

# briefing

## Sudan

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## **1. Summary**

Peace talks in Naivasha, Kenya under the auspices of the Intergovernmental Authority on Development (IGAD) have made slow but steady progress, due largely to sustained Western, and particularly American pressure. The latest breakthrough was an agreement on wealth sharing for the six-month pre-interim period and six-year interim period prior to the holding of a southern referendum on self-determination.

However, the most intractable issues remain to be discussed. Of these, two stand out as having the potential to seriously undermine, if not destroy, prospects for a final North-South peace treaty. The first concerns future arrangements for the three marginalized areas, namely, the Nuba Mountains, Southern Blue Nile (also known as the Funj Region), and Abyei. The second involves the separation of church and state, and the Sudan Peoples Liberation Army request that as the capital of a unitary state, Khartoum should be exempt from Shari'ah Law during the interim period. Unfortunately, recent pronouncements by Sudanese President El Bashir that the IGAD talks have no authority to settle the issue of the disputed territories and that the Government of Sudan (GoS) would not relinquish Shari'ah law have begun to raise doubts regarding the conclusion of a final peace treaty

Moreover, while there has been steady progress at the peace talks in Naivasha, events elsewhere in Sudan illustrate that the GoS continues to espouse repressive policies. This has occasioned concern in certain quarters regarding the true ambitions of the GoS, fuelling speculation that peace negotiations in Kenya may be a temporary necessity on the part of the government to prevent having to fight a war on several fronts.

In the north, opposition politicians, students, human rights defenders, journalists and trade unions continue to face harassment, arbitrary detention and torture. Restrictions on freedom of the press continue despite an October 2003 assurance by the president that this was at an end. Harsh and discriminatory sentences continue to be passed, such as the sentence of 100 lashes handed down to a 16 year old Dinka Christian school girl for giving birth out of wedlock.

In Darfur, where the GoS faces two armed uprisings, it is conducting a campaign of ethnic cleansing involving the systematic abuse of the human rights of the African peoples of Darfur comparable to its actions during the height of its brutality in southern Sudan and the Nuba Mountains. Government tactics include the bombing of civilian targets, the razing of villages by government troops and allied Arab militias, the massacre of civilians, the rape and abduction of women and children and, what many analysts are now terming the 'systematic' denial of humanitarian aid.

## **2. Agreement on wealth sharing**

In what the Sudan Peoples Liberation Movement/Army (SPLM/A) leader John Garang described as a 'paradigm shift', the key Sudanese warring parties signed an agreement on wealth sharing on 7 January 2004 covering the division of oil and non oil revenues, the management of the oil sector, monetary regulations and the reconstruction of war affected areas.

The agreement will allow southern Sudan a significant degree of economic independence during the six-month pre-interim period and the subsequent six-year interim period prior to a referendum on self-determination. Under its terms the SPLM/A allows the GoS to retain half of the region's oil and non-oil revenues during these interim periods, whilst each oil-producing state will receive two percent of net oil wealth 'in proportion to output produced

in such states/regions'<sup>1</sup>. The agreement allows for the creation of an independent National Petroleum Commission with representatives from north and south to manage the oil sector.

Importantly, while the SPLM/A agrees to respect existing oil contracts, the agreement provides an avenue of legal remedy for 'persons whose rights have been violated by oil companies by stating that they are 'entitled to compensation.' Under its terms the GoS is also obligated to 'implement necessary remedial measures' in cases where the execution of contracts have caused 'fundamental social and environmental problems.'<sup>2</sup> These provisions ought to be of concern to such oil companies as Austria's OMV, and Malaysia's Petronas whose activities along with others, were shown in a recent and authoritative study by Human Rights Watch<sup>3</sup> to have amplified government-led abuses of local populations in areas where they hold oil concessions. The agreement also gives communities living in and around oil concessions 'the right to participate through the respective states/regions in the negotiation of contracts for the development of these resources'<sup>4</sup>.

The agreement establishes two separate bodies, the Southern Sudan Land Commission and the National Land Commission charged with arbitrating land disputes 'between willing contending parties' and deciding on matters of compensation. The parties also agreed to the introduction of a new national currency and to the creation of a dual banking system during the interim period, with an Islamic banking system operating in northern Sudan and a conventional system operating in the south.

### **3. Key outstanding issues**

The first outstanding issue involves power sharing and the interaction between the three levels of government that will exist during the interim period. The first level is the central or national government where all the political parties of Sudan are to be represented. Particularly problematic are the issues of a rotating presidency and the position of vice president, with northerners still baulking at the prospect of an African president at some future date. The percentage and nature of ministerial posts that will be turned over to the SPLA are also a source of disagreement. The SPLA is keen to avoid being allocated powerless and insignificant ministerial positions, as has occurred in the past, and is deeply concerned by the NIF's numerous parallel systems that govern security and other areas of government which may eventually prevent any SPLA ministerial quota from exercising true power.

The next tier of government involves the authority that is to govern southern Sudan, and the final tier is the future government of the country's states and regions. As stated earlier, the matter of how these various tiers will relate to each other remains to be resolved.

Despite the complexities involved, the Sudanese Foreign Minister Mustafa Othman Ismail expressed that his government hopes to sign a peace deal with the SPKA before the end of January, or within weeks at the latest. "We hope a power-sharing agreement will be signed before the end of the month, God willing."<sup>5</sup> However, this did not occur.

Another problematic issue involves future arrangements for the three marginalized areas, namely, the Nuba Mountains, Southern Blue Nile (also known as the Funj Region) and the oil rich district of Abyei. Historically these areas were administered as part of northern Sudan. However, they share the ethnicity and aspirations of southern Sudan. Successive northern governments have consistently underdeveloped these areas, and their peoples have fought

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<sup>1</sup> Agreement on Wealth Sharing During the Pre-Interim and Interim Period' Naivasha, Kenya, 7 January 2004

<sup>2</sup> As above

<sup>3</sup> 'Sudan, Oil and Human Rights', Human Rights Watch, November 2003

<sup>4</sup> 'Agreement on Wealth Sharing'

<sup>5</sup> 'Sudanese Foreign Minister says final peace accord could be reached within days', AP, 10 January 2004

alongside the southerners. The eventual fate of oil-rich Abyei in particular appears to be causing a deadlock in the negotiations.<sup>6</sup>

Finally there is the separation of state and religion. The SPLM/A initially asked for the south to be exempt from Shari'ah law, along with Khartoum, given the fact that the latter will function as the capital of a unified and not exclusively Islamic state. The government is adamant that Shari'ah will prevail throughout northern Sudan.

#### **4. Southern reactions**

Southerners appear happy that a longed-for peace may at last be at hand, but continue to be wary regarding the government's ultimate commitment to the process. In the words of Natalino Losuba Mana the southern Sudanese who runs Norwegian Peoples Aid in Yei County, 'no one is celebrating yet. We'll wait to see these promises of peace fulfilled rather than living in hope. We still fear we will make a very good agreement that will never get beyond paper'.<sup>7</sup>

At a meeting in Nairobi on 6 December 2004 Southern Sudan's fledgling civil society organisations demanded the immediate establishment of a Truth and Reconciliation Commission (TRC) once a final peace agreement between the government and the SPLA is signed. Although both warring parties are not overly keen on this idea, egregious human rights abuses such as those perpetrated in the past in southern Sudan and the Nuba Mountains cannot simply be ignored, and indigenous civil society groups are convinced that a TRC could facilitate 'harmony, co-existence and forgiveness among the people of Sudan'.<sup>8</sup> 'Justice through accountability for past abuses is ... critical to a lasting peace and laying the foundation for respect for the rule of law' in the post civil war era.<sup>9</sup>

#### **5. Human rights abuses in Northern Sudan**

While encouraging breakthroughs have indeed occurred at the peace talks in Kenya, events elsewhere in Sudan continue to be a cause for serious concern.

Firstly, the government continues to restrict freedom of expression and to violate the rights of its citizens in northern Sudan.

In August 2003 President El Bashir announced that state censorship of newspapers should be removed. In practice this has not occurred.

On 2 September 2003 the daily Al Alwan was suspended until 24 September. A further ban was imposed two days later, which was eventually lifted on 16 October.

On 13 September 2003 The Khartoum Monitor, an English Language daily was suspended in defiance of an appeal court ruling that quashed an earlier cancellation of the paper's licence. The paper was allowed to reappear on 16 October 2003. However, on 24 November the paper was suspended for the seventh time in two years, allegedly for promoting slavery, working against the peace process and working against the government.

On 30 September 2003 the authorities suspended the Al Azimah newspaper. The ban was eventually lifted on 16 October

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<sup>6</sup> 'Oil-rich Abyei major stumbling block to Sudan peace deal: Khartoum', AFP, 18 January 2004

<sup>7</sup> Cited in 'Sudan: Looking forward to peace', IRIN, 29, 12, 2003

<sup>8</sup> Sudan: Civil society demands war crimes probe, Joyce Mulama, Inter Press Service (IPS), 10 December 2003

<sup>9</sup> 'Sudan: Human rights and political inclusion must be part of Sudan peace agreement' Briefing paper, Human Rights Watch, September 2003

On 16 November 2003 the Sudanese authorities accused the independent paper Al Ayam of publishing articles that threatened national security and suspended the paper for six days. This was followed by a further ban in December, when, according to the paper's editor, security operatives entered the paper's printing house and, using a favoured tactic, stopped the presses two thirds of the way through their run, thereby causing great financial loss.

In December the Sudanese National Security Forces allegedly visited the offices of the independent television channel Al Jazeera and informed them of the government's displeasure at some of its programmes.<sup>10</sup> Then on 17 December security operatives raided the agency's Khartoum offices, confiscated equipment and arrested journalist Salih Adam Belo and camera man Hamid Tirab for three hours. The following day the authorities closed the Al Jazeera offices and Salih Adam Belo was rearrested and held incommunicado by the forces of the National Security Authority (NSA). Under the National Security Forces Act this particular organ of the Sudanese security system is allowed to detain people without charge or trial for up to nine months. In its official explanation for the arrest of Mr Belo, the organisation stated that Al Jazeera was transmitting programmes that were 'stuffed with false information and poor, biased analyses and with pictures and scenes selected to serve its ends'.<sup>11</sup> It cited as evidence reports about tuberculosis, landmine victims in Sudan and events in the western Darfur region.

Mr Belo was eventually released from Kober Prison on 24 December. However the journalist continues to undergo interrogation, and on 1 January 2004 the Sudanese security authorities were reported to have asked the Khartoum government to withdraw Al Jazeera's licence to run an office in the country.

Other journalists have also faced difficulties. On 12 November the Editor of the Khartoum Monitor Nihal Bol fled northern Sudan following a sustained campaign of harassment, which included regular death threats from the NSA and an alleged assassination attempt in July 2003. Then on 15 November security forces in Nyala, Darfur detained journalists Gasim Taha of Al Sahafa newspaper and Mouhanad Hussain of Akhbar Alyum for a day. The two journalists had been preparing a report on the torching of two villages in southern Darfur province by Arab militias.

The continuing restrictions on press freedom have led to protests both locally and internationally. Most significantly on 13 December 2003 the German news agency DPA reported that Sudanese journalists organised a sit in protest at the offices of Al Ayam and the Khartoum Monitor protesting the banning of the two newspapers. 35 Sudanese journalists representing 17 newspapers also signed a statement which declared that they hoped their action would serve to 'guarantee rights of expression and to enhance freedoms', and called for a lifting of the bans and for fair trials for the two papers.<sup>12</sup>

The US Embassy in Sudan also called for a lifting of the two bans, stating that the two papers had been charged on dubious grounds and had not been convicted of wrongdoing. The embassy pointed out that the bans called into question the Sudanese government's commitment to press freedom, and added ominously for Sudan, that an improvement in Sudan's human rights performance would be the deciding factor in any US decision to normalise relations with the country.<sup>13</sup>

The harassment of trade unionists and human rights defenders has also continued. On 21 December 2003 the NSA arrested nine members of the General Trade Union Council at a

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<sup>10</sup> Amnesty International, 'Fear of Safety. SUDAN: Islam Salih Belo, Journalist, UA, 22 December 2003

<sup>11</sup> 'Sudan releases detained Al Jazeera Correspondent', Sudan Tribune, Thursday 25 December 2003

<sup>12</sup> Sudanese journalists protest ban on two opposition newspapers', DPA, 13 December 2003

<sup>13</sup> US Embassy in Sudan says human rights, not peace process, is priority', DPA, 16 December 2003

peaceful meeting in a house in Shambat, Khartoum North. The men were interrogated about the activities of their organisation. They were released seven and a half hours later and ordered to report to the agencies offices the following morning at 11. The following day the men were not questioned, but held until 6 pm and again ordered to report back on the following day.

On 28 December the NSA arrested Dr Madawi Ibrahim Adam, human rights activist, consultant engineer at Lamba Engineering Company and chairperson of the Sudan Development Organisation (SUDO), a registered non-governmental organisation (NGO). Dr Adam was seized at his home in Omdurman, Security force operatives are said to have searched the house, seized documents and damaged the building. One of the documents seized was a tender for a project to develop water stations in southern Sudan.<sup>14</sup>

According to the Sudan Organisation Against Torture (SOAT) subsequent to his arrest Dr Adam was taken to his office at Lamba Engineering in Khartoum. The offices were searched and his computer and other items were confiscated. He was detained without charge at an unknown location, and on 3 January 2004 SOAT received information that confirmed that Dr Adam had been transferred to Kober prison. The authorities have yet to give a reason for Dr Adams' detention. However it is known that he had recently travelled to Darfur, and this may have drawn the government's attention.

Students continue to receive harsh treatment, including torture, at the hands of security operatives. On 5 January SOAT received news of the arrest of Waiel Taha, a Khartoum University student activist and SOAT member. Another student, Yousif Fat'h Al Rahman was also arrested. According to SOAT, the two men were separated and Mr Al Rahman was taken to an NSA building where five security officers subjected him to torture. He was subjected to death threats, punched in the face, beaten on the soles of the feet and the back, kicked, pressed in the stomach, forced to drink three litres of water from a bottle inserted in his throat, and strangled. He was also hurled onto a road while handcuffed and is currently receiving treatment for his injuries.<sup>15</sup>

The NSA initially denied holding Mr Taha, but eventually released him on bail in the early hours of 7 January 2004, charging him under articles 144 (Intimidation) and 182 (Criminal Mischief) of the 1991 Penal Code. He too had been tortured. On the first day of his detention he was blindfolded, tied to a chair, hit in the genitals, beaten with a hose for two hours and threatened with rape.<sup>16</sup>

In northern Sudan Shari'ah law is currently applicable to all, regardless of their religious affiliation. In a recent case highlighted by both SOAT and Amnesty International, a court in the Kalaka suburb of Khartoum sentenced Intisar Bakri Abdulgader, a teenage student, to 100 lashes for adultery after giving birth to a child out of wedlock. Article 145 of the Penal code defines intercourse outside of marriage as adultery. Ms Abdulgader's family is of southern Sudanese descent, and although her father is Muslim she was brought up to follow Christianity, her mother's religion. In an interview with the news agency Agence France Presse, Ms Abdulgader said that her mother had tried in vain to persuade the alleged father to marry her and sign a statement admitting responsibility for the child.<sup>17</sup> Instead the man in question denied ever having met her, and in accordance with Sudanese Islamic law, this denial was sufficient to exonerate him. The sentence, if carried out, would be violation of Sudan's undertakings under several international conventions to which it is party, including the Convention Against Torture (CAT- that Sudan has signed but has yet to ratify), and such

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<sup>14</sup> 'Arbitrary arrest of human rights defender in Sudan' SOAT news release, 6 January 2004

<sup>15</sup> Member of SOAT student network arrested in Khartoum, SOAT news release, 6 January 2004

<sup>16</sup> Update: Member of SOAT student network arrested in Khartoum, SOAT press release, 9 January 2004

<sup>17</sup> Flogging for Sudanese girl prompts protests: activists', AFP, 22 December

binding legislation as the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR).

On 29 December the Christian News Agency Compass Direct reported that the authorities had demolished more than 10 Christian churches and a church-run vocational training centre in the Wad el Bashier camp in West Omdurman during the preceding two months. Demolition crews are reported to have razed centres affiliated to the Anglican Church, the African Inland Church, the Roman Catholic Church and the Sudan Church of Christ, as well as several mosques, health centres, shops, latrines and bakeries. The events occurred during the cold winter months immediately preceding the Christmas season and affected 15,300 households that were subsequently moved to what one source termed 'a deserted piece of land which lacked supplies of water'. A UN report estimates that almost 7,500 shelters, houses and latrines will eventually be affected under this demolition order.<sup>18</sup>

## **6. Ethnic cleansing and arbitrary detention in Darfur**

Events in Darfur continue to be a source of great concern. It is in this region in particular that the GoS has embarked on policies that are causing many to doubt the nature of its commitment to the peace and well being of Sudan.

In mid December 2003 peace talks in Chad between the GoS and one of the armed rebel groups, the Sudan Liberation Army (SLA) broke down. The Chadian senior mediator appeared to blame the SLA for making demands that were 'unacceptable' and that the GoS termed 'unrealistic'. However, the SLA had long questioned the impartiality of the Chadian government, and its main demand was that a neutral country under the auspices of Nigeria, the European Union (EU) and the Arab League should observe the peace talks. The second, according to the SLA, was its desire to include other armed factions, including the Justice and Equality Movement (JEM) in negotiations. However according to the GoS, the SLA had demanded to be recognised as the sole representative of the Darfur rebellion and had asked the that the GoS hand-over a military garrison of western Sudan.

Fighting has intensified since the breakdown of the talks. Heavy fighting has been reported in all three Darfur states, and nine villages are reported to have been destroyed in December 2003 alone. Both sides stand accused of violating the ceasefire negotiated in September 2003, and once again civilians have borne the brunt of the suffering.

The GoS is keen to stem the flow of information on events in Darfur, hence the constant harassment of journalists and others who visit or report on the region. Nevertheless, the information that is seeping out of Darfur indicates that the government is conducting a campaign of ethnic cleansing involving the systematic abuse of the human rights of the Fur, Zaghawa, Massalit and other African peoples of Darfur. It has been compared to its actions during the height of its brutality in southern Sudan and the Nuba Mountains. Government tactics include the bombing of civilian targets, the razing of villages by government troops and allied Arab militias known locally as the Janjaweed (man with a horse and a gun), the massacre of civilians, and the rape and abduction of women and children and what many analysts are now terming the 'systematic' denial of humanitarian aid.<sup>19</sup> In addition the government is arbitrarily detaining civilians suspected of being sympathetic to the SLA or the JEM, and subjecting the people of Darfur to arbitrary justice.

In Darfur, the GoS is again making use of racism against the African peoples who form a majority in the region, and is manipulating ethnicity in the same manner as it previously manipulated religion in southern Sudan. The government onslaught on African Muslim

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<sup>18</sup> Focus on Sudan, News from Compass Direct, 29 December 2003

<sup>19</sup> 'Ethnic Cleansing in Darfur: Systematic, Ethnically based denial of humanitarian aid is no context for sustainable a peace agreement in Sudan', Professor Eric Reeves, 30 December 2003

civilians has been so ferocious that one African tribal leader from Darfur is quoted as stating: 'I believe this is the elimination of the Black race'<sup>20</sup>. The testimony of survivors seems to indicate that this may indeed be the aim of the attackers. For example, Tamur Bura Idriss, a 31 year old who survived an attack by militias on refugees who were camped just inside the Chad border heard the gunmen say 'you blacks, we are going to exterminate you.'<sup>21</sup>

The government initially attempted to deny involvement in events in the region and sought to dismiss the conflict as being one of competition between sedentary and pastoral tribal peoples for the scarce resources in this extremely under developed region. The conflict may well have had its roots in the traditional low-level competition for resources. However, the government's intervention on the side of pastoralist Arab tribes, through the clearing of land for Arab tribes of Chadian origin and the provision of troops and armaments, escalated the violence and eventually led to two armed uprisings. In a December statement MPs from Darfur emphasised the political nature of the conflict and accused the NIF government of manipulating traditional ethnic tensions and pursuing a policy of Arabisation in order to maintain a base of support in the region.<sup>22</sup>

Following the breakdown of the peace talks, President el Bashir recently told a crowd that the government's 'priority from now on is to eliminate the rebellion'. Moreover, in a statement that highlighted the link between the government and the Janjaweed he added: 'we will use the army, the police, the mujahedeen, **the horsemen** to get rid of the rebellion'.<sup>23</sup> His willingness to openly speak of utilising the Janjaweed, who primarily attack villages containing non-combatants, is ominous. The GoS also stated that it would begin to prosecute leaders of the Darfur uprising under terrorism laws and seek their extradition from abroad.

Few, in any event, had been convinced by the government's earlier protestations of innocence in connection with events in Darfur. An investigation by Amnesty International into events in the region had concluded that there was 'compelling evidence that the Khartoum government is largely responsible for the human rights and humanitarian crisis in Darfur'.<sup>24</sup> Moreover, in an echo of events in southern Sudan, the Brussels based human rights NGO the International Crisis Group noted in December that the government of Sudan has mobilized and armed Arab militias (Janjaweed), whose salary comes directly from booty captured in raids on villages, to terrorise the populace of Darfur'.<sup>25</sup>

As was the case in southern Sudan, the raids in Darfur are systematic and brutal. In an event that further underlines the fact that the GoS is using tactics honed in the killing fields of Bahr al Ghazal and the Nuba Mountains to devastating effect, Amnesty International recently received reports of the abduction of 13 people - three women and many children under 18 and some as young as nine - from Ma'un village, in south Kornoy, West Darfur State.<sup>26</sup> Even more recently, refugees interviewed by a UNHCR emergency team visiting a makeshift refugee site in Djoran in Chad consistently and independently described attacks on their villages by marauding Arab militia groups during which women and girls are raped and kidnapped and goods and livestock are looted. One man from the village of Gurama in Darfur told of an attack on his village by 150 men on camel and horseback. He fled into the surrounding hills with his pregnant wife and children, and his wife gave birth the following day. However the Janjaweed proceeded to set the surrounding bush on fire forcing the family to escape to another hill. The man, who fled on a donkey, said he had left his wife and

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<sup>20</sup> Feature- Death and destruction in Darfur, IRIN, 11 December 2003

<sup>21</sup> Cited in 'War in Western Sudan Overshadows Peace in the South', Somini Sengupta, The New York Times, 17 January, 2004

<sup>22</sup> Darfur MPs urge international intervention, IRIN, 15 December 2003

<sup>23</sup> Sudanese President says war against outlaws is government priority', AP, 31 December 2003

<sup>24</sup> Amnesty International, 23 November 2003

<sup>25</sup> Cited in 'Death and Destruction in Darfur, IRIN, 10 December 2003

<sup>26</sup> 'Abduction/Fear of Safety', Amnesty International UA, 7 January 2004

children in hiding in Sudan while he checked on conditions in Djoran. Another refugee told the UNHCR team that she had managed to escape Gurama along with her five children, but that the Janjaweed had murdered her father in his hut.<sup>27</sup>

The UN estimates that at least 3000 people have died since February 2003. USAID puts the figure at 7000<sup>28</sup>. According to the UN envoy for humanitarian affairs in Sudan, a million people are currently affected by the civil war currently raging in Darfur<sup>29</sup>. UNICEF estimates that over 750, 000 people have been displaced since February 2003.<sup>30</sup> The UN also estimates that 95,000 Darfur civilians have fled to neighbouring Chad. 30,000 are reported to have poured over the border during December alone<sup>31</sup> and in one incident over the weekend of 2-5 January 2004 up to 3000 families are reported to have fled their razed and looted villages for the town of Junaynah.<sup>32</sup>

The continuing and systematic abuses perpetrated in Darfur by the government and its allied militias have even forced the UN to become more vocal on events in the region. In December United Nations Secretary-General Kofi Annan expressed alarm at reports of "killings, rape and the burning and looting of entire villages," perpetrated against civilians in Darfur, and the obstructing of humanitarian efforts there. Jan Egdand, the UN Under Secretary for Humanitarian Affairs, described the humanitarian crisis in Darfur as 'possibly the worst in the world today', while Mukesh Kapila, the UN's Humanitarian Coordinator in Sudan told the BBC that the Sudan Government was preventing food and medical supplies from reaching Darfur province, either for security reasons, or in order to mask alleged human rights abuses: 'one must say there is a prima facie case that some of the denials of access may well be related to the discomfiture of the parties concerned to allow international witnesses'.<sup>33</sup> Mr Kapila also warned that Darfur could be an arena of the worst humanitarian crisis in Sudan since tens of thousands lost their lives in the 1998 government induced famine in Bahr-al-Ghazal.

As well as prosecuting a war, the GoS has launched a wave of arbitrary arrests in Darfur. On 18 December 2003 Sudanese authorities arrested three members of Hassan Al Turabi's Popular National Congress Party (PNC) and Umma party politicians all of whom hail from Darfur, allegedly in connection with the failure of peace talks in Chad.<sup>34</sup>

On 23 December Amnesty International reported the arrest and incommunicado detention without charge of four men from the African Fur tribe by the National Security Forces in Nyala, expressing fears that the men may be subjected to torture. <sup>35</sup>

On 27 December 2003 human rights advocate Jammaly Hassan Jalal Aldean who hails from the Zaghawa tribe was detained without charge by Security forces in Al Fashir, northern Darfur

On 2 January 2004 security operatives in Zalingy arrested of five men, again from the Fur ethnic group, on suspicion of belonging to the SLA. Both Amnesty International and SOAT highlighted the arrests expressing fear that the men may be subjected to torture Such tactics are routinely used in Darfur and the SLA and its suspected sympathisers and include

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<sup>27</sup> Sudanese Refugees Report Continued Killings, Lootings, by Arab Militias-UN' UN News Centre, 9 January, 2004

<sup>28</sup> Andrew Natsios, US AID Administrator, cited in 'Deadlock in Darfur peace talks' **IRIN**, 31 October 2003

<sup>29</sup> UN Official: One Million people affected by civil strife in western Sudan, AP, 8 December 2003

<sup>30</sup> Cited in 'Sudanese rebels accuse government, militias of attack on village', SORRA, Sudan/Nairobi. 4 January 2004

<sup>31</sup> Cited in 'War in Western Sudan Overshadows Peace in the South', The New York Times, 17 January 2004

<sup>32</sup> At least 4000 flee militia attacks in western Sudan, DPA, 5 January 2004

<sup>33</sup> 'Sudan blocks aid to rebel area' BBC News/Africa, 11 December 2003

<sup>34</sup> 'Arbitrary arrest of opposition party member' SOAT news release, 23 December 2003

<sup>35</sup> 'Fear of Safety/Fear of Torture/Incommunicado detention, UA 369/03, 23 December 2003

beatings, electric shocks and lengthy detention in overcrowded centres where inmates receive inadequate food and are refused access to the outside world.<sup>36</sup>

SOAT also reported the arrest in Nyala of two men belonging to the Zaghawa tribe on 5 January, again on suspicion of supporting the SLA.

On 9 January 2004 Amnesty International documented the incommunicado detention of 16 men, and again expressed fears that they may be at risk of torture or ill treatment.<sup>37</sup>

Just as government attacks in rural Darfur target African civilians, the recent wave of arrests in the towns is targeting the region's white-collar sector. The overwhelming majority of the above mentioned detainees are from Darfur's professional sector. They are teachers, merchants, trade unionists, bankers, and civil servants. The only manual worker detained is a bank gatekeeper.

## 7. Conclusion and recommendations

The progress made so far during peace talks is a testimony to the continued engagement of the international community. The sudden decision by Sudan's chief negotiator, First Vice President Ali Osman Taha, to undertake a (third) Haj to Mecca not only took chief IGAD mediator General Sumbeiywo by surprise, but also forced the suspension of the talks at a critical juncture. The move was evocative of previous government tactics of prevarication during peace negotiations. Consequently, it was interpreted by some observers as constituting a test of international resolve, and led to deepening unease regarding the GoS's ultimate commitment to peace.<sup>38</sup>

It is vital that the international community maintains its focus and maintains its commitment beyond the signing of a peace treaty, since any treaty will only be sustained by firm international guarantees. **To this end, it is essential that key countries immediately allocate sufficient monetary, manpower and material resources to the appropriate UN bodies so that these can be utilised in the immediate aftermath of a treaty.**

International engagement will also be required to end the conflict in Darfur. In fact, politicians and rebel leaders from the region are desperately requesting international intervention and are calling for humanitarian access, protection for displaced families and the positioning of independent international monitors in the area to deter continued human rights abuses. As one Darfur MP put it: 'any negotiation that is not monitored by the international community will lead to nothing'.

The situation in Darfur cries out for urgent international attention. It appears that key members of the international community are beginning to take notice. In a statement issued by the Irish presidency, the European Union (EU) expressed its serious concern regarding the plight of refugees from Darfur and called on both sides to respect the 3 September ceasefire, to ensure 'the full respect for human rights and the protection of the civilian population, and to ensure 'full and unimpeded access by relevant United Nations bodies and agencies and other humanitarian actors'<sup>39</sup>. More recently the Voice of America reported that the US State Department is becoming increasingly concerned that events in Darfur may undermine an agreement ending the war in southern Sudan. The news agency reports a senior State Department official as stating that the US is now pressing the Khartoum

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<sup>36</sup> 'Arbitrary arrest in Zalingy', SOAT news release, 5 January 2004

<sup>37</sup> Sudan: Fear of safety/fear of torture or ill-treatment/incommunicado detention, UA 10/04, 9 January 2004

<sup>38</sup> 'Is Khartoum's suspension of the Naivasha talks the end of the peace process?' E. Reeves, 29 January 2004, Letter from US Congressman Frank Wolf to President George Bush, 22 January 2004

<sup>39</sup> EU calls for ceasefire in Sudan's strife-torn Darfur region, EU Business, 7 January 2004

government to find a political solution to the Darfur conflict, since continued fighting in Darfur would call into question the durability of any commitments included in Kenya.<sup>40</sup>

Such pronouncements are encouraging. However, the people of Darfur require immediate international assistance. CSW calls on both the EU and the US to go further and facilitate a United Nations Security Council Resolution calling for a comprehensive ceasefire, the convening of all-inclusive peace talks that include the presence of high level international observers, an end to attacks on civilians, immediate and unimpeded humanitarian access, and the positioning of international monitors.

A similar mechanism may also be needed to guarantee the durability of any final peace treaty that emerges from the negotiations currently underway in Kenya.

Finally events in Darfur and the government's continuing abuse of human rights elsewhere in northern Sudan serve to illustrate that the mandate of the UN Special Rapporteur on Human Rights was ended prematurely. **It is vital that the Commission on Human Rights adopts a strong resolution condemning and calling for an end to arbitrary detention, torture and the suppression of press freedom in northern Sudan, and the ongoing violations of human rights and international humanitarian law in Darfur.**

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<sup>40</sup> US Official: Fighting in Western Sudan Threatens Peace deal in South, David Gollust, VOA-State Department, 10 January 2004