

briefing

Sudan

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1. Introduction

The signing in January of the Comprehensive Peace Agreement (CPA) between northern and southern Sudan met with mixed reactions. Most observers welcomed the prospect of a significant decline in the violence that had occasioned the loss of over 2 million lives and the displacement of over 4 million southern Sudanese people since 1983. However, given its history of prevarication, obstruction and obfuscation, many remained wary of the depth of the commitment of the ruling National Islamic Front (NIF) to peace. Nevertheless, extreme war-weariness and the seemingly steadfast involvement of the international community generated mild optimism that peace with justice could eventually arise from the CPA. There was even hope that the grievances of such marginalised areas as Darfur and the Beja region would also be addressed, particularly given Sudan Peoples Liberation Movement (SPLM) leader John Garang's expressed readiness to play an active part in the search for peace in both places. Unfortunately, events that have occurred since Garang's death have threatened to all but extinguish any remaining optimism for a peaceful future.

2. The death of Garang

As Garang himself stated, peace between north and south was achieved "not necessarily because the parties wanted to, but because both parties were forced to". The agreement was driven primarily by non-Sudanese players. It was thus generally held that a chance for lasting peace existed as long as the northern government was compelled by sustained external pressure to adhere to the terms of the CPA, and, in addition, that in John Garang the south had a leader forceful and astute enough to hold the northern regime to account. In July over a million people lined the streets of Khartoum to cheer John Garang's return and inauguration as First Vice President. Reactions to his death on 30 July illustrated the degree to which the hopes of securing a lasting peace had been invested in his person and abilities.

The riots that broke out in northern and southern Sudan following the eventual confirmation of the helicopter crash once again brought to the fore the deep racial divide within Sudanese society, causing the already fragile peace to appear even more tenuous. In fact, despite the rapturous welcome of Garang by southerners, and by northerners who hoped he would work to improve the human rights climate in northern Sudan, the Sudanese capital was tense in the run up to his untimely death. In the days prior to Garang's return, twenty five members of the government-sponsored 'Shari'ah Association of Religious Scholars and Preachers' issued a Fatwa stating that the SPLM sought the defeat of Islam, thus cooperating with the Movement, even for commercial purposes, would be considered an act of apostasy. Several imams took advantage of the Fatwa to preach virulent anti-SPLM sermons in the weeks leading up to Dr Garang's death. Worryingly, while opposition groups, journalists and even some Islamic scholars condemned the Fatwa and the SPLM's Islamic Council issued a rebuttal, the NIF took no action to counter it despite being the paymaster of the group that had issued the Fatwa.¹ Once Garang's death was finally announced, many southerners felt the northern government had engineered it, and, together with people from the Nuba Mountains and Darfur, they attacked Arab commercial properties in Khartoum, Juba, Malakal and Port Sudan. In response Arab Sudanese proceeded to arm themselves, launching deadly retaliatory attacks on people of African ethnicity and storming areas housing Internally Displaced People (IDP). There are even reports of people of African descent being dragged from buses for execution.²

¹ Mohammed al-Hassan Ahmed, 'Extremism of Islamists and southerners' irresponsibility threaten Sudan's peace' al Khaleej, 1 August 2005, cited in Garang's death : Implications for Peace in Sudan' International Crisis Group Africa Briefing No 30, 9 August

² What happened after the death of Dr John Garang?' Nichola Dominic Mandil, 8 August 2005, Gurtong Peace Project

The government was exceedingly slow in its deployment of adequate security to offset this violence. Worse still, when they were deployed, troops in Khartoum, Khartoum North and Omdurman are alleged to have participated in retaliatory assaults and some imams were reported to have encouraged these attacks from minarets. According to official figures over 130 people lost their lives during the riots. However, southerners put the death toll far higher, and 'reliable sources in Khartoum stated that the death toll exceeded 150 ... in the national capital alone'³ Later, members of the Khartoum-based opposition were to contend that the government had deliberately delayed the deployment of security in the capital in order to allow the escalating violence to serve as a justification for the return of emergency laws and illegal practices, while the local press blamed the governor of Khartoum and called for his resignation.⁴

While a handful of the 1500 (mostly African) people detained subsequent to these riots were released without charge, the majority received summary justice, including fines of between 10,000 and 30,000 Sudanese Dinars (around £25-£75), between 20-30 lashes and prison terms ranging from three months to three years. For example, on 3 August, 99 people who had been detained at Mayo Police Station in Khartoum were sentenced in absentia to three month terms and transferred directly from the police station to Omdurman prison. In another incident, six minors, who were amongst a group detained at Asinaat Police Station in Omdurman, were tried as adults and sentenced to 20 lashes each.⁵ This marked the second time in recent history that children had been tried in adult courts and sentenced to lashes. Several children were amongst the hundreds of people detained after violence broke out during the attempted forced relocation of IDPs from the Soba Aradi area of Khartoum in May 2005. Six were subsequently sentenced to 20 lashes each.⁶

In another perturbing development, on 18 October a Lutheran church in the Khartoum suburb of El Thawra was torched in broad daylight by unknown arsonists. Although Lutheran officials filed a criminal case against unknown culprits on the following day, there has still been no response from the security authorities, nor has there been any communication from Khartoum governor Dr. Abdelhalim Motahfi, who is officially responsible for security and police investigations in the capital.⁷

3. The Government of National Unity (GNU)

The GNU came into being on 20 September 2005. However, since the death of John Garang there have been worrying indications that the NIF (or National Congress Party (NCP) as it is now known) may already have begun to take advantage of any structural weaknesses within the CPA in order to ensure its domination of the GNU and to impede and ultimately undermine the CPA itself.

A key weakness within the CPA is the fact that it invests power in the institution of the presidency at the expense of lower-level bodies. At the time the agreement was drafted there was a feeling that, given his standing and abilities, Garang would be able to overcome this structural flaw by negotiating directly with the regime to ensure the equitable composition and orderly functioning of the joint administration. However, his replacement, Salva Kiir Mayardit, though a man of integrity and a respected soldier, is not thought to possess his predecessor's political savvy. Consequently, not only does the NIF/NCP currently dominate the Presidency, but, in the aftermath of Garang's death, it has also managed to seize the key ministries of Finance and of Energy and Mining, thereby ensuring a continuation of the lack of transparency that has long governed Sudan's economic affairs. In

³ Ibid.,

⁴ 'Garang's Death: Implications for Peace in Sudan' International Crisis Group Africa Briefing No. 30, 9 August 2005

⁵ 'Arbitrary Arrests, Imposition of Degrading and Inhumane Punishments, Torture in Khartoum' Sudan Organisation Against Torture (SOAT), 19 August 2005

⁶ SOAT Newsletter, September-October 2005,

⁷ 'Lutheran Church Set on Fire in Sudan', Barbara Baker, Compass Direct, 1 November 2005

fact, the GNU itself was only formed after long and bitter debate concerning these two critical ministries.

The most prominent post the SPLM managed to secure was that of foreign minister. However, any foreign minister will have to address such thorny issues as pending prosecutions of war criminals in Darfur by the International Criminal Court (ICC) and the quest for the removal of United States' sanctions. Consequently, some southern observers point out that the NIF/NCP may have decided to sacrifice the position because a southern foreign minister may gain a more sympathetic hearing (and possibly concessions) from the international community.⁸ There are also reports that in a further effort to secure its dominance within the GNU, the NIF/NCP has created 'shadow bureaucracies' which are designed to retain control of administrative and policy resources in ministries headed by members of the SPLM. Thus with regard to the foreign ministry, the previous Foreign Minister, Mustafa Osman Ismail, will effectively retain control over the real administrative and policy resources within the government and the NIF/NCP will retain the ability to delay and obstruct entry visas to NGOs and others seeking to visit Sudan. Moreover, the process of placing these resources under the control of the shadow foreign ministry had been underway since the signing of the CPA in January 2005.⁹

In addition, during the civil war several northern regimes repeatedly altered the border between north and southern Sudan, moving it further southward in order to sustain a claim for control of fertile land and resources. The current northern government also encouraged the southward migration of 'Arab' peoples into areas from which African tribes had been ethnically cleansed. The full method in this madness is now clear: despite overwhelming historical evidence to the contrary, the NIF/NCP is currently claiming that the Heglig oilfield in western Upper Nile lies within northern Sudan and appears to be using the dubious new border as justification for this claim. For its part the south prefers a reversion to the colonial border defined by the British colonial administration as specified by the Machakos Agreement of 2002, to which the northern regime is also party. Although a commission has been created to demarcate the border between northern and southern Sudan, the earlier rejection by the NIF/NCP of a ruling by an eminent international committee on the demarcation of the Abyei border bodes ill for the chances of a swift and equitable solution to this issue.

There is great anger in the southern community at the loss of the Ministry of Energy and Resources in particular. Many feel the SPLM has been relegated to an almost irrelevant junior partner within the GNU, and claim that the movement renounced its claim to the ministerial posts on the erroneous advice of two former UK-based southern politicians who managed to secure positions within the GNU in the aftermath of Garang's death. However, the SPLM leadership strongly denies this assertion. In its explanations to the southern community the SPLM leadership has said that the decision was made in order to forestall a return to war, since the NIF/NCP appeared determined to hold on to the Ministry of Energy and Mining in particular at any cost.¹⁰ With regard to the second issue, the SPLM currently appears determined not to shift, with key leaders pointing out that under the CPA the oil revenue that is being shared comes from the south only, and that oil reserves found in the north are not covered by the CPA and will therefore not be shared. Moreover, there is historical evidence supporting the fact that Heglig lies within the territory of Sudan's African tribes. There is also the fact that the south desperately needs the income from every oil reserve within its territory. It is one of the most underdeveloped regions in the world,

⁸ Charles K. Deng, 'Open Letter to Excellency Dr Lam Akol', Sudaneseonline.com, 6 October 2005

⁹ 'The Slow Collapse of the Comprehensive Peace Agreement for Southern Sudan' Professor Eric Reeves, 24 September 2005

¹⁰ Minutes from the conference in Civic Auditorium at Omaha, Nebraska, plus Dr Lam Akol's private meeting with the SPLM/SPLA Chapters at the Double Tree Hotel' submitted by David Mai Tang, South Sudan Nation.com, November 2005

with only one functioning hospital, no roads, or viable infrastructure, where 90% of the population live in poverty and one in four children dies before the age of five.

Recently news came of a further source of tension over the implementation of the CPA, this time with regard to the creation of a Khartoum State government. In an interview with a local newspaper an SPLM source blamed the delay in creating this administration on the NIF/NCP's 'inflexible attitude'. According to the official, the NIF/NCP was insisting on dealing with Khartoum as one of the capitals in the northern states, thereby regressing to old positions which the peace agreement had clearly resolved by stipulating Khartoum as a national capital.¹¹

4. Events in Southern Sudan

As has already been noted, the failure of Garang's successor, Salva Kiir, to secure key ministries for the SPLM within the GNU has been a source of disappointment for the southern intelligentsia. However, perhaps for the average southerner the single biggest disappointment of the immediate post-war era is the perceived non-materialisation of any peace dividend.

Four million southerners were displaced during the civil war. Some moved to northern towns where for the most part they eked out unhappy existences in IDP camps, living in structures that could at any time be destroyed during 're-planning operations' by the civic authorities of Khartoum and facing constant harassment and brutality by police. Others fled to refugee camps in neighbouring countries, where life may have been only marginally better. However, with the signing of the peace agreement many of these people began the long trek home, and 240,000 had already returned by July.

The UN had hoped to undertake assisted returns. Instead IDPS are spontaneously returning with their few belongings to devastated areas that cannot sustain this fresh influx. There has been great disappointment. One returnee, who along with her son fell ill with severe bouts of malaria, even spoke of returning to a camp in Ethiopia once both were able to undertake the journey. Another summed up the current situation by stating: 'the peace did not begin with the peace deal; rather we are in a period of cold war. If this was peace the roads would have been opened up, the water would flow and we would have education and health'¹² However, Manuel Aranda da Silva, Deputy Special Representative for the UN Secretary General in Sudan and Humanitarian Coordinator realistically evaluated the mammoth obstacles the Government of South Sudan (GOSS) has to overcome in order to be able to meet these needs: "If you look at the current basic indicators and social services in the SPLM/A areas, it is very difficult there. You have a huge educational problem..., no water, roads, no functioning markets, no justice system, no police, no shops or supply commodities - the nature of the problem is enormous and what needs to be done is a massive construction of everything"¹³

The World Bank and other development partners have now pledged to give southern Sudan \$900m to assist with capacity building, roads, water, health and private sector development. Given the scale of both needs and expectations, it is vital that promised assistance of finance materials and manpower for the reconstruction or, in most instances, the construction of southern Sudan is timely and forthcoming. However, there are forces at work in the area which could obstruct and even indefinitely delay the processes of redevelopment.

The continued presence of numerous, armed pro-northern militias that were not part of the peace process is a continuing source of anxiety, as many fear the north may use these to

¹¹ 'SPLM blames Sudan's ruling NC over Khartoum State government.' 7 November 2005, Sudan Tribune

¹² 'South Sudanese bemoan lack of peace', Opheera McDoom, Sudaneseonline, 22 November 2005

¹³ Editorial, Sudan Mirror Online, 30 November 2005

destabilise the GOSS and undermine the chances of stable government and development. Firstly, there is the Lords Resistance Army (LRA), the rebel movement that has continued to terrorise the people of northern Uganda. The NIF/NCP government backed this particularly unsavoury organisation, providing it with bases in southern Sudan in an attempt to destabilise a Ugandan government that has given strong support to the SPLM/A during the civil war. The LRA appears to have stepped up its activity in both southern Sudan and Northern Uganda after the ICC issued an indictment against several of its leaders. On 2 November, the Swiss Foundation for Mine Action (FSD) suspended its operations in areas of southern Sudan after the LRA killed two of its de-miners - an Iraqi international team supervisor and his Sudanese colleague. The FSD men were travelling in a convoy of three vehicles from Jebelin minefield to Nasito Campsite, about 30 km south of Juba. Three armed men stopped the lead truck in a three-vehicle convoy, forced the victims from the truck, and killed them. A week earlier, two aid workers were killed in LRA attacks in northern Uganda, prompting several NGOs to suspend work in the region. The attacks carry a worrying similarity to the deliberate targeting of aid workers in Darfur.

Another problem faced by the fledgling GOSS that could hinder the process of reconstruction is that of inter-ethnic tensions. Tensions initially rose after the new leader was accused of having marginalised the Nuer tribe (the second largest in Sudan) and favouring Dinkas from his home area of Bahr Al Ghazal in the allocation of positions in his administrations. However, worse was to come. In November fighting broke out between the Dinka and the Zande, two of the three largest southern tribes, who also form the majority of the population of the capital of Western Equatoria, Yambio. It was later announced that 57 members of staff from UN agencies and NGOs had already been relocated, and that due to rising tensions in Tanbura, north of Yambio, the UN was in the process of relocating 44 UN agencies and NGOs.¹⁴

There is some good news. While John Garang failed to reconcile with southern militia leaders in the period immediately preceding his death, Salva Kiir appears to have already gone some way towards mending fences with the umbrella of southern militias known as the South Sudan Defence Force (SSDF). Within days of Garang's death Kiir made overtures to the leader of the SSDF, Paulino Matiep by inviting him to the funeral in Juba. Five days later, the SSDF's political leader, Riek Gai, announced that the organisation would cooperate fully with Kiir "and will put the SSDF at his disposal". Members of the SSDF subsequently vacated the Bentiu area.¹⁵

In a further positive development, on Monday 5 December Salva Kiir signed the new constitution for south Sudan in Juba, two days after the official arrival of two full battalions of southern troops in the region's capital. An analyst who declined to be identified spelt out the significance of the event: "this is the first time since independence that the south has got its own constitution. It is not just the document; it is the contents. It will be the foundation of the new Sudan. It spells out people's rights and protections. The government and the president will be held to account using the constitution, and it contains important provisions with regard to equal rights for women and media freedom."¹⁶

5. Darfur

In Darfur NIF troops and allied militia continue to attack civilian targets and to hinder and even attack humanitarian aid efforts despite the presence in the area of African Union (AU) troops and monitors.

¹⁴ 'Sudan: Inter-ethnic fighting forces staff to relocate in Western Equatoria State', UN Press Release, New York, 15 November 2005

¹⁵ 'INTERVIEW: South Sudan leader says to cooperate with Kiir', Opheera McDoom, Reuters, 11 August 2005

¹⁶ 'Sudan: southern constitution signed as SPLA forces enter Juba', IRIN, 5 December 2005

It seems hardly conceivable that after a two-year, systematic regime of mass rape, murder, forcible displacement and pillage the situation in Darfur could deteriorate any further. Sadly this is precisely what has occurred. Worse still, it has occurred in full view of an international community that has deplored and condemned each fresh atrocity committed by NIF/NCP forces in florid rhetoric, yet has appeared incapable of taking decisive action to end the suffering of Darfur's civilians.

Although precise figures of casualties are difficult to obtain, it is currently estimated that close to 400,000 people may have died since violence broke out in 2003. Around half of these people are thought to have met their end during or following deliberate acts of violence, while the rest died as a result of such war-related causes as malnutrition. Some analysts now estimate that Darfuris are dying at the rate of 15,000 a day.¹⁷ In addition over two million Darfuris are estimated to have been displaced either as refugees in neighbouring Chad or in camps for internally displaced people (IDPs) which now litter the landscape. Moreover, a recent cross border attack by NIF-allied elements on neighbouring Chad during which 75 people were killed, the flight of Chadian mutineers towards the Sudanese border and Sudan's recent allegation that an armed Chadian group has attacked a Sudanese border village highlight once again the potential threat to regional peace and security occasioned by this conflict.

Since October 2005 violations of the ceasefire of 8 April 2004 have intensified and U.N. Secretary-General Kofi Annan is now warning that the region risks a descent into lawlessness and anarchy. The situation has been exacerbated by the split and factional fighting in the largest rebel group the Sudan Liberation Army (SLA).

Meanwhile the Janjawid¹⁸ continue to subject the people of Darfur to a regime of rape and pillage, despite the government's obligation under UN Security Council Resolution 1556 to 'fulfil its commitments to disarm the Janjawid militias'¹⁹ and rein in their activities. The Janjawid continues to harass IDPs. In one of the latest incidents, on 4 December members of the Janjawid attacked three IDPs, including two women from Kalma IDP camp, Nyala, Southern Darfur State. The three were flogged all over and beaten on their heads, backs and arms with the butts of guns. The militias then proceeded to abduct Mona Ibrahim Salih, a 22 year old lady from the Fur tribe. There is great reason to be concerned for her wellbeing.²⁰

Having destroyed Darfur's fragile economy and driven most of the predominantly African farmers from their land, there is evidence that in some instances the Janjawid is now enslaving villagers, forcing them to produce vegetables for them, cook for them and endure being gang-raped by them. In a recent article, an aid worker described the enslavement of people from the Fur tribe who were forced to work in the fields and pay protection money to the Janjawid at the end of each month. Two sisters from this tribe were forced to cook for Janjawid troops and endure repeated rape. When their father summoned the courage to ask if his daughters could be set free, he was beheaded in front of them. The aid worker added 'They told me they just want to die. They are living like slaves, in complete and utter fear, and we can't do anything about it'.²¹

The Sudanese government has also broken its 9 November 2004 commitment to cease hostile aerial activity in Darfur. The AU has photographic evidence of helicopter gunship attack on the village of Labado, Darfur that occurred in December 2004, one month after this undertaking was given. In addition, AU monitors have collected photographic evidence of a similar attack in May 2005, and one NGO claims to have received reports of a bombing

¹⁷ Professor E Reeves and John Hagan of Northwestern University

¹⁸ Government sponsored Arab militias

¹⁹ Security Council Resolution 1556

²⁰ Darfur: Abduction and Torture of IDPs', SOAT Human Rights Alert, 6 December 2005

²¹ Cited in 'A Tolerable Genocide', Nicholas Kristoff, The New York Times, 27 November 2005

raid involving an Antonov aircraft on 23 March and of a helicopter attack in south Darfur on 13 May which was witnessed by AU monitors.²²

The current wave of violence in Darfur is unique in that it has not been directed solely at African civilians. Aid workers have also become targets. On 1 September a convoy carrying aid workers from Tearfund and International Aid was ambushed by armed gunmen just south of the capital of West Sudan. They were forced out of their vehicles, which were looted. Then, in the words of one of their victims, their attackers “systematically beat” them, stripping and whipping the female aid workers. They then warned that any aid workers that dared to return to the area would be killed. This assault heralded the commencement of a new level of violence against aid workers in Darfur. Since then, many others have been beaten, whipped, stripped and kidnapped. Worse still, on 8 October two contractors were killed in an ambush.

While some of this violence can be put down to the kind of banditry that plagued Darfur prior to the outbreak of war and the fact that following years of war ‘there is nothing left to loot apart from the NGO convoys’,²³ there is also a clear pattern of deliberate, politically motivated violence that is aimed at intimidating aid agencies into vacating the area and abandoning the Darfuri African population to starvation. Thus the current situation in Darfur can increasingly be described as Genocide by Attrition. It would appear that the forces behind this pattern of violence may gradually be achieving their aim. In October the UN decided to evacuate all non-essential staff from west Darfur. It has since stopped the delivery of humanitarian supplies by road and told workers to use helicopters to supply refugee camps. On 25 September, three NGOs evacuated their staff from Shangil Tobayi, north Darfur, leaving the town without any international humanitarian sources.²⁴ Two thirds of south Darfur is now considered too unsafe for travel.²⁵

The recent upsurge has exposed the shortcomings of the 6000-plus AU force in Darfur and its limited mandate. The force was never large enough to adequately police an area the size of France, but had been scoring limited successes in the few areas where it was operational. “When you look at their experience on the ground, whenever they were there, such as in Labado [a town in South Darfur which suffered some of the worst fighting in recent months], the situation stabilized.”²⁶ Unfortunately, despite repeated requests for more money and logistical support from the West, the AU force continues to be hampered by a lack of finance, a lack of adequate military hardware and a lack of a means for rapid movement through the vast and difficult terrain. What is more, the AU force often lacks fuel, soldiers are reported to routinely visit aid agency compounds in search of spare mosquito nets and even blankets and civilian police officers walk around the camps unable to communicate with people because they have no translators.²⁷ Moreover, there are even reports indicating that the peacekeepers regularly run short of ammunition.²⁸ This was most clearly and tragically demonstrated during an attack in October when four Nigerian peacekeepers and two AU contractors were killed in an ambush after ammunition ran out. The curious aspect to this ambush is that it was mounted by the SLA, a group that had accepted the presence of the AU in Darfur. Although the unfortunate incident can be explained to an extent by the fact that in the past Sudanese forces have disguised themselves in AU colours in order to mount attacks, it appears to have ushered in another new phase of the violence by making the AU force itself a target. It has also demonstrated that in the

²² The Aegis Trust, cited in: ‘State led murder and rape of villagers in Darfur uncovered’ Gethin Chamberlain, *The Scotsman*, 31 May 2005

²³ Tribal leader cited in *The Economist*, ‘Darfur’s Despair’, 13 October 2005

²⁴ Cited in ‘No Power to Protect: The African Union Mission in Sudan’, Sally Chin and Jonathan Morgenstein, *Refugees International*, November 2005

²⁵ Unknown female aid worker in Darfur, Sleeplessinsudan.blogspot.com

²⁶ Radhia Achouri, spokeswoman for the UN Advance Mission in Sudan (UNAMIS)

²⁷ *Ibid.*,

²⁸ ‘US’s Zoellick, Darfur Official clash in Darfur visit’, *AP/ST*, 10 November 2005

present climate of escalating violence the organisation can barely protect itself, let alone attend to the needs of Darfuri civilians. This point was further emphasised on the following day when 38 African Union troops, including a 28 person rescue team, were held hostage overnight by the rebel Justice and Equality Movement (JEM). More recently, as peace talks resumed in Abuja, a new rebel faction, the National Movement for Reform and Development (NMRD) announced its presence by injuring five African Union monitors and demanding a place at the talks.

Despite indications that the AU force might have the will but clearly lacks the necessary funding, equipment, manpower and mandate to adequately function in Darfur, the international community has continued to use its existence as a fig leaf to disguise its own embarrassing lack of decisive action. Worse still, it was not even providing the force with sufficient funding to enable it to adequately fulfil its present limited mandate. In November, the U.S. Congress even voted to cut \$50 million from the AU's Darfur mission. Although U.S. Deputy Secretary of State Robert Zoellick later stated that monies would be allocated from other areas to meet the \$50 million shortfall, AU troops in Darfur were said to be wondering whether or not they would receive salaries the following week.²⁹ Worse still despite the fact that, according to the UN, thousands of Darfuris continue to be displaced (figures for those requiring humanitarian peaked at 3.5 million in September), the UNHCR has had to announce a cut back in aid to displaced people in Darfur because it is currently \$20 million short of its \$81 million budget for Sudan funds. According to the UNHCR, administrative spending and the procurement of items such as blankets had already been curtailed, and services at refugee camps would be suffering similar treatment. As Jan Eglund the UN Humanitarian Relief Co-ordinator put it: "It's not going well in Darfur at all," he said. "We are stretched to the limit. We're hanging in there by our fingernails."³⁰

Clearly, donor governments have so far failed to provide sufficient support for the AU with unfortunate consequences for the force itself. They have thereby also failed the people of Darfur. At the same time, emboldened, perhaps, by waning international resolve on the issue of Darfur, the Sudanese government has been placing what the NGO Refugees International describes as "innumerable obstacles" in the path of the African Union.³¹ In particular, since August the Khartoum government had blocked 105 aged armoured personnel carriers, donated by Canada, from reaching the AU force. It was only after the AU suffered its first casualties in October that the government allowed the APCs into Darfur, but without their machine guns, thereby minimising their usefulness to the AU force.

Following the murders of its troops the AU Peace and Security Council decided that the issue of the "deteriorating security situation" in the western Sudanese region of Darfur should be referred to the UN Security Council. It would now appear that the international community may finally have been embarrassed into action. A joint military team led by the African Union, and including experts from the US, the European Union (EU) and the UN will be visiting Darfur from 10 to 20 December to study whether the UN should take over efforts to bring order to Darfur. However, Sudan also would have to consent to the presence of non-African troops in the area and to an expanded force which could number up to 10,000. It would also have to agree to an expanded mandate. However, even if agreement for this force was forthcoming both from the Sudanese government and from its Security Council allies China and Russia, such a force could not be deployed, realistically, before September 2006. In the meantime, the AU requires urgent assistance, a fact that finally appears to have been recognised. Reuters quotes an anonymous diplomat in the Security Council as stating that "for now there has to be further support for the African

²⁹ 'AU to assess lack of cash/equipment for Darfur', Reuters 4 December 2005

³⁰ 'Mass displacements, crop destruction continue in Sudan's Darfur', AP/ST, 1 December 2005, 'UN pleads for record 2.7 bn. aid' Margaret Neighbour, The Scotsman, 2 December 2005, 'UNHCR: Aid funding shrinking as Darfur violence escalates', (AP/ST, 1 December 2005

³¹ 'No Power to Protect: The African Union Mission in Sudan', Refugees International, November 2005

Union". He went on to add that "in the longer term, there is going to be a need for a sustained peacekeeping force. So the African Union and the United Nations have to begin now to look at what is feasible in 2006."³²

Meanwhile, the NIF/NCP continues its harassment and arbitrary, indefinite detention of Darfuri town dwellers, another hallmark of its Darfur policy.

On 1 September a 26 year old student at Nyala University named Ahmed Issa Alosouwar was arrested at his home and taken to the security offices in Nyala, where he remains detained without charge.

On 23 October police descended on Nyala Teaching Hospital and took away 55 year old Azhari Ahmed Zakarea, a member of the Fur tribe. Mr Zakarea was gravely ill and had been admitted to the hospital to receive treatment for hypertension, diabetes and ophthalmic complications. His current whereabouts remain unknown and, given his physical condition upon arrest, there is grave concern for his health.

On 7 November 2005, the security forces in Nyala arrested four men belonging to the Zaghawa tribe on suspicion of having joined one of Darfur's rebel movements. The four men, all of whom are merchants, were arrested separately but are now detained without charge and incommunicado at the security forces detention centre in Nyala. In a separate incident, on 3 November 2005, Military Intelligence in Nyala arrested seven Zaghawa men (a farmer, two teachers and four merchants) in the town of Sheriya Town, South Darfur. The men were all transferred to the security forces detention centre in Nyala where they are still held without charge and incommunicado, although they were allowed one visit from their families during Eid³³.

In late November the UN General Assembly adopted a procedural motion that blocked debate on a European Union-sponsored draft resolution expressing concern at Sudan's human rights record in Darfur and at its treatment of IDPs in areas around Khartoum. The no-action motion had been presented by the organisations' 53-member Africa Group. Sudan is now scheduled to assume the presidency of the AU in January 2006. Given the continuing horrors in Darfur and the fact that the government is an active, primary party to a conflict that has claimed the lives of AU soldiers, it is difficult to conceive of circumstances in which any member state could countenance such a development and retain even a modicum of credibility.

6. Human rights Northern Sudan

An additional source of concern is the retention by the NIF/NCP of the Ministry for the Interior, which is responsible for human rights issues. The party is renowned for its lamentable human rights record. Consequently, although the new Sudanese Interim Constitution, states that 'every human being has the right to life, dignity and the integrity of his/her person', that 'no-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment', and that anyone arrested should be informed at the time of their arrest of the reasons for this arrest,³⁴ the use of torture continues, as does arbitrary, incommunicado detention.

On 22 August security officers and members of the militia wing of the NIF/NCP kidnapped Abu Alabass Mohamed Hassan, a 22 year old student at Alhalia University, Omdurman who had called for the re-establishment of a students union. Mr Alabass was snatched at the

³² 'UN Contemplates military operation for Darfur', Evelyn Leopold, Reuters, 4 December 2005.

³³ 'Darfur: Arbitrary Arrests of Zaghawa tribe members' Sudan Organisation Against Torture (SOAT), 5 December 2005; SOAT Newsletter, September-October 2005

³⁴ Articles 28 and 33, Bill of Rights, Sudanese Interim Constitution

University entrance, forced into a waiting car and taken to a house a short distance from Alahlia. There, his kidnappers inserted a bottle of mineral water into his anus, beat him about the body and threatened him with rape. They then shaved Mr Alabass' hair and moustache and forced him to sign unknown documents. They also told him to give up his student activities and join the NIF/NCP. Fourteen hours later Mr Alabass was driven from the house and abandoned in a derelict area.³⁵

In October, the human rights NGO SOAT received photographic evidence of the mistreatment of students in Khartoum. The organisation reports that on 17 October 2005, security officers and security guards at Omdurman Islamic University, detained and reportedly tortured eight student activists from Khartoum University, Gazeera University, Omdurman Islamic University and Alahlia University after holding a public meeting inside the university halls of residence where they discussed the plight of farmers in Al-Gazeera and Al-Managil in the aftermath of a government privatization initiative. All eight are said to be members of the Al-Gazeera and Al-Managil Farmers' Sons Alliance (Tahaluf Abnaa Mozariaae Al-Gazeera wa Al-Managil).

The students were detained within the university halls of residence where the security officers and guards initially questioned them about their political affiliations. The students were then forced into a room individually, where each one was allegedly mistreated. The students claim they were slapped on their faces and ears, and beaten with water hoses, machine gun butts and sticks while being forced to confess their political affiliations and the affiliations of leading members of the Al-Gazeera and Al-Managil Farmers Alliance. They were eventually released at 02:00 am on 18 October, after being forced to sign an undertaking not to discuss their treatment with anyone including any human rights organisation.³⁶

On 1 October 2005, police officers at Mayo police Station, Khartoum arrested 40 year old Mr. Mohamed Ahmed Alarbab, a lawyer and a human rights defender, at the entrance of Mayo Police Station. At the time Mr. Alarbab was working on cases of persons detained following riots in the Soba Aradi area of Khartoum in May.

Mr. Alarbab was initially detained at the police station in Mayo and denied access to his family or lawyers. Whilst there, he alleges that he was beaten and subjected to severe pressure during the police interrogation. On 03 October Mr. Alarbab, was transferred into custody of the police at his home town of Kalakla where he was allowed visits from his family and his lawyer.

On 8 October 2005, a Human Rights Monitor from United Nations Mission in Sudan (UNMIS) was allowed to visit Mr. Alarbab. However, following this visit, Mr. Alarbab was again denied visits from his family and access to legal advice, ostensibly due to media reports alleging his mistreatment whilst in police custody. He is currently said to be under investigation for offences under Articles 21, 24 (Participating in Commitment of a Criminal Act), 130 (Murder), 50 (Crimes against the Constitutional System), 51 (Crimes against the State), and 77 (Public Disturbance), 107 (Sheltering a Criminal) of the 1991 Sudanese Penal Code. However, official charges have yet to be levelled against him.³⁷

Finally, the NIF/NCP has also continued to harass journalists, thereby threatening freedom of expression in post-war Sudan. During September 2005, several journalists were detained

³⁵ 'Kidnapping: Torture of Student in Khartoum', SOAT, 31 August 2005

³⁶ 'Detention and Torture of Students in Omdurman' SOAT, 24 October 2005,

³⁷ 'Arbitrary Arrest and Detention of Human Rights Defender' 'SOAT, October 2005,

and interrogated, including Adil al-Baz and Zuhair al-Saraj from the al-Sahaffa Journal and Faisal Mohamed Salih and Hala Nasr from al-Adaw.³⁸

7. Key recommendations

For HMG to seek assurances:-

1. From the EU and UN that they will maintain pressure upon the NIF/NCP regime to ensure it fulfils all of the conditions for the implementation of the CPA.
2. From the NIF/NCP that detainees will be treated in accordance with the Bill of Rights contained within the Sudanese Interim Constitution, and also in accordance with the stipulations of the Convention Against Torture and Other Inhuman and Degrading treatment which Sudan has signed but has yet to ratify.
3. That the rights of the Southern administration with regard to oil revenues would be respected and that the NIF/NCP would accept the 1956 boundaries, as agreed under the Machakos Agreement.
4. From the NIF/NCP that they will respect the stipulation under the peace agreement that Khartoum is to be treated as the national capital.
5. For a swift and thorough investigation of the torching of the Lutheran church in Khartoum.
6. From the NIF/NCP that it fulfils its undertakings under Security Council Resolution 1556 to rein in the Janjawid, and that HMG would work to ensure punitive international measures follow any further failure to comply with this request.
7. From the NIF/NCP that it will honour its agreement to cease all aerial activity in Darfur.
8. At every appropriate juncture that funding for the African Union presence in Sudan receives increased funding, manpower and mandate to allow it to more effectively protect both civilians and aid workers in the short term, and in the long term, to work towards the deployment of an effective AU/UN force with a strong mandate. If the make-up of the Security Council nullifies efforts to create such a UN presence (given Chinese and Russian economic interests in Sudan), then to work towards the rapid creation and deployment of a joint AU/NATO force
9. From members of the African Union that the Sudanese Presidency will be delayed until a clear resolution of the Darfur issue has been attained.
10. From the NIF/NCP that all assistance to the LRA will cease forthwith.
11. From all nations and inter-governmental organisations that have pledged support to southern Sudan to ensure this aid is sent in a timely fashion.

For HMG to:

1. Encourage the new Sudanese Administration to ratify the Convention Against Torture as soon as possible.

³⁸ The Sudanese Human Rights Quarterly, Issue 20, January 2006, Sudan Human Rights Organisation-Cairo