces had established an earthen-bermed defensive position supporting elements of an infantry company. A mosque was evident within the military forces' position (Figure 8). The church building remained intact but only the foundations of the market structures remained (Figure 9).

Figure 6: Overview of the estimated limits of Qabanit on 18 June 2011.



DigitalGlobe Natural Color Imagery, June 18, 2011, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

Figure 7: Overview of Qabanit on 18 June 2011. The village has a market, a mosque, a school and possibly a church.



DigitalGlobe Natural Color Imagery, June 18, 2011, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

Figure 8: Earthen-bermed defensive position and mosque.



DigitalGlobe Natural Color Imagery, December 7, 2012, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

Figure 9: Church and mud-brick walls of the former market.



DigitalGlobe Natural Color Imagery, December 7, 2012, Gebanit, Sudan, 11 30 51 N, 33 59 45 E

## FADAMIYA

Fadamiya is approximately 9km northeast of Bau and approximately 50 kilometers southwest of Ad Damazin. This small village is divided by the main road connecting Ad Damazin with Kurmuk (Figure 10).

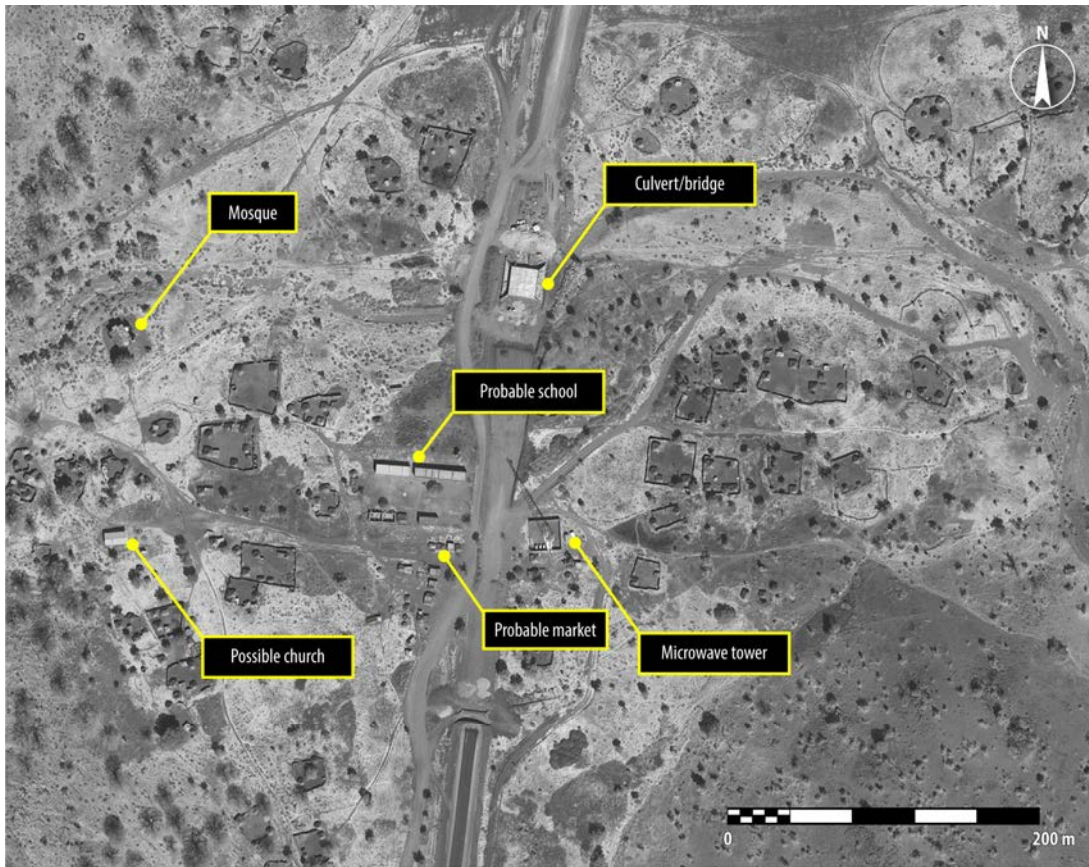
As of January 2011, the village included a microwave tower (with possible cellular service), a mosque, a possible church and a probable school. Within 500 meters of the microwave tower, there were at least 30 family-unit clusters of *tukuls*. A small, probable market area was just south of the probable school.

On 21 September 2011, a line of foxholes, similar to fighting positions used by the Sudan People's Liberation Army-North (SPLA-N), was noted 1.2 kilometers south of town. In addition, two bomb craters were identified on the southwest side of the village. Marks on the ground suggested tracked-vehicles (probably tanks) had recently been in the area (Figure 11).

By October 2011, a perimeter of foxholes was constructed around the school buildings and microwave tower, but all clusters of *tukuls* were burned or abandoned; only the mud-brick walls remained. The only sign of activity was the presence of about 25 small tents within the perimeter of foxholes (Figure 12).

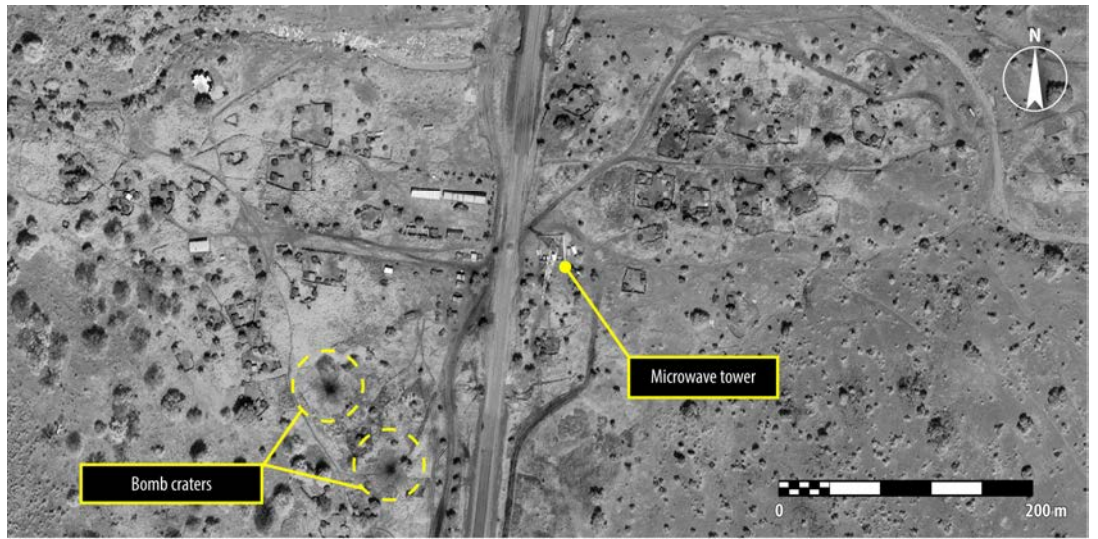
This area was not imaged again for more than a year, and in 24 October 2012 imagery, it was difficult to ascertain that a village had once been present (Figure 13). Only a few of the mud-brick walls could be found (Figure 14). The perimeter around the microwave tower and school buildings was a more defined trench or earthen- berm. At least 50 small tents were inside the berm and several small vehicles were also observed (Figure 15). The most recent imagery from 1 March 2013 (not included here) shows no significant changes to the defensive position around the school and microwave tower or in the abandoned village.

Figure 10: Overview of the village of Fadamiya



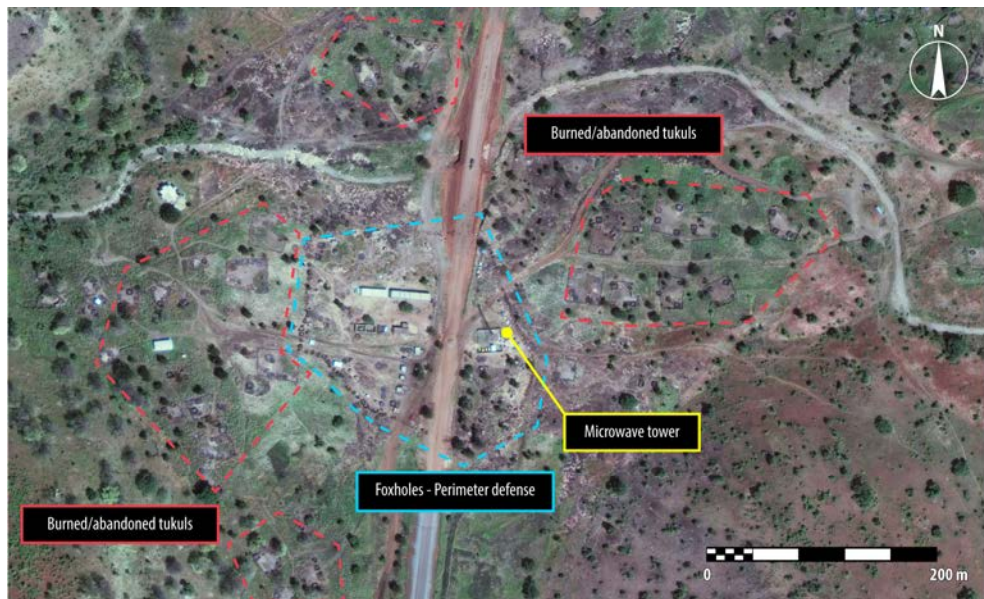
DigitalGlobe Panchromatic Imagery, January 13, 2011, Fadamiya, Sudan, 11 21 02 N, 34 08 32 E

Figure 11: Evidence of a bombing reflected by the presence of bomb craters on south side of Fadamiya.



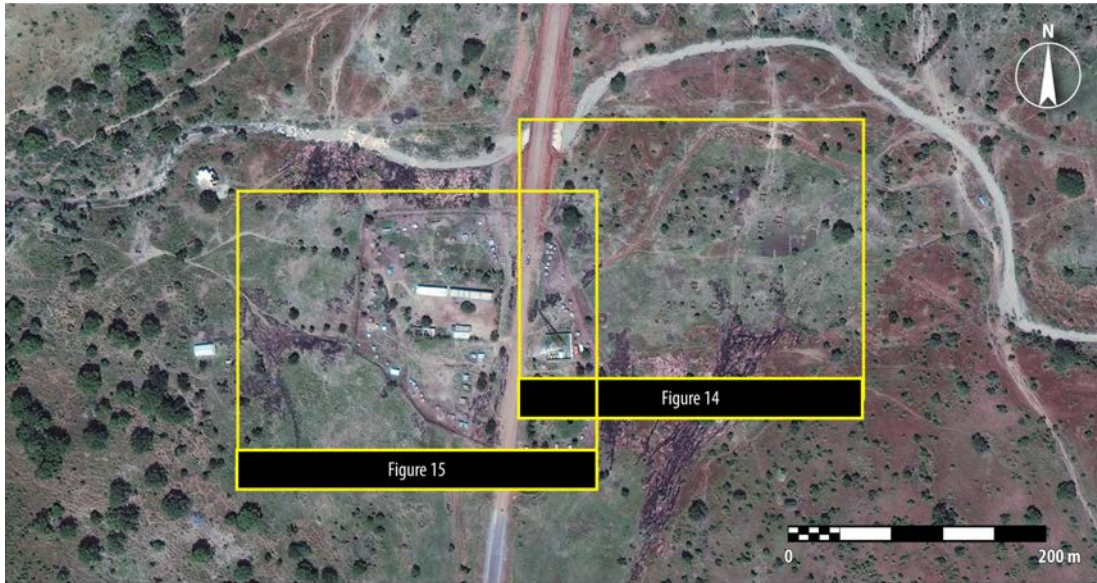
DigitalGlobe Panchromatic Imagery, September 21, 2011, Fadamiya, Sudan, 11 21 02 N, 34 08 32 E

Figure 12. Imagery from 24 October 2011 shows that Fadamiya has been destroyed, with the *tukuls* deliberately burned. A military defensive position was established to control traffic on the Damazin-Kurmuk highway.



DigitalGlobe Natural Color Imagery, October 24, 2011, Fadamiya, Sudan, 11 21 02 N, 34 08 32 E

Figure 13. Imagery of the former village of Fadamiya from approximately one year later shows a defensive position on the Damazin-Kurmuk Highway.



DigitalGlobe Natural Color Imagery, October 17, 2012, Fadamiya, Sudan, 11 21 02 N, 34 08 34 E

Figure 14. Mud-brick walls in the former village of Fadamiya in 17 October 2012 imagery.



DigitalGlobe Natural Color Imagery, October 17, 2012, Fadamiya, Sudan, 11 21 02 N, 34 08 35 E

Figure 15. Mud-brick walls in the former village of Fadamiya in 17 October 2012 imagery.



DigitalGlobe Natural Color Imagery, October 17, 2012, Fadamiya, Sudan, 11 21 01 N, 34 08 28 E

## JEGU

Jegu is a small dispersed village 42 kilometers southwest of Ad Dama zī n and 20 kilometers north of Bau. It had a mosque, a school and at least 110 family-unit clusters of *tukuls* in January 2011. Equally large groups of *tukuls* were both west and east of this village, making it difficult to determine Jegu's precise boundaries (Figure 16 and 17).

Because limited imagery of this village was collected between 2011 and 2013, DGAC was unable to specify a date range for when the village was destroyed. It is evident from the January 2013 image, however, that significant destruction occurred there. Only the school buildings remain intact; otherwise, the patterns of destruction are similar to those found in other villages in the region (Figure 18). In addition, a Sudanese defensive position was established approximately 500 meters southwest of the school (Figure 19).

Figure 16. Overview illustrating possible limits for the village of Jegu.

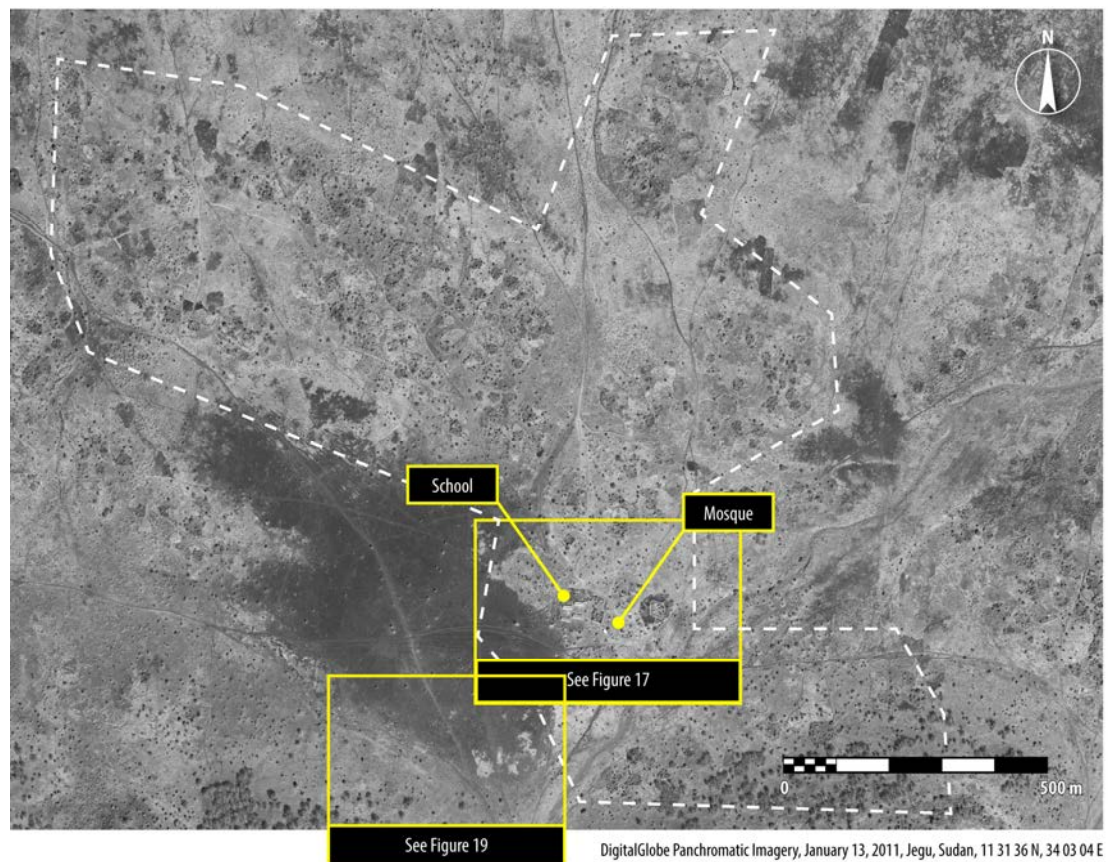




Figure 17: The center of Jegu in January 2011.



DigitalGlobe Panchromatic Imagery, January 13, 2011, Jegu, Sudan, 11 31 21 N, 34 03 00 E

Figure 18: Only the school buildings remained standing in Jegu on 25 January 2013



DigitalGlobe Natural Color Imagery, January 25, 2013, Jegu, Sudan, 11 31 21 N, 34 03 00 E

Figure 19. New Sudanese forces defensive position, located approximately 500 meters southwest of the school in Jegu.



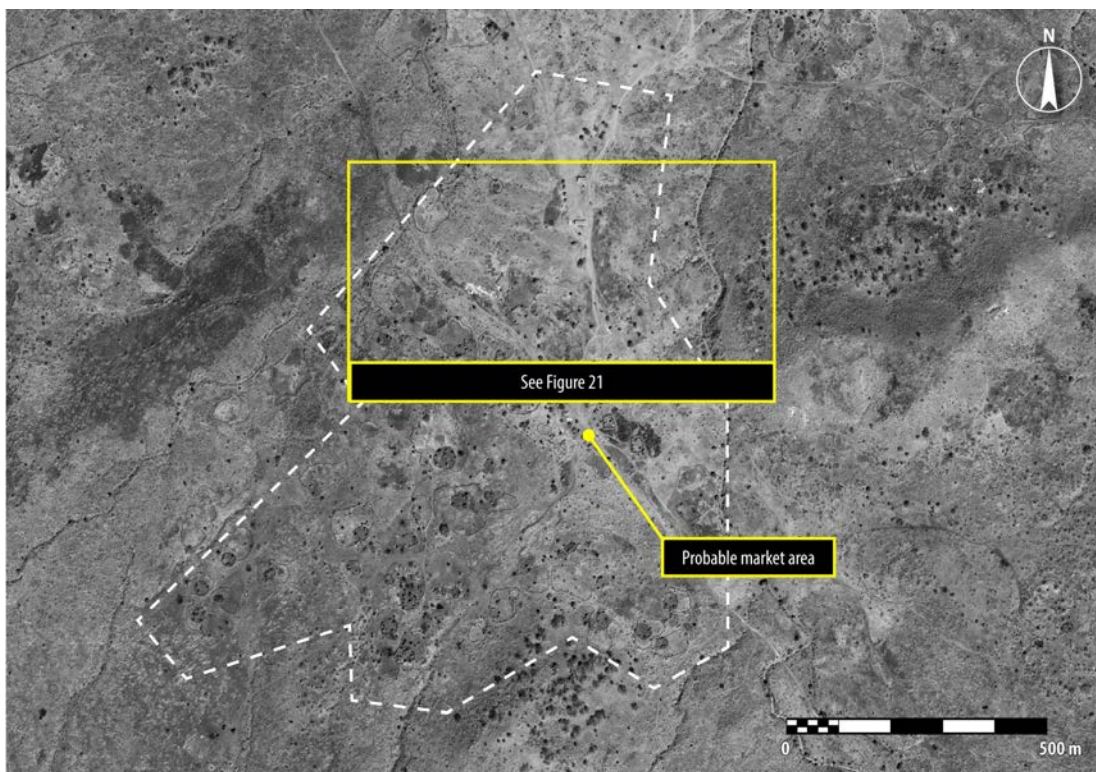
DigitalGlobe Natural Color Imagery, January 25, 2013, Jegu, Sudan, 11 31 07 N, 34 02 48 E

## TAGA

Taga is a small village that in January 2011 lacked many identifiable landmarks such as a church, mosque, daily market or microwave tower. The village had approximately 30 family-unit clusters of *tukuls* within 1.5 kilometers of a probable market area, and a school about 500 meters to the north (Figure 20 and 21). A mosque was constructed by June 2011 with few other changes to the village landscape (Figure 22).

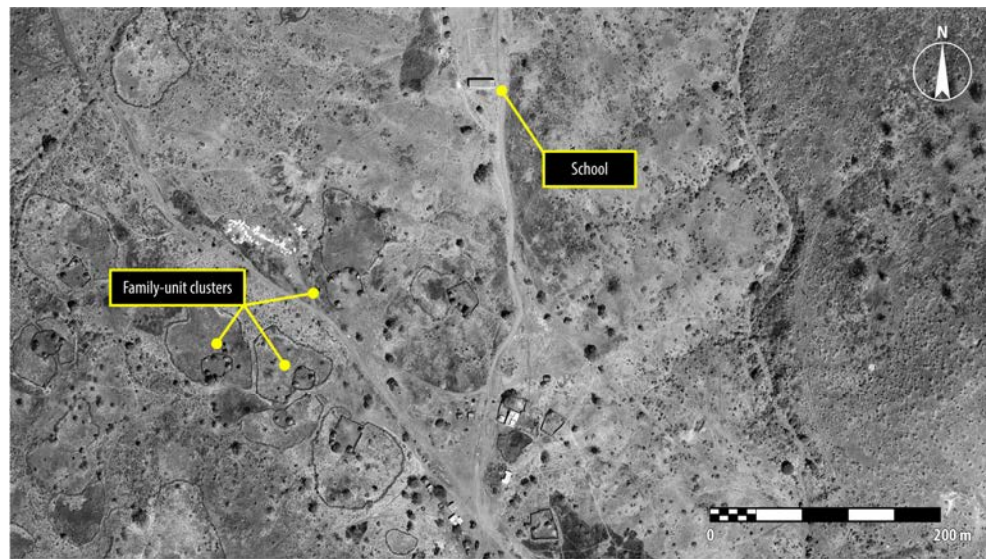
Imagery dating from 25 January 2013, shows significant damage and destruction to the village. Within Taga, no structures remained except the two school buildings where Sudanese military forces had established a strongpoint that supported elements of an infantry company (65 tents) with at least two mortar emplacements. No residential *tukuls* remained intact within 2 kilometers of Taga. Ash piles and dark stains where *tukuls* and fencing had been suggest the destruction occurred after the 2012 rainy season (Figure 23).

Figure 20. Overview showing the probable boundary of Taga.



DigitalGlobe Panchromatic Imagery, January 13, 2011, Taga, Sudan, 11 23 35 N, 34 03 24 E

Figure 21: Center of Tega in January 2011, with houses, a school and a mosque.



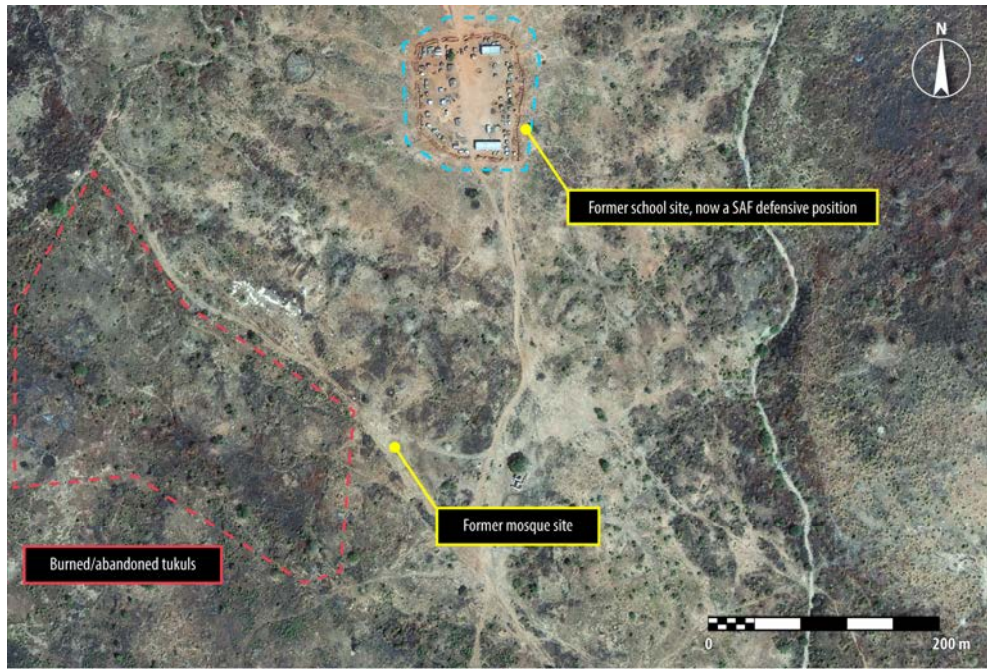
DigitalGlobe Panchromatic Imagery, January 13, 2011, Tega, Sudan, 11 23 35 N, 34 03 24 E

Figure 22. Tega school, mosque and family-unit clusters all present in June 2011.



DigitalGlobe Natural Color Imagery, June 8, 2011, Tega, Sudan, 11 23 35 N, 34 03 24 E

Figure 23: A defensive position of the Sudanese forces is the only sign of life remaining in Taga in January 2013.



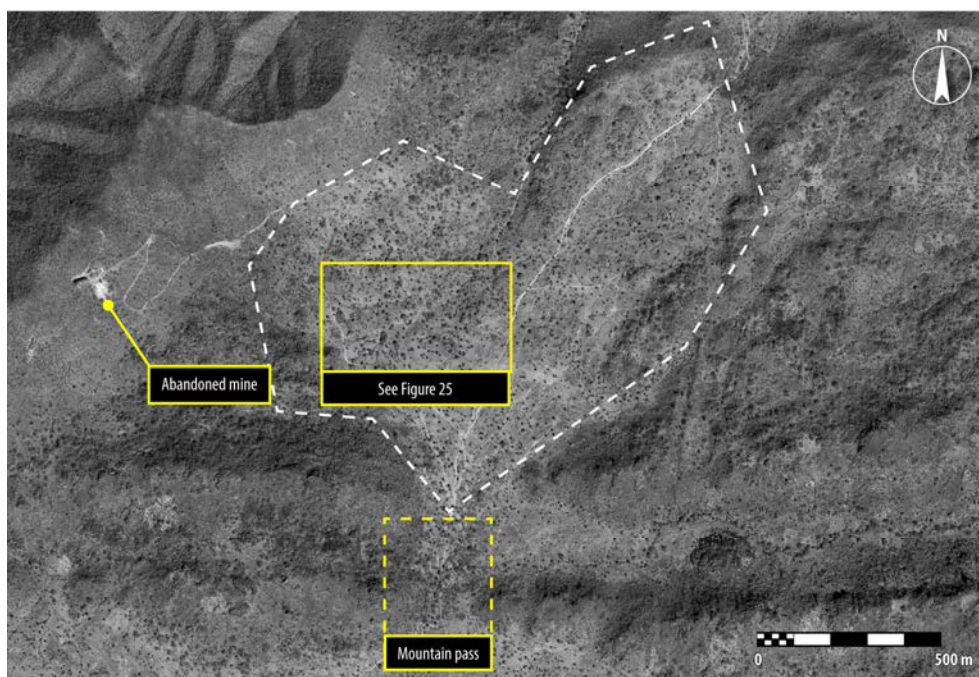
DigitalGlobe Natural Color Imagery, January 25, 2013, Taga, Sudan, 11 23 35 N, 34 03 24 E

## MAROL

Just about 3.5 kilometers north of Bau, along the road from Bau to Taga is the hamlet of Marol. In January 2011, it had a small grouping of family-unit clusters, scattered across the area, but did not have a market, mosque, church or any other identifying features (Figures 24 and 25). There was a probable abandoned mine on the hillside west of the village area.

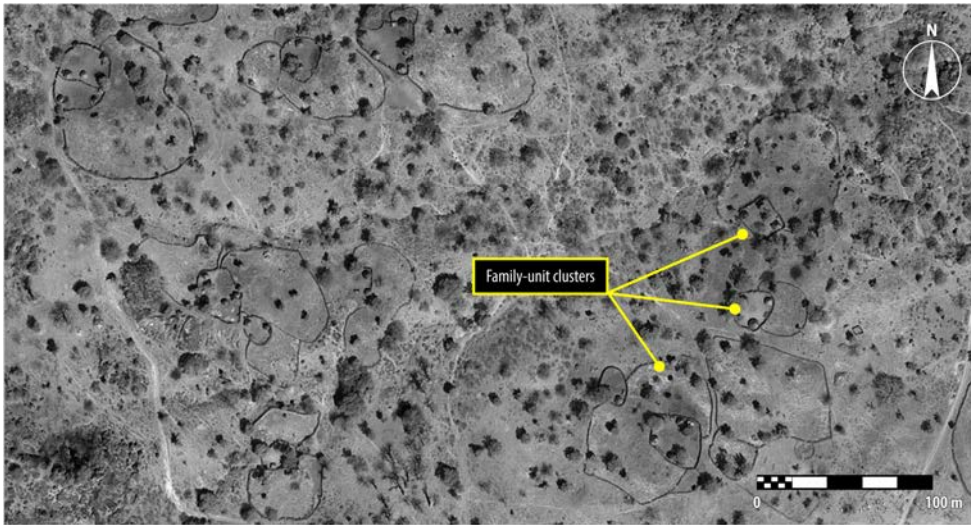
In 11 May 2012, imagery (not included here), there was little change noted in the town. However, by October 2012 there was no sign of life in the former hamlet. All the *tukuls* and many of the fences were gone and the area was overgrown. A few mud-brick foundations could be seen but little else. The ash piles and dark stains where *tukuls* and fencing had been suggest the destruction occurred after the 2012 rainy season (Figure 26).

Figure 24. The small hamlet of Marol situated in a mountain ravine just north of Bau.



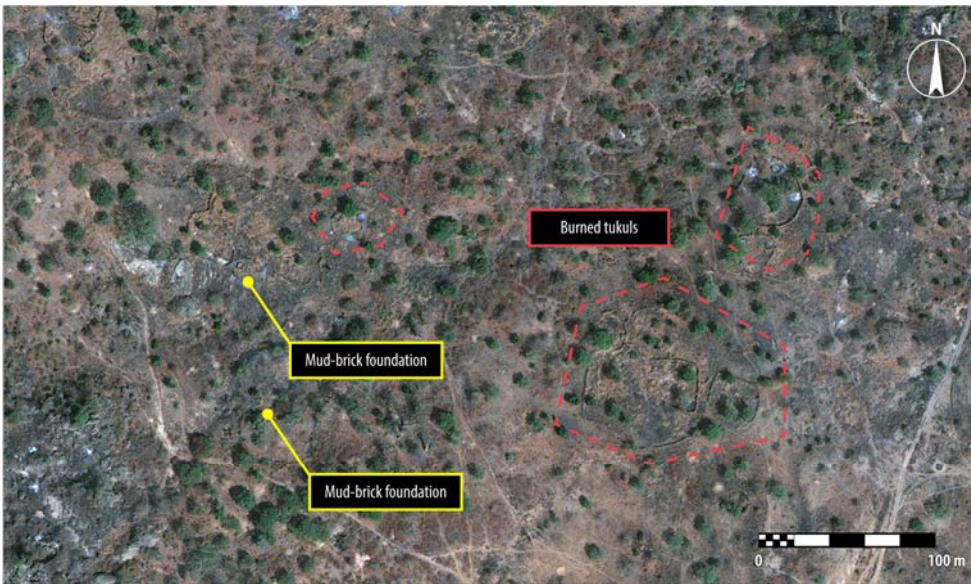
DigitalGlobe Panchromatic Imagery, January 13, 2011, Marol, Sudan, 11 21 57 N, 34 03 40 E

Figure 25. Typical family-unit cluster in the center of Marol in January 2011.



DigitalGlobe Panchromatic Imagery, January 13, 2011, Marol, Sudan, 11 22 03 N, 34 03 34 E

Figure 26. In January 2013, all that can be seen are a few mud-brick foundations and fence lines of this destroyed hamlet.



DigitalGlobe Natural Color Imagery, January 25, 2013, Marol, Sudan, 11 21 57 N, 34 03 40 E

## ENDNOTES

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<sup>1</sup> Amnesty International has issued numerous reports on war crimes and other violations of international humanitarian and human rights law in Sudan. See, for example: *"We can run away from bombs, but not from hunger": Sudan's Refugees in South Sudan* (Index: AFR 65/001/2012), June 2012, and *Sudan: Civilians caught in unending crisis in Southern Kordofan* (Index: AFR 54/009/2013), April 2013.

<sup>2</sup> The SPLA is now the army of the Republic of South Sudan; it was previously the armed wing of the Sudan People's Liberation Movement (SPLM), the Sudanese opposition movement founded in 1983.

The SPLA-N is the armed wing of the opposition movement known as the Sudan People's Liberation Movement-North (SPLM-N). The SPLM-N's chairman is Malik Agar; Yasir Arman, who was for a time the SPLM's candidate in the 2010 presidential elections in Sudan, is its secretary-general. The group is primarily active in Sudan's Southern Kordofan and Blue Nile states.

<sup>3</sup> A note on village and other place names: spellings often vary significantly from one source to the next. For example, Qabanit—a village in the Ingessana Hills—can be spelled Gabanid, Gabanit or Gabanet. Mufu can be spelled Mofo. Bau can be spelled Baw. Amnesty International has tried to use the closest transcription of the names that were used by the persons we interviewed.

<sup>4</sup> For background information on Sudan's second civil war and the current conflict in Southern Kordofan and Blue Nile, see: Human Security Baseline Assessment for Sudan and South Sudan, *The Conflict in Blue Nile*, 20 August 2012; International Crisis Group, *Sudan's Spreading Conflict (I): War in Southern Kordofan*, 14 February 2013; International Crisis Group, *Conflict Risk Alert: Stopping the Spread of Sudan's New Civil War*, 26 September 2011; Wendy James, *War and Survival in Sudan's Frontierlands: Voices from the Blue Nile*, Oxford University Press, 2009; Danish Demining Group, *Displacement, Disharmony and Disillusion: Understanding Host-Refugee Tensions in Maban County, South Sudan*, February 2013, pp. 6-8. Much of the information in this section is drawn from those accounts.

<sup>5</sup> An additional 73,000 civilians have fled Southern Kordofan, for a total of more than 220,000 refugees stemming from the current conflict. UNHCR, *Refugees in South Sudan*, 27 May 2013, <http://data.unhcr.org/SouthSudan/region.php?id=26&country=251>.

<sup>6</sup> Interviews with visitors to Blue Nile and contacts within the SPLA-N, February to April 2013.

<sup>7</sup> Danish Demining Group, *Displacement, Disharmony and Disillusion: Understanding Host-Refugee Tensions in Maban County, South Sudan*, February 2013, p. 7.

<sup>8</sup> Central Bureau of Statistics, *Fifth Sudan Population and Housing Census - 2008*, 26 April 2009.

<sup>9</sup> According to one estimate, only about 15,000 people remain in Bau locality, mainly trapped in the Ingessana Hills. Southern Kordofan and Blue Nile Coordination Unit, *Rapid needs and opportunity assessment, Kurmuk locality, Blue Nile state*, October – November 2012, p. 2.

<sup>10</sup> Interviews with representatives of the Sudan Relief and Rehabilitation Agency (SRRA – the humanitarian arm of the SPLM-N), Juba, April 2013. See also Blue Nile Humanitarian Coordination Office, *Summary of the Humanitarian and Human Rights Situation*, December 2012 and January 2013.



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<sup>11</sup> In ongoing armed conflicts in Darfur and Southern Kordofan, the Sudanese government employs the same tactic. See, for example, Amnesty International, *Sudan: Civilians caught in unending crisis in Southern Kordofan* (Index: AFR 54/009/2013); Amnesty International, *Sudan: 10 years on: Violations remain widespread in Darfur* (Index: AFR 54/007/2013). The government's reliance on indiscriminate aerial bombardment was a signature feature of the civil war in southern Sudan. See, for example, *Interim report on the situation of human rights in the Sudan prepared by Mr. Gaspar Biro, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1995/77 of 8 March 1995*, UN Doc. A/50/569 (16 October 1995), para. 7.

<sup>12</sup> See also Amnesty International, *"We can run away from bombs, but not from hunger": Sudan's refugees in South Sudan* (Index: AFR 65/001/2012), pp. 10-12. Although Amnesty International did not find any bomb remnants during its visit to Blue Nile state, other groups have reported the use of so-called barrel bombs: crude explosive devices filled with nails and metal shards. Human Rights Watch, *Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile states*, December 2012, p. 35.

<sup>13</sup> One witness remembered the girl's name as Dinga. Although Amnesty International interviewed eyewitnesses to the bombing, we were unable to interview the children's direct family members.

<sup>14</sup> International Covenant on Civil and Political Rights, articles 4 and 6; African Charter on Human and Peoples' Rights, article 4. In zones of armed conflict, international humanitarian law—and in particular its rules on the conduct of hostilities—may determine what constitutes an arbitrary deprivation of the right to life.

<sup>15</sup> Sudan is a state party to the four Geneva Conventions of 12 August 1949. Common Article 3 to the four Geneva Conventions applies to all parties to a non-international armed conflict. In addition, customary international humanitarian law rules applicable to non-international armed conflicts are binding on all parties to the conflict, including Sudanese government forces, pro-government militias, and the SPLA-N. For more information, see Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Vol. I: Rules*, Cambridge University Press, 2005 (hereinafter "ICRC Customary IHL Study").

<sup>16</sup> ICRC Customary IHL Study, Rule 1; see also Protocol I, article 48, and Protocol II, article 12(2) of the 1977 Protocols Additional to the Geneva Convention.

<sup>17</sup> ICRC Customary IHL Study, Rule 156. See also Rome Statute of the International Criminal Court, articles 8(2)(b)(i) and (ii), and 8(2)(e)(i)(ii)(iv) and (xii).

<sup>18</sup> ICRC Customary IHL Study, Rule 12; Protocol I, article 51(4)(a).

<sup>19</sup> ICRC Customary IHL Study, Rule 14; Protocol I, articles 51(5)(b) and 57.

<sup>20</sup> ICRC Customary IHL Study, Rule 156.

<sup>21</sup> ICRC Customary IHL Study, Rules 50-54.

<sup>22</sup> ICRC Customary IHL Study, Rule 151.

<sup>23</sup> Amnesty International interviewed a number of former inhabitants of the Ingessana Hills in the Jammam and Yusuf Batil refugee camps in South Sudan. They had generally lived in precarious situations of displacement for many months before reaching South Sudan; most had arrived only in December 2012. Although many could remember their experiences in vivid detail, they often could only

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estimate dates.

<sup>24</sup> See, for example, "12 killed in air strikes in Blue Nile," Radio Tamazuj, 19 April 2012.

<sup>25</sup> There are gaps of several months or a year in the satellite imagery, which in some cases, together with refugees' lack of clarity regarding dates, prevented Amnesty International from pinpointing the month in which an attack took place.

<sup>26</sup> Satellite imagery analysis commissioned by Amnesty International documented the number of houses in the village.

<sup>27</sup> Satellite imagery analysis commissioned by Amnesty International documented the number of houses in the village.

<sup>28</sup> Amnesty International was not able to pinpoint the exact month; the witnesses we interviewed could not remember exactly how long ago the attack had taken place.

<sup>29</sup> Other witnesses said that the SPLA was in the area, but not in the vicinity of the village.

<sup>30</sup> Komandane indicated that the bullet that hit Abdulaye entered through his back but did not exit his body, and that Issa had been hit by a bullet that had crossed his shoulder, gone through his Adam's apple, and exited through his chin.

<sup>31</sup> See Amnesty International, *Blood at the Crossroads: Making the case for a global Arms Trade Treaty* (Index: ACT 30/011/2008), pp. 84-101, and Amnesty International, *Sudan: No End To Violence In Darfur. Arms Supplies Continue Despite Ongoing Human Rights Violations* (Index: ACT AFR 54/007/201).

<sup>32</sup> According to COMTRADE data under the HS code 930111, 871000.

<sup>33</sup> UN Register of Conventional Arms, data submitted by the Russian Federation on 31 May 2011 and 28 May 2010.

<sup>34</sup> UN Register of Conventional Arms, data submitted by the Russian Federation on 29 May 2009 and 28 May 2010.

<sup>35</sup> UN Register of Conventional Arms, data submitted by Belarus on 10 June 2011.

<sup>36</sup> *Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)*, UN Doc. S/2011/111, 8 March 2011, paras. 81-83.

<sup>37</sup> Interviews, Maban County, Upper Nile State, South Sudan, April 2013. For information on conditions within Blue Nile state, see generally Southern Kordofan and Blue Nile Coordination Unit, *Rapid needs and opportunity assessment, Kurmuk locality, Blue Nile state*, October – November 2012.

<sup>38</sup> Ethiopian traders reportedly bring in food and supplies to the market in Yabus, which is on the border with Ethiopia. However, travel around Blue Nile state is extremely arduous, meaning that the vast majority of people in the state have no access to that market.

<sup>39</sup> The Amnesty International delegation was shown roots known locally as *gob* and *tamakaka*.

<sup>40</sup> Southern Kordofan and Blue Nile Coordination Unit, *Rapid needs and opportunity assessment, Kurmuk locality, Blue Nile state*, October – November 2012, p. 2.

<sup>41</sup> See, for example, Matthew Leriche, "Terror and Crisis in Sudan's Blue Nile state," *Huffington Post*,

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15 January 2013.

<sup>42</sup> Boin said that the woman's son, Mataleh, age about 65, had been shot in the leg by Sudanese forces and was not able to help his mother.

<sup>43</sup> Interviews, Maban County, Upper Nile State, South Sudan, April 2013; see also Southern Kordofan and Blue Nile Coordination Unit, *Rapid needs and opportunity assessment, Kurmuk locality, Blue Nile state*, October – November 2012, p. 21.

<sup>44</sup> The Fellata are an ethnic group of West African origin, made up of nomadic herders who generally speak Hausa or Fulani. They migrated to Sudan early in the twentieth century.

<sup>45</sup> Victims of attacks provided the names of individual militia members whom they had known before the conflict, stating that Fellatas were armed by the authorities when the war broke out. Human Rights Watch has documented similar attacks by Fellata militias, which they understood to be Popular Defense Forces (PDF), official government auxiliary forces. Human Rights Watch, *Under Siege*, p. 40.

<sup>46</sup> The SPLM estimated that some 80,000 people were living in SPLA-held areas as of January 2013. Blue Nile Humanitarian Coordination Office, *Summary of the Humanitarian and Human Rights Situation* (December 2012 and January 2013), p. 3.

<sup>47</sup> See Southern Kordofan and Blue Nile Coordination Unit, *Rapid needs and opportunity assessment, Kurmuk locality, Blue Nile state*, October – November 2012, p. 2.

<sup>48</sup> Sudan Tribune, 'Only ceasefire can allow return of aid groups to Blue Nile and Kordofan – Sudan's FM,' 29 September 2011.

<sup>49</sup> See Montreal Institute for Genocide and Human Rights Studies, 'Sudan Domestic Media Monitoring – Special Report,' 26 March – 24 April 2012, [http://migs.concordia.ca/Media\\_Monitoring/documents/SudanDomesticMediaMontioringSpecialReportApril2012.pdf](http://migs.concordia.ca/Media_Monitoring/documents/SudanDomesticMediaMontioringSpecialReportApril2012.pdf).

<sup>50</sup> In the past, notably, the Sudanese government has denied humanitarian access in order to increase the suffering of disfavored civilian groups. See, for example, Human Rights Watch, *Darfur in Flames: Atrocities in Western Sudan*, April 2004, pp. 33-34.

<sup>51</sup> Joint AU/LAS/UN Proposal for Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in Blue Nile and South Kordofan States, 9 February 2012, <https://groups.google.com/forum/#!msg/sudan-john-ashworth/ahafKC5-Cw4/eu-6HPcPvT8J>.

<sup>52</sup> See *Memorandum of Understanding between the Sudan People's Liberation Movement/North and the African Union/League of Arab States/United Nations Tripartite on Humanitarian Assistance to war-affected civilians in Blue Nile and South Kordofan States*, 4 August 2012. Since that time, the Sudanese government has allowed the World Food Programme, local NGOs and government humanitarian actors to carry out limited food distribution in government-controlled areas. UN News Centre, "Sudan: UN expands aid to conflict-ravaged Blue Nile state after first delivery in 19 months," 11 April 2013, [http://www.un.org/apps/news/story.asp?NewsID=44630#.UZuQ2OS\\_iz8](http://www.un.org/apps/news/story.asp?NewsID=44630#.UZuQ2OS_iz8).

<sup>53</sup> See International Crisis Group, *Sudan's Spreading Conflict (I): War in South Kordofan*, 14 February 2013, <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/198-sudans-spreading-conflict-i-war-in-south-kordofan.pdf>.

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<sup>54</sup> The Humanitarian Aid Commission (HAC) is a government body formally under the authority of the Ministry of Humanitarian Affairs and in charge of overseeing and regulating the work of humanitarian organizations within the country. In practice, HAC imposes heavy restrictions on the work of NGOs, and collaborates closely with the National Security Service (NSS). See *Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)*, UN Doc. S/2013/79, 12 February 2013, p. 31, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_79.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_79.pdf).

<sup>55</sup> Sudan Vision, "New Initiative to Address Humanitarian Situation in South Kordofan, Blue Nile," 12 November 2012, [http://www.sudanembassy.org/index.php?option=com\\_content&view=article&id=776:new-initiative-to-address-humanitarian-situation-in-south-kordofan-blue-nile&catid=13:news-and-events&Itemid=207](http://www.sudanembassy.org/index.php?option=com_content&view=article&id=776:new-initiative-to-address-humanitarian-situation-in-south-kordofan-blue-nile&catid=13:news-and-events&Itemid=207).

<sup>56</sup> See African Union, "Press Release, Summit Ends with Strong Decisions and Declarations by AU Heads of States on Crucial and Topical Issues on the Continent," 28 January 2013.

<sup>57</sup> Interviews with NGO representatives at the Security Council and Western diplomats, April to May 2013.

<sup>58</sup> Interviews with permanent representation staff of Security Council members, New York, April 2013.

<sup>59</sup> See National Security Act, 2010, [http://www.pclrs.org/National\\_Security\\_Law2010.pdf](http://www.pclrs.org/National_Security_Law2010.pdf).

<sup>60</sup> International Covenant on Civil and Political Rights, articles 18 and 19.

<sup>61</sup> International Covenant on Civil and Political Rights, article 9. See also Decision of November 1999, Communications No. 140/94, 141/94 and 145/95, *Constitutional Rights Project, Civil Liberties Organization and Media Rights Agenda v. Nigeria*, para. 51 (interpreting analogous provisions of the African Charter on Human and Peoples' Rights).

<sup>62</sup> See, for example, *Concluding Observations of the Human Rights Committee - Zambia*, CCPR/C/79/Add.62, 3 April 1996. International humanitarian law also prohibits the arbitrary deprivation of liberty, and specifies that no one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees. ICRC Customary IHL Study, Rules 99 and 100.

<sup>63</sup> See, for example, Amnesty International, "Urgent Action, Poet Remains in Indefinite Detention," 8 December 2011.

<sup>64</sup> See the Interim Constitution of the Republic of Sudan, 2005, part 7, art. 211, [http://www.mpil.de/shared/data/pdf/inc\\_official\\_electronic\\_version.pdf](http://www.mpil.de/shared/data/pdf/inc_official_electronic_version.pdf).

<sup>65</sup> See 'Republican decree n°24 of 2011 announcing the state of emergency in Blue Nile,' [http://sudaninet.net/details.php?articleid=3222#.UZ4yLuS\\_jz8](http://sudaninet.net/details.php?articleid=3222#.UZ4yLuS_jz8).

<sup>66</sup> See OCHA, "South Sudan Humanitarian Bulletin," 20-26 May 2013, p.3, and UNHCR, Assossa Fact Sheet, February - March 2013, p. 1.

<sup>67</sup> The camps are named Doro, Gendrassa, Yusuf Batil, and Jammam. A fifth camp, named Kaya, opened up in May 2013, just after Amnesty International's visit to the region.

<sup>68</sup> According to UNHCR guidelines, camps should not be located close to the border—generally not within 50 kilometers of it. UNHCR guidelines on refugee children call for camps to be located "at a safe

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distance from the border of the country of origin or conflict areas to minimize the danger of armed attacks, harassment or military recruitment." Similarly, Article II(6) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa provides, "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin."

The principle of maintaining camps at a safe distance from the border is also reflected in several UNHCR Executive Committee Conclusions, including the 1987 Conclusion on Military or Armed Attacks on Refugee Camps and Settlements. See Conclusion on Military or Armed Attacks on Refugee Camps and Settlements, No. 48 (1987), para. (c); Conclusion on Refugee Children and Adolescents, No. 84 (1997), para. (a)(ii); Conclusion on Refugee Children, No. 47 (1987), para. (e); Conclusion on Personal Security of Refugees, No. 72 (1993), para. (b).

All of the camps but Jammam are within 50 kilometers of the border with Sudan.

<sup>69</sup> This principle has been repeatedly affirmed by UNHCR's Executive Committee. See *A Thematic Compilation of Executive Committee Conclusions*, No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum, "refugee camps and settlements should have an exclusively civilian and humanitarian character."

<sup>70</sup> For example, their level of control does not compare to the level of SPLA dominion over Sudanese refugee camps that existed during significant periods of Sudan's north-south conflict. The SPLA held "unchallenged authority" in refugee camps in Ethiopia during the late 1980s and early '90s, camps that were populated largely by southern civilians. The Ethiopian government "ceded its authority [over the camps] to the SPLA command," which not only diverted aid to fund SPLA military operations, "but also controlled civilians' access to basic necessities." Justice Africa, *Liberating Areas, Exploiting People: The 'Old' SPLA*, 2004, p. 76; Human Rights Watch, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, June 1994, p. 233 (noting that the SPLA had "ultimate authority" in refugee camps in Ethiopia, from which they diverted a considerable amount of food aid).

<sup>71</sup> The information in this section is drawn from interviews with humanitarian personnel, both Sudanese and non-Sudanese, working in refugee camps in Upper Nile state, as well as from the observations of the Amnesty International delegation that visited the camps.

<sup>72</sup> Amnesty International also heard several reports that the SPLA-N has run illegal detention centers in the vicinity of the camps, but Amnesty International was not able to confirm those accounts.

<sup>73</sup> SPLA-N vehicles are entirely covered with mud to make them less detectable from the air, so that they are less likely to be the target of bomb strikes. The look of such vehicles is unmistakable.

<sup>74</sup> Amnesty International was not able to ascertain whether the SPLA-N was recruiting minors in the refugee camps. During our visit to South Sudan, we did, however, see minors working in non-combat functions on SPLA-N bases. We also received reports from other sources that the SPLA-N employs child soldiers, at least on some occasions. The recruitment of children and their use in hostilities is prohibited under international humanitarian law and human rights law. Taking part in hostilities robs children of their childhood, exposes them to terrible dangers, and subjects them to psychological and physical suffering.

<sup>75</sup> Amnesty International, AFR 65/001/2012.

<sup>76</sup> OXFAM, *Upper Nile Refugee Crisis*, 5 April 2013, p. 21. The incident was apparently raised in

"unofficial reports" by humanitarian agencies.

<sup>77</sup> See UNHCR, *Update on Emergency Response Operations in South Sudan, week ending 10 February 2013*, [http://www.unhcr.org/hk/files/2013%20Emergency/South%20Sudan/Weekly%20Update%2013\\_02\\_10.pdf](http://www.unhcr.org/hk/files/2013%20Emergency/South%20Sudan/Weekly%20Update%2013_02_10.pdf).

<sup>78</sup> See Oxfam, *Upper Nile Refugee Crisis*, 5 April 2013; UNHCR, "UNHCR Concerns over Armed Personnel in Maban Camps," *Update on Emergency Response Operations in South Sudan, week ending 24 November 2012*.

<sup>79</sup> UN Security Council, Resolution 2046, 2 May 2012, <http://www.un.org/News/Press/docs/2012/sc10632.doc.htm>.

<sup>80</sup> It is worth noting that even on Syria, where the Security Council is equally divided, the council's April 2012 resolution managed to name the Syrian government as being responsible for widespread violations of human rights. UN Security Council, Resolution 2043, 21 April 2012.

<sup>81</sup> African Union Peace and Security Council, Communiqué PSC/MIN/COMM./2. (CCCIX), 24 April 2012.

<sup>82</sup> OHCHR, *Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011*, August 2011. Among other recommendations, the report calls for an independent, thorough and objective investigation into alleged violations of international humanitarian and human rights law in Southern Kordofan.

<sup>83</sup> "Sudan's defense minister shrugs off potential ICC arrest warrant," *Sudan Tribune*, 29 December 2011.



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## **'WE HAD NO TIME TO BURY THEM'** **WAR CRIMES IN SUDAN'S BLUE NILE STATE**

Nearly two years after the outbreak of war between Sudanese government and rebel forces in Sudan's Blue Nile state in September 2011, the government's onslaught against the state's civilian population continues. In what appears to be a concerted strategy to clear civilians from rebel-held areas of the state, the government has both attacked civilians and denied humanitarian groups access to help them.

The Ingessana Hills, the birthplace of rebel leader Malik Agar, have been particularly hard hit. Using "scorched earth" tactics, the government has carried out a systematic campaign of bombing, shelling, and burning civilian villages. Elderly residents unable to escape were burned alive.

The situation of people who remain in rebel-held areas of Blue Nile is dire. Unable to tend their crops for fear of being bombed, many people – particularly those living in remote parts of the state – face hunger and other hardships. Food supplies are scarce; shelter is precarious, and even the most basic medical care is non-existent.

Some 150,000 people from Blue Nile state now languish in refugee camps in neighbouring Ethiopia and South Sudan. Tens of thousands more have been forcibly displaced within Sudan after fleeing indiscriminate aerial bombings and ground attacks by Sudanese military forces.

This report focuses on war crimes in Blue Nile state, while also addressing the problem of the increasing militarization of refugee camps by rebel forces in South Sudan. It underscores the failure of international efforts to address the violence and to press the Sudanese government to grant humanitarian access. It calls on the UN Security Council and the African Union to take urgent action to prevent further crimes.

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