

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Sudan's civilians in crisis: Indiscriminate attacks and arbitrary arrests pervade Southern Kordofan**

Amnesty International is deeply concerned about ongoing indiscriminate attacks by the Sudanese Armed Forces (SAF) and the Sudan Peoples Liberation Army-North (SPLA-N) in Sudan's Southern Kordofan State. This includes indiscriminate aerial bombardments by the SAF and indiscriminate shelling by the SAF and SPLA-N in and around Kadugli, the capital of Southern Kordofan. While thousands of people have fled since fighting intensified in October, many civilians remain effectively trapped in the area.

Food sources, including crops, have been destroyed in bombing attacks and the authorities continue to refuse access for humanitarian aid. Recent reports that people attempting to flee have been arrested are deeply troubling, as are reports that people from the Nuba ethnic group are being arbitrarily detained on the basis of their ethnicity and perceived support from the political wing of the SPLA-N, known as the SPLM-N.

As a consequence of the ongoing bombardments, arbitrary arrests and denial of humanitarian aid, Amnesty International believes that the situation for the civilian population of Southern Kordofan has deteriorated in recent months.

This document details human rights violations and abuses by the SAF and SPLA-N in the context of intensified fighting in Southern Kordofan since October 2012.

#### **Indiscriminate aerial attacks by the SAF**

Since October 2012, with intensified ground fighting between the SAF and SPLA-N, Amnesty International has received reports of aerial bombardments by the SAF, including in and around Southern Kordofan's capital, Kadugli and its surrounding localities.<sup>1</sup> These aerial attacks have resulted in deaths and injuries of civilians, and the destruction of peoples' homes, crops, livestock and other civilian objects.

In the months of October and November alone, national human rights monitors in Southern Kordofan documented over 200 bombs dropped by the SAF, mostly by Antonov aircrafts in areas of Southern Kordofan controlled by the SPLM-N. Many of the attacks occurred during the harvest season, destroying crops and killing livestock, in addition to preventing civilians from farming due to fear of being bombed.

Coupled with the Sudanese government's obstruction of humanitarian access to conflict-affected areas since June 2011, this has meant that the civilian population in Southern Kordofan continues to face serious food shortages. Some areas, including parts of northern Heiban locality, were unable to harvest at all, resulting in acute food insecurity and further displacement, both internally and to refugee camps in South Sudan's Unity State.<sup>2</sup> In the last week of November alone over 2,800 refugees arrived in Yida refugee camp due to the fighting and lack of food.<sup>3</sup>

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<sup>1</sup> Reports from national human rights monitors in the region

<sup>2</sup> National humanitarian workers in Southern Kordofan

<sup>3</sup> OCHA Humanitarian Update, 26 November-2 December, available at:

[http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Sudan%20Weekly%20Humanitarian%20Bulletin%20Issue%2047%20%2826%20Nov%20-%202%20Dec%202012%29\\_1.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Sudan%20Weekly%20Humanitarian%20Bulletin%20Issue%2047%20%2826%20Nov%20-%202%20Dec%202012%29_1.pdf)

Amnesty International has received reports that markets, health clinics and churches have also been destroyed in the aerial bombardments. For example, on 20 November, national human rights monitors reported 14 bombs dropped in the town of Heiban and the nearby village of Um Dalu, three of which landed in Heiban marketplace, during the day. As a result of the bombings two men, aged 23 and 25 years respectively, were reportedly injured and the Catholic Church building in Heiban was destroyed. Three days earlier, four bombs were reportedly dropped in Buram County by the SAF, killing a 42-year-old woman, and injuring a six-year-old girl, in addition to destroying three civilian dwellings.<sup>4</sup>

These aerial attacks use unguided munitions dropped from aircraft at high altitudes. Even if such attacks are aimed at a military objective, when the areas around military targets are populated by civilians the use of these unguided weapons means it is not feasible to ensure compliance with the principle of distinction between civilian and military objects, and between civilians and combatants. Launching an attack with such weapons in these circumstances amounts to an indiscriminate attack which violates international humanitarian law and can constitute a war crime.

### **Indiscriminate attacks by the SPLA-N in and around Kadugli**

On 8 October, the SPLA-N began shelling Kadugli, the capital of Southern Kordofan. According to the UN, at least three civilians were killed on 13 November when mortar shells hit Kadugli town and landed close to Kadugli's bus station.<sup>5</sup> National human rights monitors stated that the three people killed were a family - a mother, father and daughter. According to the UN 18 people, many of whom were civilians, have been killed and 32 injured in Kadugli town since the shelling started.<sup>6</sup>

The SPLM-N have made several appeals, which have been relayed through informal channels including through community leaders, for civilians to move away from SAF military installations in Kadugli town. Reports from national NGOs and human rights monitors indicate that more than half the population has fled the town, and that shops and markets have been closed. However, even where a warning has been issued, parties to a conflict must comply with the principle of distinguishing between civilians and military objectives. Amnesty International takes the view that the 120mm mortars and other battlefield weapons used by the SPLA-N are inappropriate for an urban environment when civilians are present. They are not capable of precise targeting and their persistent use in these circumstances constitutes indiscriminate attacks.

### **Civilians prevented from leaving conflict-affected areas**

Tens of thousands of people have fled the conflict-affected areas since October. However, Amnesty International has received disturbing reports of attempts to prevent people leaving the area. Government authorities, including the Kadugli Commissioner and elements of the security forces, have blocked exit routes out of Kadugli in an attempt to prevent civilians leaving the town. There have also been reports of people arrested while attempting to leave the area. Such actions by government authorities violate the right to freedom of movement. They also violate international humanitarian law which requires parties to a conflict do everything feasible to evacuate the civilian population from the vicinity of military objectives.

### **Arbitrary Arrests of Civilians**

In the past month alone, Sudanese security forces and military intelligence have carried out a campaign of arrests targeting people from the Nuba ethnic group in Southern Kordofan, apparently on the basis that the Nuba support the SPLM-N. Information obtained by Amnesty International from national human rights monitors, NGOs and family members indicates that over 90 people were arrested in Kadugli and Dilling. This included 32 women who were

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<sup>4</sup>Reports received from national human rights monitors

<sup>5</sup> OCHA *Humanitarian Update*, 12-18 November 2012, available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report\\_1166.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full%20Report_1166.pdf)

<sup>6</sup> *Ibid*

arrested in Kadugli on 10 and 11 November. While two of the women were released, the other 30 reportedly remain in incommunicado detention in Kadugli, without access to a lawyer or their families. On 18 November, 60 civilians, including men and women, were reportedly arbitrarily arrested in Dilling, Southern Kordofan's second biggest town, and taken to the military barracks in Dilling before being transferred to Kadugli, where they have no legal representation or access to their families.<sup>7</sup> The majority of those arrested are from the Oncho tribe which is part of the Nuba ethnic group.<sup>8</sup>

On 5 December, eight of the 60 civilians from Dilling were reportedly released after their families paid security officers. The payments were outside of any legal procedures as the detainees have not been brought before a court of law or charged. Security officers have reportedly threatened the other families that if they do not pay, their relatives will continue to be detained.<sup>9</sup>

Arbitrary arrest of individuals on the basis of their ethnicity violates international law, as does arbitrary detention without bringing detainees before a court and without allowing them access to legal representation or to their families, placing them at risk of torture and other ill-treatment.

Furthermore, there is concern that the arrests coincide with statements made by Ahmed Mohammed Haroun, Governor of Southern Kordofan. The Governor is reported as having said that the "insurgents" have "opened the doors of hell" and adding that "we will not defend anymore, we will kill in order to purify this state and free those who are detained by the insurgency forces – Wipe them all: bring them alive and eat them raw."<sup>10</sup> In April 2012, in footage obtained by Al Jazeera, of Ahmed Mohammed Haroun is seen on camera addressing the SAF and stating that "You must hand over the place clean. Swept, rubbed, crushed. Don't bring them back alive. We have no space for them."<sup>11</sup> Ordering or threatening that there will be no survivors, whether the individuals concerned are civilians or fighters, is a violation of international law and a war crime.

Ahmed Mohammed Haroun is the subject of an arrest warrant by the International Criminal Court, issued in 2007, for 22 counts of war crimes and 20 counts of crimes against humanity committed in the course of the conflict in Darfur from 2003.

## **Background**

Conflict broke out between the SAF and SPLA-N in Southern Kordofan State and subsequently, Blue Nile State in June and September 2011. On 2 September 2011, Sudan's President Omar al-Bashir declared a state of emergency in Blue Nile and the SPLM-N governor Malik Agar was dismissed and replaced by a military commander. On 29 April 2012, a state of emergency was declared in a number of localities in states bordering Sudan including seven localities in Southern Kordofan.

The state of emergency provides the president with greater powers to suspend the bill of rights, with the exception of a limited number of rights including the right to a fair trial, the right to life, and prohibition of torture which cannot be suspended; dissolve or suspend any of the state organs or powers and prescribe the manner in which the affairs in the state will be

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<sup>7</sup> Information obtained from national NGOs during November 2012

<sup>8</sup> The SPLM-N in Southern Kordofan is predominately made up of the Nuba ethnic group. For more information see Small Arms Survey, *Conflict in South Kordofan/Nuba Mountains*, 18 November 2011, available at: <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/abyei/HSBA-Conflict-in-SK.pdf>

<sup>9</sup> Information received from family members and national NGOs

<sup>10</sup> Article available in Arabic in the Sudan Tribune:

<http://www.sudantribune.net/%D8%AA%D8%B9%D8%B2%D9%8A%D8%B2%D8%A7%D8%AA-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9,3971>

<sup>11</sup> Al Jazeera, *Sudan governor to troops: 'Take no prisoners'*, 1 April 2012, available at:

<http://www.aljazeera.com/news/africa/2012/03/2012331114433519971.html>

managed; and take any measures which are deemed necessary which will have the force of law.<sup>12</sup>

Humanitarian access to the conflict-affected areas of Southern Kordofan and Blue Nile has been denied since the conflict broke out. Hundreds of thousands of people have been internally displaced as a result of the conflict, and over 200,000 have fled to refugee camps in Ethiopia and South Sudan.<sup>13</sup> Negotiations with the aim of implementing the tripartite agreement to allow for impartial and independent humanitarian assistance to the two areas, as proposed by the UN, African Union and Arab League remain stalled. This is despite the Government of Sudan and SPLM-N signing of two separate Memoranda of Understanding with the AU High Level Implementation Panel in August 2012.

In August 2011, the Office of the UN High Commissioner for Human Rights (OHCHR), in a report detailing allegations of unlawful killings, mass destruction and looting of civilian property, and other violations that could amount to war crimes and crimes against humanity, called for an independent, thorough and objective inquiry into the alleged violations of international human rights and humanitarian law in Southern Kordofan, with a view to holding perpetrators to account. It called for the lifting of immunities of members of the military and security forces who are alleged to have been involved in violations of international law, to allow for prosecutions and trials in compliance with due process and fair trial standards. Amnesty International reiterates the call for an independent and impartial inquiry, which should look into the allegations of violations which have taken place in Southern Kordofan since the OHCHR report was published, as well as allegations of violations committed in Blue Nile, where conflict erupted on 1 September 2011.

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<sup>12</sup> The Interim National Constitution of the Republic of Sudan, 2005, Part 14, available at:

<http://www.pclrs.org/downloads/bills/Constitutional%20Law/Sudan%20National%20Constitution%202005.pdf>

<sup>13</sup> For more information see Amnesty International's report '*We can run away from bombs, but not from hunger*': Sudan's Refugee's in South Sudan (AFR 65/001/2012), June 2012, available at:

<http://www.amnesty.org/en/library/asset/AFR65/001/2012/en/107d41a7-50c9-4eb9-9fe7-59afb3ec63ff/afr650012012en.pdf>