

# SUDAN

## "IN THE NAME OF GOD"

### Repression Continues in Northern Sudan

#### CONTENTS

I. INTRODUCTION .....	3
II. A NUBAN DIARY .....	6
The Destruction of Sadah .....	16
The Burning of Shawaya .....	17
III. THE INTERNALLY DISPLACED .....	18
Forcible Displacement From Khartoum in 1994 .....	19
Displaced Boys Rounded Up And Interned Without Due Process .....	20
IV. CONTINUING PATTERNS OF VIOLATIONS OF RIGHTS .....	23
Arbitrary Arrest and Detention .....	24
Torture .....	26
Continued Suppression of Free Assembly, Opposition Parties, and Trade Unions .....	31
Silencing the Free Press .....	33
V. RESHAPING THE LAW .....	35
Apostasy .....	35
The Status of Women .....	36
Non-Muslims .....	39
VI. RECOMMENDATIONS .....	40
Sudan Government .....	40
United Nations .....	41
United States, United Kingdom, European Union, and other concerned governments and bodies .....	41



## I. INTRODUCTION

Gross human rights violations continue in Sudan five years after a military coup overthrew the elected civilian government in June 30, 1989, and brought to power a military regime dominated by the National Islamic Front (NIF), a minority party that achieved only 18.4 percent of the popular vote in the 1986 elections.<sup>1</sup> The Sudanese have suffered under military rule and single-party dictatorship for twenty-seven out of the thirty-eight years since independence in 1956; they succeeded in overthrowing oppressive regimes twice in the past, in October 1964 and April 1985. Southern Sudanese continue to struggle against the present regime, as they have done against previous northern-dominated regimes for all but eleven of the thirty-eight years of independence. Massive violations of human rights and humanitarian law in the context of this civil war in southern Sudan are detailed in our July 1994 report, *Civilian Devastation: Abuses by All Parties to the War in Southern Sudan*. This report highlights human rights abuses in northern Sudan, focusing on individual testimonies to supplement the evidence of violations in the south detailed earlier.

As the current regime completes its fifth year in power, all forms of political opposition remain banned legally and through systematic terror. The regime has institutionalized changes in the character of the state through extensive purges of the civil service and by dismantling any element of civil society that disagrees with its narrow vision of an Islamic state. Political power over the whole country has been entrenched in the hands of a tiny ideological elite.

Human Rights Watch/Africa does not question the right of a people to adopt any system of law and government through the genuinely free choice of the population. This is integral to a people's right to self-government. A military regime, however, is by definition not the choice of the citizens, who had no voice in its coming to power, no participation in the formulation and implementation of its policies, and no ability to change it. Any military regime is necessarily the negation and repudiation of the national right to self government. Here the loss is more total because military rule is coupled with an exclusivist ideology, alleged to be founded on religion, that flouts minority rights.

The government of Sudan is bound by the many international human rights treaties that it has ratified or to which it has acceded.<sup>2</sup> According to standards set in these treaties, the right to self-government does not mean that the

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<sup>1</sup>Peter Woodward, *Sudan, 1889-1989: The Unstable State* (London: Lynne Rienner Publishers, 1990), p. 207. Elections were held in northern Sudan, but only in parts of the south because of the civil war which started in 1983. In 1986 the NIF achieved a proportional representation higher than its popular vote because some seats in the constituent assembly were allocated according to a system of sectoral representation.

<sup>2</sup>As a member state of the United Nations, Sudan is bound by the terms of the Charter requiring respect for and protection of human rights and fundamental freedoms without distinction on grounds of, *inter alia*, religion or sex. Sudan is also a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the

majority is entitled to violate the fundamental rights and freedoms of minorities. For example, Article 26 of the International Covenant on Civil and Political Rights (ICCPR) provides:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, the Supplementary Convention on the Abolition of Slavery, the Convention relating to the Status of Refugees and its additional protocols, and the African Charter on Human and People's Rights.

The government of Sudan is in clear violation of this principle. In addition, it has taken extraordinary measures to prevent the world from learning the specifics of its abysmal human rights record, harshly punishing dissidents and excluding or restricting independent observers, journalists, human rights monitors, and humanitarian organizations. After granting a visa to Human Rights Watch/Africa in June 1993, the government twice, at the last minute, postponed the visit, which, as a result, could not be made.<sup>3</sup>

Sudanese who attempt to speak out on human rights issues are subjected to threats or arrest, even when seeking to meet with the United Nations' own representatives, such as the U.N. Human Rights Commission's Special Rapporteur on Sudan, Gáspár Biró. Father Aliaba James Surur reported that he was picked up at his home on September 13, 1993, the morning after his meeting with Mr. Biró, and taken to the security headquarters; there he was warned that Mr. Biró would leave in two weeks and "you will remain here."<sup>4</sup> Four women who met with Mr. Biró were arrested in front of the U.N. office in Khartoum immediately after they left the meeting. The special rapporteur witnessed two of them being dragged down the street and forced into a police vehicle. Then the police arrested a group of about twenty-five persons, mostly women, who were waiting in the same place to meet Mr. Biró, beating up some of them. These arrests took place despite government assurances that the peaceful assembly of petitioners would be allowed.<sup>5</sup>

As of the date of the special rapporteur's report, the Minister of Justice had not made good on his promise to the special rapporteur to send him a detailed report on these events.<sup>6</sup>

Despite government efforts to deter scrutiny, it has become obvious that a large second-class citizenry has been created by the regime's version of an Islamic state. Public dialogue in Sudan has been silenced, even for those who share a commitment to the implementation of shari'a law but disagree with the policies and practices of the present government. All political parties remain banned, and arrests of their members continue unabated whenever they attempt any organized civic activity.

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<sup>3</sup>Another invitation was extended to Human Rights Watch/Africa in July 1994, immediately after publication of our latest report on Sudan. We plan to undertake that visit in early 1995.

<sup>4</sup>U.N. General Assembly, Forty-eighth session, agenda item 114 (c), "Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Situation of human rights in the Sudan, attaching interim report on the situation of human rights in the Sudan prepared by Mr. Gáspár Biró, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1993/60 of 10 March 1993 and Economic and Social Council decision 1993/272," A/48/601 (November 18, 1993), p. 15.

<sup>5</sup>Ibid., p. 16.

<sup>6</sup>Ibid.

Armed conflict in the south of the country has provided the backdrop for particularly appalling abuse. The conflict has spread north over the last few years; the peoples of the Nuba Mountains of southern Kordofan have been suffering the combined effects of the cruelties of the army, government-sponsored militias and the insurgent Sudan People's Liberation Army (SPLA) which the government seeks to crush. The effect has been to turn the once peaceful and prosperous Nuba Mountains into a battlefield where villages are destroyed and people are driven from their land, herded into government camps or wantonly killed, while their educated community leaders are targeted for arrest or assassination. The entire area has been sealed off by the government from foreign eyes while its counterinsurgency campaign continues, since the government is sensitive to the bad publicity arising from the wholesale displacement campaign.

This report highlights excerpts from the diary kept by a resident of Kordofan from late 1992 to April 1993 that describes the large-scale displacement of Nubans, their forcible relocation under intolerable conditions, the abduction of children, the forced recruitment of boys as young as thirteen into military services, the destruction of churches, the abuse of women in displaced persons' camps, and the manipulation of relief for Islamic proselytization purposes, among other abuses. This diary reinforces the findings on the situation in the Nuba Mountains presented in the February 1994 report of the U.N. Special Rapporteur on Human Rights in Sudan.

This report also covers the plight of displaced persons and squatters in urban areas of northern Sudan, including Nubans and southerners displaced by the war. In 1992 hundreds of thousands of the displaced and urban squatters were summarily evicted from their homes in urban areas. Their property was destroyed under a purported urban renewal campaign which targeted the large non-Arab and non-Muslim population of the capital. This campaign continued in 1993, and in 1994 an estimated 160,000 more people were similarly displaced from Khartoum and moved to unprepared sites far from water, work, or education.

One group of displaced has been especially targeted by the government: boys. On the pretext of taking care of street children, hundreds of boys, mostly southerners, are rounded up in the markets and on the streets and summarily dispatched to camps run by Islamists. No attempt is made to contact their families or to follow the Juvenile Welfare Act's procedure for removing a child from his family. The boys are beaten for small breaches of discipline and given a religious (Islamic) education regardless of their or their families' prior beliefs. At age fifteen they are incorporated into the government militia.

After political parties were banned in 1989, the top-ranking leaders of all opposition parties still in the country were arrested repeatedly, a pattern that continued in 1994. Detentions of others believed to be or to have been political activists continue to be carried out in a manner designed to terrorize and intimidate through mistreatment and torture while in detention or in unacknowledged unofficial detention centers called "ghost houses." A retired army brigadier was severely tortured after his detention in 1991 and periodically over the next two years; his testimony is reprinted in part in this report. Hundreds of other Sudanese continue to be subject to incommunicado detentions without charge or trial.

The efforts of the NIF, which guides the government in reshaping society, have resulted in a series of laws which place women and non-Muslims in a legally inferior relationship to men and Muslims. The death penalty is now expressly mandated for the crime of apostasy, the repudiation by a Muslim of his faith in Islam.

Among the recommendations Human Rights Watch/Africa makes is that the U.N. Security Council institute an arms embargo on the warring parties in Sudan and authorize a full-time contingent of U.N. human rights monitors with access to all parts of the country. The report also recommends that other countries use their votes in international financial institutions to freeze Sudanese requests for loans or disbursements on the grounds of gross human rights abuses. Recommendations directed to the government include that it abolish the crime of apostasy, the death penalty, flogging, the use of shackles, and the *hudud* punishment; cease torture; and cease imposing shari'a on non-Muslims.



## II. A NUBAN DIARY

The Nuba number about one million.<sup>7</sup> Their traditional home is in southern Kordofan, a part of northern Sudan which is almost the exact geographic center of the country. Anthropologists have noted that "the Nuba" is a term which encompasses a bewildering complexity of ethnic groups who speak more than fifty languages and dialect clusters. Well-known aspects of the Nuba culture include music, dance, body-painting and ritual wrestling. Some traditional religions survive, but most Nubans have been converted to Islam or Christianity.

The Nuba are mostly farmers in a fertile area. Their traditional rivals have been the cattle-herding Sudanese Arabs known as Bagarra, who live in southern Kordofan. The Bagarra have been allies of power centers in Sudan since the nineteenth century, while the Nuba have been peripheral to the main currents of Sudanese politics, neither aligned with the Arab-dominated northern parties nor belonging to the south. The Bagarra were aligned with the Umma Party of former Prime Minister Sadiq al-Mahdi and were essential elements in his government's counterinsurgency strategy against SPLA activity in the Nuba mountains. The Bagarra were armed by the transitional government (1985-86), then by the governing Umma Party (1986-89),<sup>8</sup> and then by the government of the NIF. Their traditional raiding activities thus were diverted to strike at the SPLA and the lives and assets of its supposed followers among the Nuba in south Kordofan and the Dinka in adjoining northern Bahr el-Ghazal. The Bagarra's militia, the *Murahaliin*, began raiding Nuba communities in 1985 in the context of the counterinsurgency war.

The war in the Nuba Mountains escalated markedly in July 1987 when the New Kush Battalion of the SPLA, headed by Nuba commander Yousif Kowa Mekke and consisting mainly of Nuba fighters, infiltrated the area. The New Kush Battalion occupied the area around Talodi and grew in size by late 1988 to an estimated 3,000. It systematically assassinated or kidnapped community leaders and government officials who did not cooperate. In 1989 the SPLA made military gains in the area close to Kadugli town and Tuleishi, while the Murahaliin carried out increasing attacks on Nuba civilians.

After the NIF took power, the Popular Defense Act (1989) legitimized the Murahaliin militia as part of the paramilitary Popular Defense Force (PDF), which stepped up raids, now in conjunction with the army. While the SPLA continued to commit abuses such as raiding villages for food, kidnapping or forcibly conscripting youths for military service, killing civilians suspected of lack of sympathy, and indiscriminate attacks during raids, the violence by the Murahaliin and army escalated to an even higher level.

Opting for local solutions to local issues, in February 1990 some Bagarra leaders and commanders negotiated a truce with the SPLA to gain access for the Bagarra to traditional grazing lands in SPLA-controlled Dinka areas of the southern region of Bahr el Ghazal.

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<sup>7</sup>The following summary is taken from two prior Africa Watch reports, "Sudan: Eradicating the Nuba," A Human Rights Watch Short Report, vol. 4, no. 10, September 9, 1992 and "Sudan, Destroying Ethnic Identity: The Secret War Against the Nuba," A Human Rights Watch Short Report, vol. 3, no. 15, December 10, 1991. The name of Africa Watch was changed to Human Rights Watch/Africa in 1994.

<sup>8</sup>They were armed by the Prime Minister's ruling Umma Party without authorization of the Constituent Assembly, which considered the creation of such militias to be highly controversial.



In response, the central government intensified its efforts to inflame the Bagarra's historical competition with the Nuba, with the objective of ridding the Nuba land of its Nuba inhabitants. Col. Hussein Abd El-Karim, then state commissioner of Kordofan, was assigned to carry out a policy of "eradication" and replacement of the Nuba with Bagarra Arabs,<sup>9</sup> who were said to covet Nuba lands. The army, reinforced by the PDF, first targeted for arrest, torture, and summary execution the leaders and educated members of the Nuba. Then it confiscated land, evicted entire communities, destroyed entire villages, and tortured and murdered Nuba people.

In January 1992 the provincial government of Kordofan declared a jihad - a holy war - in the Nuba Mountains to rout the "remnants" of the SPLA.<sup>10</sup>

On October 19, 1993, defecting 1st Lt. Khalid Abd al-Karim Salih denounced the government mobilization against the Nuba. At a press conference in Bern, Switzerland, he described the scorched earth campaign conducted by the government and estimated that between 40,000 and 50,000 Nuba were killed as a result of aerial and ground attacks on villages, especially in the areas around Um Dorain, El Takama, Kartal, El Jilad, and Katla between May 1992 and February 1993. Salih, who was at the time a senior security officer in Kordofan with access to casualty figures, reported that the attacks were part of what he called the government's policy of "ethnic cleansing." He reported that young men were killed on the spot, while children often were removed from their mothers and sent to work as farm laborers.<sup>11</sup>

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<sup>9</sup>Col. Hussein Abd El-Karim is the older brother of security officer 1st Lt. Khalid Abd El-Karim Salih, quoted below, who defected to Switzerland in 1993 and gave detailed accounts of the atrocities committed when his brother Col. Hussein was Commissioner of Kordofan.

<sup>10</sup>By this time, the SPLA had split into two factions, known as Mainstream and Nasir. The Nuba Mountain unit continued to be loyal to the Mainstream faction, whose political demands continued to be for a united secular Sudan. The Nasir faction tended to support a separate state in the south, without defining too clearly where the northern border of that state should be. The Nuban leadership feared that if they were left in a state consisting of the north and the transition zone, and separated from the southern region and its non-Arab, non-Muslim African citizens, Nubans would become even more marginalized and powerless.

<sup>11</sup>"Defecting security officer confirms Nuba atrocities," *Sudan Human Rights Voice*, vol.2, issue 11 (London: Sudan Human Rights Organization, November 1993), p. 1.

A U.S. government report cited "credible reports that human rights abuses are taking place throughout the transition zone, including massacres, kidnapping, and forced labor, conscription of children, forced displacement, and Arabization."<sup>12</sup> While such outrages may be carried out by poorly-controlled militia without the approval and perhaps against the authorities' wishes, the U.S. report concluded, "other abuses are occurring with a frequency and on a scale that makes it difficult to believe that they are happening without the knowledge and tacit complicity of the government authorities."<sup>13</sup>

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<sup>12</sup>Testimony of Assistant Secretary of State George Moose, Hearing before the Subcommittee on African Affairs, Committee on Foreign Relations, United States Senate, One Hundred Third Congress, First Session, May 4, 1993, pp. 5-6.

<sup>13</sup>Ibid.

At the same time there was evidence that the SPLA was also responsible for abuses in the region. The U.N. special rapporteur on Sudan received testimony in the Kadugli area alleging SPLA atrocities. Local chiefs and emirs said that the SPLA was responsible for "all atrocities" committed in the Kadugli area in the past few years. They claimed that because of SPLA attacks seventy-three of 176 villages were empty in September 1993. The emirs charged the SPLA with killings and torture of unarmed civilians, rape, kidnapping, and forced military training of children. They also cited burning of homes and looting, and provided names of victims.<sup>14</sup>

The U.N. Special Rapporteur for Human Rights in Sudan, Gáspár Biró, in his November 1993<sup>15</sup> and February 1994 reports, also concluded that the government was committing serious violations in the Nuba Mountains, among other findings, stating that

-- the abduction of children, as well as of women, from southern Sudan and the Nuba Mountains is routinely practiced by members of different armed units, such as the Popular Defense Forces or mujahidin. A former high-ranking official of Darfur state admitted that abduction and traffic of children takes place routinely on a tribal basis in the conflict area of the Dinka and Rizeigat tribes.<sup>16</sup>

-- the situation of Christians in the government of Sudan-controlled areas in the Nuba Mountains remains particularly difficult, although since May 1993 some improvement has been reported;<sup>17</sup> during the years 1990-94 a large number of cases of harassment of ordinary Christian citizens, as well as church personnel, were reported and well documented, as were cases where the right to freedom of religion was violated.<sup>18</sup>

A diary kept from 1992 to 1994 by a resident of El Obeid, Kordofan, illustrates how the counterinsurgency war has shattered the lives of Nubans and southerners. The diary tells of the forced displacement of large numbers of people pushed out of the Nuba Mountains, northern Bahr el-Ghazal, and southern Kordofan by the counterinsurgency campaign, relocation of civilians without any provision whatsoever for housing or food, the government's forced recruitment of boys as young as ten, the destruction of churches, summary executions of displaced persons by soldiers, allegations of abuse of women in the government's centers for the displaced in Nuba areas called "Peace Camps,"<sup>19</sup> abduction of children, possibly for transfer out of the region and the country, manipulation of relief for Islamic proselytization purposes, cheating seasonal southern agricultural workers out of their wages by accusing them of sympathy for the SPLA, and many other abuses, including SPLA looting.

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<sup>14</sup>Interim report of Special Rapporteur on Human Rights in Sudan (November 18, 1993), pp. 21-22. For more information on SPLA abuses in the conflict, see Human Rights Watch/Africa, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan* (New York: Human Rights Watch, June 1994).

<sup>15</sup>Interim Report of Special Rapporteur on Human Rights in Sudan (November 18, 1993).

<sup>16</sup>U.N. Economic and Social Council, Commission on Human Rights, Fiftieth session, item 12 of the provisional agenda, "Question of the Violation of Human Rights, Situation of human rights in the Sudan, Final Report of the Special Rapporteur, Mr. Gáspár Biró, submitted in accordance with Commission on Human Rights resolution 1993/60," E/CN.4/1994/48 (New York: UNESCO, February 1, 1994), p. 30.

<sup>17</sup>Interim report of Special Rapporteur on Human Rights in Sudan (November 18, 1993), p. 24.

<sup>18</sup>Final report of Special Rapporteur on Human Rights in Sudan (February 1, 1994), pp. 18-22.

<sup>19</sup>These allegations by their nature are particularly difficult to substantiate.

Excerpts from the diary are set forth below.<sup>20</sup>

OCTOBER 1992: The [El Nahud] camp of the Nuba "returnees" (about 5,000) is closed, and the inmates moved to Rahmania and Sidra "to help in harvesting operations." They are practically only women, children, old people. In those areas, no church and no international organizations are allowed to operate; only Dawa Islamia and I.A.R.A. (Islamic African Relief Agency) are allowed.

NOVEMBER 1992: Truckloads of "returnees" from El Nahud start transiting through El Obeid, on their way to Rahmania and Sidra. They are unloaded in the outskirts and abandoned. They have no food, no money, ragged clothing -- no means to fight the cold nights. They are a miserable sight: of hunger, of shame for their nakedness, of dejection at being kicked about like animals. The relief workers had taken along some tins of powdered milk for infants and searched through the various groups of about 2,000 people in all who camped under trees or along boundary walls. The people clasped to their chest their few possessions -- some empty pots, some rags, rarely a straw mat -- with the same empty, lost look on every face. The relief workers were forced to face the cruel, tragic reality: there are no children below the age of three or four years. Also, there are no boys beyond the age of ten or eleven. It is understood that older children and youth are forcibly taken up by the security and Popular Defense Force militias for military training and enrollment in a new militia called the "Nuba Friendly Forces."

A certain Farouk, a former SPLA fighter, was captured in Kadugli in early 1992. In due time he resolved to cooperate with the government forces. He was entrusted to form and lead the new militias whose training camps are near Rashad and Dilling. In September 1992, two foreigners were sent away from this town: the security said that it was not an expulsion, but only "for the sake of their security."

With the end of the rainy season, preparations are underway for a new offensive. Radio Kordofan proclaims that this offensive will be the "final blow to the rebellion." The largest secondary school in El Obeid, Khor Tagga, was closed and turned into a PDF and Islamic training center. More training grounds were added and are now being filled with new recruits, in many cases collected from the nomadic Arab tribes. Special camel and horse-mounted battalions are being formed.

Reports indicate that not all the new recruits are enthusiastic. Seven are said to have been killed in training and a good number to have run away.

In late November security officers, escorted by heavily armed police, enter the church compound in Abu Gibeha and destroy it, an easy exercise since everything was made of straw: the kindergarten, classrooms, chapel and boundary fence. The security claimed that the order came from the Governor of El Obeid.

DECEMBER 1992: Several trucks of Timu and Kamda (Nuba Tulisci) arrive from Lagawa. The peace camp that was opened last year for about 5,000 "returnees" is being evacuated because the authorities are unwilling or unable to provide food. Some of those arriving in El Obeid speak of a handful of durra [sorghum] per day.

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<sup>20</sup>The author of the diary asked to remain anonymous for safety reasons.

At the beginning of December, Lagawa was heavily attacked by the SPLA from the Tulisci Mountains with heavy losses among the militia and mujahidin. The rebels made off with a large number of cattle, after having looted shops and stores.

In late December about 200 women and children reach El Obeid. They had managed to walk out of the Tulisci Mountain range, helped by the SPLA. They speak of 700 deaths from hunger in the mountains during the past season. In El Obeid they are helped with food and blankets -- temperature at night is down to five degrees -- they are huddled in a small courtyard of a poor family.

A police officer who requested absolute anonymity reports that the villages of Hamarat El Sheikh (northwest of Soderi in North Kordofan) is a gathering-place for children: Dinka mainly from Mujlad and Nuba from the Kadugli/Tulisci areas. The children are reportedly loaded onto trucks that proceed to Libya. Another gathering place is Mohammed Gol, a small village on the Red Sea Coast where mainly Nuer and Shilluk children are dispatched by boat to Saudi Arabia but probably rerouted to Yemen and the Gulf countries. The police officer said the movement of children is administered by the PDF and that the normal police are never asked to take any action.

Travel permits for foreigners to South Kordofan are denied by security, the military security, and the governor's office. From South Kordofan all reports indicate that intensive ethnic cleansing is being carried out. No witness is wanted.

JANUARY 1993: Reports from Abyei are not different from those of last year: steady flow of displaced people from northern Bahr El Ghazal and the oil field areas of Bentiu and Mayom. New arrivals are at a rate of 200-300 per day. Five fifteen-ton trucks arrived in Abyei with flour, milk, grain, sewing machines, and other items to establish a Dawa Islamia relief center while church relief efforts are impeded.

JANUARY 1993: The flow of displaced is uninterrupted. Today seven trucks arrive with over 300 Dinkas from Aweil/Abyei and four trucks with about 200 Nubas from Tulisci. They speak of a large and ruthless cleansing operation by the militia and mujahidin along the railway [south] to Wau to ensure the safe passage of a train from Babanusa, to refill the army stores in Wau. They say many people were killed and large herds of cattle seized and moved to Wau.

JANUARY 1993: A group of Southern University students arrive from Khartoum to Khor Tagga military and Islamic center for training.

JANUARY 1993: Lagawa again is attacked by the SPLA, it is called a major disaster among the militia and mujahidin.

JANUARY 1993: About 130 people arrive from Habila, a major agricultural area. They were seasonal workers in the durra cultivations. They were accused of helping the SPLA by the militia, who were called in by the Arab farmers for protection. One Dinka and one Nuer were killed while fleeing. All who fled lost their wages and have no way to make any claim.

JANUARY 1993: A big new offensive has been launched in the Tulisci and Habila areas by the army, the PDF and the mujahidin. A new larger wave of displaced (mainly women and children) has started arriving in El Obeid.

JANUARY 1993: The thirteen-year-old nephew of neighbors, and his friend, are missing. Their fathers went to look for them and were told by the police station to check with the army and the PDF. The following day they go to the army barracks where other people started gathering, also parents and

wives of youth who have disappeared. Finally some trucks from the PDF training camps arrive and unload the new recruits, among them the boys who had disappeared. Their heads had already been neatly shaved. After some discussion, those who could prove to be students or married were released; all the others were returned to the camps. The day before, all buses were stopped by armed soldiers. The passengers were made to dismount and all boys were compelled to get into army trucks and were taken to enroll in the PDF. The same thing happened to all boys that were found along the roads and in the market places. The need is high for the PDF for new recruits to replace their heavy losses among their ranks.

A relief convoy is sent from El Obeid to various Peace Camps in the Rahmania area. The Sudan Council of Churches is allowed to join the convoy with its trucks of food and some of their own monitors to make the correct distribution of food. Upon reaching Abu Gibeha, the security stops the Sudan Council of Churches officers. Only those of the Sudan Red Crescent and of the Islamic African Relief Agency are allowed to proceed.

A relief worker is finally released from jail after accusations of SPLA collaboration. He is now free but must visit the security office every ten days and cannot leave town without permission from security.

FEBRUARY 1993: El Zubeir Mohamed Salih, the vice president, is in El Obeid to oversee the departure of a new contingent of PDF and mujahidin. There are reports of strong clashes around Dilling and of widespread destruction of villages and indiscriminate killing. Strong waves of displaced arrive from the Koalib, Mendi, Tima and Tulisci areas.

FEBRUARY 1993: Over fifty Bagarra-Missurya Arabs are taken to prison in El Obeid, accused of siding with the SPLA.

MARCH 1993: Seven trucks of PDF, all young boys, depart from the central mosque square to the battle areas.

MARCH 1993: A messenger from Abu Gibeha brings news that a church compound was demolished at the end of November 1992. The security forces are firm that a public meeting cannot be held on the grounds of the old church. They insist that in Abu Gibeha there cannot be any church unless a permit is obtained in Khartoum. A compromise is then reached: the security forces emphasize that there is full religious freedom, that Christians can pray whenever and wherever they want but not on that old place of the church because in Abu Gibeha there is no church.

The next day a Catholic mass is celebrated under a large tree, very near to the old church, under the unobtrusive and quiet control of the security, with no disturbances.

MARCH 1993: Groups of displaced Nuba are taken to El Obeid from the Peace Camp of Rahamia to profess publicly their faith in Islam. They are all women. All boys beyond the age of twelve have been enrolled in a new militia.

For the whole month of March there has been a steady flow of displaced from the Nuba Mountains and the south. Large military operations are underway in the Tulisci mountain range, particularly around Lagawa and Sellara, in the area between Dilling and Kadugli, and around Kadugli where massacres are rumored. Also heavy fighting is reported around the Miri mountains, in the Koalib area, around the oil areas of Bentiu, leaving masses of Nuer on the move, and in a large belt along the railway from Aweil to Wau. In two days, over 600 people arrive from Aweil and they speak of thousands brutally killed and 7,000 head of cattle stolen. In one day, over 200 Nuer arrive who tell of

being harassed by the Arab militia between Abyei and Mujlad. Children are taken by force and adults that resist are simply shot. Several lost their lives.

APRIL 1993: The flow of displaced continues uninterrupted also for the month of April. Some who could be approached reported the following:

- All passengers from Aweil, Gogrial, Meiram, and Mayom are harassed and robbed of their belongings, sometimes just a handful of rags. One man was killed for refusing to hand over 58,000 Sudanese pounds (then about \$200 U.S.). His friend who saw this gave up his 35,000 Sudanese pounds and survived.

- The Nuba Timu group that lived in the lower lands of the mountain range of Tulisci, near Lagawa, has been virtually eliminated. Only women and girls with children arrive in El Obeid. All the male population, down to boys of six or seven years, that could not reach the SPLA strongholds deep in the mountains, has been mercilessly massacred. All females from fourteen years and up are pregnant. These uneducated, simple people are too deeply wounded in their dignity to recount what they have passed through. They are silent or evasive about certain inquiries. The word "rape" does not exist in their culture.

- A friendly soldier who was in a military convoy that took supplies to the military outpost of Heiban said that he entered the Peace Camp of about 5,000 on the outskirts of Rahmania, hoping to find someone he knew. He observed that all the inmates were women and girls, with children, from the Nuba Shatt tribal group. All the women were pregnant. For more than one year the only males in the camp were the PDF and the mujahidin, who are in charge of running it, backed by the Dawa Islamia.

The only NGOs allowed in the area are Dawa Islamia and the Red Crescent. Some Sudan Council of Churches officers who were allowed to join a convoy with relief food for Rahamia were stopped in Abu Gibeha and not allowed to proceed.

- People arriving from the Gogrial, Aweil, Mayom regions speak of widespread famine, several saying they saw as many as eighty people die of hunger. The PDF and the mujahidin took advantage of the cease-fire with the SPLA to attack and destroy many villages left unprotected and to make off with the cattle.

- Reports of the murder of a sixteen-year-old girl by her master, Adam Mohammed El Daw. She had been working for him for three years, without salary. When she asked for some money to travel to El Obeid, he became furious and killed her.

- Other reports of a trick used by Arab farmers to avoid paying their seasonal employees who are almost exclusively displaced people from the south or the Nuba Mountains. When the harvesting is over, they spread the rumor that the SPLA is in the area. The pdf and the mujahidin rush in to protect the farmers and shoot at anybody who looks like a rebel. The displaced abandon the area, never to come back to claim their wages. Some of them lost their lives in such operations of "providing security to the farmers."

MAY 1993: At the beginning of the month, about ten trucks of PDF were dispatched into the Nuba Mountains.

The flow of the displaced is still ongoing. They appear to be the wreckage and remnant of the Dinka, Nuer, and Nuba populations of vast areas where "cleansing" seems to be now well on its way or nearing completion. Some of their reports:

- In Gogrial and surrounding areas there is nothing left. A new, large military garrison has been established in the town in which the only inhabitants are soldiers, militia and mujahidin. Inexplicably, the rather large church is still untouched, but it stands alone, like a large grave tombstone. All women and children that could be rounded up are taken to Peace Camps where Khalwas (Islamic schools) have been erected. All the cattle has been taken away - nothing is left. Gogrial area used to be rich in cattle wealth and bustling in pastoral life. All food that arrives is stored for the army and the Khalwas, because all the children have "turned to Islam."

- New military garrisons also have been established in Meiram, Aweil and other larger towns. The situation is the same as for Gogrial.

- Many villages where the army has not yet arrived are dead. They are inhabited by shadows. "Nobody moves from the hut, nobody takes care of the cattle, they are all sick with strange infected wounds on their bodies." A young nurse working in Gogrial says there is a vast outbreak of plague, probably kalahazar. No doctors or medicines are available in these areas.

- Groups of youths and elderly men arrive from Abyei, Mujlad, Babanusa, and other agricultural areas of the Nuba region, covered only by a single, ragged piece of cloth. They and many others had been employed by Arab farmers and never paid. They were given only food, consisting of durra porridge and boiled vegetables. Very rarely could they get some meat and invariably it was entrails. They managed to slip away from their masters. But, they said, one must be very careful, because they are soon accused of belonging to the SPLA, and hunted down by the omnipresent militias and killed.

- Eyewitnesses from Kadugli (including friendly army officers) refer to harsh fighting still going on in the Nuba Mountains region. The army is trying to open the road to Talodi across the mountain range.

- Various groups of visitors from the U.N. and embassies were allowed to visit "South Kordofan" in May, and carefully guided to some selected towns, like Dilling, Kadugli, El Daein, up to Abyei. In all these towns, life is rather "normal," at least better than in operations areas, because it is under strict control of the army and militias. They were taken to Abyei by air, overflying the disaster below.

JUNE 1993: An educated man reports that near El Nahud the local Khalwa is freely selling Dinka children previously collected by the PDF at a rate of 13,000 pounds (U.S. \$95 at the official rate of exchange) to anyone who asks. They are dressed in just one piece of cloth, a red jallabia, to be easily recognized if they attempt to escape. They are usually used to tend the cattle of the Bagarra and Rizeigat tribes whose youth have been enrolled in large numbers by the army and the various militias.

NOVEMBER 1993: By the end of November, a new wave of arrests is reported in El Obeid, Dilling, Kadugli. Large contingents of PDF and mujahidin are seen departing for the mountains. Unlike the previous years, their departure is without fanfare and fuss. Many of them are mere children of around fourteen, almost collapsing under the weight of their military gear.

Word from Abyei is that the population now numbers about 200,000, including the displaced. The majority are non-Muslims and a good number of Muslims are "Fellata," immigrants from West Africa.

The situation in the town is a strange mixture of war and peace. It is the headquarters of an important army garrison and large PDF and mujahidin camps, but is surrounded by the SPLA, who are only five to ten kilometers away. Rebels come to town half naked for shopping. Arabs are allowed to take their herds to pasture if unarmed. The most dangerous elements are the unruly militias, whose highest aspirations are robbery and rape.



Water for the whole population is from three donkey-wells, all in the army barracks. Girls are normally in charge of fetching water. They must enter the barracks, and must first satisfy the whims of the soldiers by providing water for the soldiers' quarters and families, in a kind of forced water-for-labor exchange.

DECEMBER 1993: In the wake of the government campaign to counteract and deny the accusations of infringement of human rights and denying freedom of religion, festive Christmas celebrations are held without impediments. The Kordofan governor made it a point to attend the whole High Mass on Christmas morning in the Catholic Cathedral of El Obeid, with his ministers and high officers. After the mass he addressed the huge crowd assembled in front of the cathedral, with highly resounding words of peace. Kordofan TV highlighted the event in the nightly broadcast.

Amid all the loud talk of peace and dialogue, large detachments of army, PDF, mujahidin are seen being dispatched almost daily to the Nuba Mountain areas where a new offensive is in full swing.

Furious fighting and aerial bombardment are reported from the areas of Kadugli, Heiban, Buram, Talodi, Shatt, Tes.

JANUARY 1994: A convoy of three trains, on their way to Way, is ambushed and attacked by the SPLA. The first train is overturned (probably by mines); the other two manage to return back to Mujlad. The convoy was flanked for protection by a large force of horse-mounted PDF. It was understood that the convoy was fully military, with food and military equipment to support the offensive towards West Equatoria. It was also understood that much of the durra was transported to Mujlad from Abyei, a famine-stricken area.

Large numbers of displaced arrive in Kadugli, Dilling, El Obeid. There are reports of about 10,000 in a Peace Camp possibly called Lager. Food supplies are described as critical. The last agricultural season was very poor, because of irregular rains and widespread insecurity. Durra is in short supply and already more costly than in El Obeid. It is speculated that the cost of one bag, now at 4,200 Sudanese pounds, will soon jump to 10,000. In Dilling the situation appears even worse. Only 10 percent of agricultural schemes in the fertile Habila plain were cultivated, because of insecurity. Nothing is done by the authorities to alleviate the plight of the displaced.

Fighting and violence is on throughout all the Nuba areas, from Abu Gibeha, Heiban, Talodi to Abyad, Keilak, Lagawa. Widows in El Obeid gave the names of people shot by the PDF in their homes at night in the town from which they fled. There are many reports of rape, sale of children, mass killing all over the Shatt area. Because of the news that the SPLA is nearing the town of Lagawa, many abandon the town. Sixty-seven on their way from Lagawa to Dilling were reportedly killed by the PDF.

Nuba and Dinka farm workers coming from Habila tell of having been robbed of their salary by the PDF after the meager harvest.

The displaced Nuba who managed to reach the peripheries of El Obeid are now estimated at more than 5,000. Some manage to find relatives or friends. Women and children are gathered by security forces and transported to the infamous Peace Camp in Rahmania (alleged to be a "breeding" camp).

FEBRUARY 1994: At the beginning of the month, Dr. [Hassan] Turabi [head of NIF] is in El Obeid. He is staying in Khor Taggat, just outside El Obeid, in a former, once famous secondary school, now converted into a PDF camp. It is rumored that he has come to open a new training center run by

Iran/Sudan [collaboration between the two governments]. He also visits a second PDF camp and arms/ammunition store in Malbes (about ten kilometers south of El Obeid) where he is said to have met with the state minister of education and Vice Governor Habib Maktoum, the newly appointed governor of the new state of South Kordofan.

A Dinka man said that his daughter of ten and son of eight were taken from him in Aweil late in 1992 by the "soldiers." He managed to understand that they were taken in the direction of Kadugli. He and his wife roamed around to look for them, until they arrive in a large bush/savannah area around Kadugli and Lagawa, where only Baggara Arabs roam with their herds. There he found a large camp, with many spacious straw buildings, each occupied by about fifty or sixty children from Nuba and Dinka tribes. The children are made to attend an Islamic school and to cultivate the large durra farms that are all around. There he found his children, but was not allowed by the PDF to leave the camp. After several weeks, with the excuse that he was going to consult his kujur, he managed to sneak away with his family.

A Nuer family finding refuge in El Obeid, hungry, sick, exhausted, practically naked. One of the men, who speaks some Arabic, tells the story. They left Mayom, the Bentiu oil area, about a month ago because of war and killing everywhere. On their way they were harassed by various groups of PDF and mujahidin. They were robbed and the older woman badly beaten (she shows the scars) because she resisted the robbery. They had the money from the sale of the last herds of cattle. Almost daily, about twenty such people reach El Obeid.

A twelve-year-old Dinka boy said that he escaped from a town halfway between El Obeid and Nahud. He was entrusted with some cows for pasture by the Arab who had bought him. He reaches a village, sells the cows, and runs to El Obeid. He says two other boys are still with the Arab. The three boys were captured in Mujlad by a mujahid and sold to the sheikh of the khalwa for 12,000 Sudanese pounds (about U.S. \$40) each.

Strong student demonstration in El Obeid for three days. The reasons were the new school tax (ranging from 420 to 1,200 Sudanese pounds, according to the class attended); the soaring prices of the most necessary commodities, including bread and medical services; lack of electricity (for more than one year now); lack of transport (lack of fuel); lack and high cost of water. All the various kinds of armed and security forces were out in strength, confronting the protesters with the power of numbers and sticks. On the third day shots were fired and five students (including a boy of eleven) lay dead. Others were hospitalized. All the armed forces repeatedly denied having used their weapons. After some days the news circulated that the shooters were students themselves, belonging to the newly formed organization of the "guardians of the revolution." No legal action was taken against the shooters, whose identity remained officially unknown. In the security compound about sixty students and teachers were enclosed in a few very narrow cells. Flogging was vigorously administered at regular intervals by day and by night. The Islamic cultural center and NIF headquarters and a khalwa were burned down. The market area was tightly closed and controlled by the various armed forces.

In Um Ruaba four banks were said to have burned down during the night. Some days after the banks' burning, heavily armed security agents arrested some seventeen Christian students in Um Ruaba. After a few days of questioning and beating, they were all released except one who was badly tortured and then condemned to one year in prison on four counts, not specified. Almost all the 150 Christian students in Um Ruaba (all displaced from the south or the Nuba Mountains) abandoned the town and fled to more secure places.

Of the sixty students and teachers arrested in El Obeid, most were kept for about fifteen days and ten were transferred to the central prison for one year, including some who are said to be badly injured by the savage beatings.

The information in this diary is consistent with other reports coming from the Nuba Mountains. Hugo D'Aybaury's 1993 film "The Right To Be Nuba" includes rare taped interviews with survivors of atrocities committed by Sudanese government troops in the Nuba Mountains. A clergyman, Kamal Tutu, said in the film, "After they burned the church with the people inside, the military threw me into the embers of the church and left . . . this is what I have seen with my own eyes."<sup>21</sup>

A witness told Human Rights Watch/Africa about another similar attack in December 1992 on the village of Sadah in Dilling. As a result of this attack, some escaped not to government-controlled towns, but to SPLA-controlled areas. The account of a witness who escaped to SPLA-controlled areas is summarized below.

### **The Destruction of Sadah**

December 1992 was the first time the army attacked Sadah village. The attack started before dawn; the army was on foot, having left their vehicles and crept quietly to the village. Suddenly they started firing rifles and rocket-propelled grenades (RPG 7s). There was no resistance from the population, which fled. The army brought in their cars and tanks, with mounted artillery, and looted and burned the village. The Catholic church and the school were burned; the mosque was left untouched. The army also looted all the villagers' cattle, goats, and sheep. Two girls, both age thirteen, were captured by the army.

When the army left, the villagers returned and found the dead and the burned houses. The witness's brother, age twenty-five, had been killed, and many other bodies were found.

The army accused the village of collaborating with the Nuba SPLA commander, Yusef Kowa, whose base was two days on foot from the village. There were reportedly no SPLA in the village during the attack, nor any army base in the area.

Before the appearance of the SPLA in the area, the Murahaliin militia, recruited from the Arab Aulederman tribe from Nyokere outside of Dilling, used to raid the village cattle and kidnap villagers. The SPLA chased them away, and the Murahaliin then joined forces with the government's PDF. There were also some Nuba men who were recruited into the government militia based in Lagowa, although none from this village.

After the raid, most of the villagers were escorted by the SPLA to an area believed to be safe in the mountains; a few went from there on foot to a displaced persons camp in eastern Equatoria, a journey that took four months.<sup>22</sup>

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<sup>21</sup>Hugo D'Aybaury, "The Right to be Nuba," Peekaboo Pictures, London, 1993.

<sup>22</sup>Interview, Atepi displaced persons camp, Eastern Equatoria, Sudan, July 23, 1993.

## **The Burning of Shawaya**

Another witness, a teenage boy interviewed by Human Rights Watch/Africa, related a fairly typical story of how his Nuba village was looted and burned and its civilian inhabitants killed by indiscriminate fire or forced to flee for safety.<sup>23</sup>

This young man was from Shawaya village, about twelve kilometers from Heiban, the district capital; the village had about 1,000 inhabitants. The family had cows, goats, pigs, and one camel, and grew sorghum, beans, groundnuts, maize, and fruits. There had been repeated army raids since 1987, after the SPLA appeared in the region, and the uniformed army soldiers, accompanied by militia based in Dundur, stole the animals and looted and burned the crops.<sup>24</sup>

The army raided without warning and people ran whichever way they could to escape. In early raids the church was burned down by army and militia forces, because the government did not want people to practice their religion, in the opinion of the villagers. The majority were Christians although there were some who practiced traditional African religions.

The school also was burned down; there were eight teachers living and working in the village, but many had been arrested. When the school was burned down, the remaining teachers ran away.

The worst raid was on April 4, 1990, at 3:00 P.M. The teenage witness was in the lemon and mango orchards outside the village when he suddenly heard shooting and children shouting, and saw people running in panic. He ran to the nearby mountain and climbed, with many other villagers, to the top. The army and militia did not follow.

Several people were killed, including his grandmother; he said she was shot because she was blind and could not run. Also killed was his cousin Bashir, who like all of the others killed was a civilian, he was shot while running away.

The army burned the houses, most of which were round, with grass thatched roofs and stone walls; a few had zinc roofs. The roofs and long poles of the roofs and almost all of the contents of his family house were burned. The army also cut and uprooted trees and burned down the health clinic.

This raid lasted about two hours. The villagers saw the smoke from the burning houses and heard gunfire from the mountain. There was no crossfire, no battle, no SPLA presence. "The army was just shooting the villagers." Other villages in the area were similarly raided the same day.

He did not return to live in the village; he and his brothers took food and went to live on the top of the mountain, slipping down occasionally to cultivate their farm. After a year of living this way, he and his brothers left the area entirely. By then there were few people left living in the village, and even those people used to sleep outside the village at night, for safety from the raids. They kept all their grain stores hidden on the mountain.

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<sup>23</sup>Interview, Kakuma refugee camp, Kakuma, Kenya, July 2, 1993.

<sup>24</sup>Agricultural activity in this area starts in July and ends in October. Many of the raids took place in the October season, and the villagers believed they were motivated by the presence of food stocks.

### III. THE INTERNALLY DISPLACED

UNICEF reports that displaced persons and squatters now comprise approximately 40 percent of the population of greater Khartoum. Of the total 1.9 million documented, approximately 800,000 were displaced as a direct result of the conflict in the south and more than 350,000 displaced by drought in western Sudan.<sup>25</sup> Although the internally displaced are not refugees because they have not crossed an international border, domestic and international organizations usually attempt to alleviate the situation of the displaced by providing emergency relief and then establishing structures and institutional arrangements for long-term sustainability.<sup>26</sup>

Forced removals and mistreatment of Sudanese who were already internally displaced have occurred before, for example, under the Nimeiri regime in 1984 after large numbers of displaced came to Khartoum as the result of a

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<sup>25</sup>UNICEF, January 1994, *Sudan Appeal*. The U.N. 1994 Consolidated Inter-Agency Appeal estimates that 5.2 million war-affected persons live in southern Sudan, the transition zone, and greater Khartoum.

<sup>26</sup>See "Comprehensive Study on the Human Rights Issues Related to the Internally Displaced," E/CN.4/1993, January 21, 1994. This report was prepared in accordance with the Secretary-General's mandate from the U.N. Human Rights Commission of July 20, 1992; see Report of the Representative of the Secretary-General of the United Nations, "Analytical Report of the Secretary-General on Internally Displaced Persons," U.N. Doc. E/CN.4/1992/23; "Alternative Approaches to the Internally Displaced," U.N. Doc. E/CN.4/1993/35; and "Human Rights, Mass Exoduses and Displaced Persons," U.N. Doc. E/CN.4/1994/44.

drought in Darfur and Kordofan.<sup>27</sup> The present government inherited some discriminatory policies from previous governments.<sup>28</sup> Rather than reversing the inherited policies, the current regime has redoubled its efforts to disempower, marginalize, and relocate displaced African peoples in Khartoum. This cumulative evidence and the proselytization efforts and criminalization of southern customs such as brewing suggests the government intends in the long run to destroy tribal identity<sup>29</sup> and to maintain the predominantly Islamic and Arab character of Khartoum.<sup>30</sup>

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<sup>27</sup>Millard Burr, "Khartoum's Displaced Persons: A Decade of Despair" (Washington, D.C.: U.S. Committee for Refugees, August 1990); Africa Watch, "Refugees in Their Own Country," July 10, 1992, pp. 3-5. Earlier displacement was caused by natural disasters.

<sup>28</sup>Burr, "Khartoum's Displaced Persons." As early as 1981, the U.S. State Department's annual *Country Reports on Human Rights Practices* noted the forced expulsions to move squatter displaced persons from urban areas. The Sudan Bar Association opposed those policies at the time. Now the present government is pursuing the same policies, and the Bar Association and all other independent organizations have been banned.

<sup>29</sup>In an interview in Washington, D.C., on May 16, 1993, Sudanese Ambassador Abdallah Ahmed Abdallah called tribalism the greatest problem that Sudan must overcome before achieving its goal of becoming a cohesive country that is capable of fully developing its economic and strategic position in Africa. Since 1987, civil war in the south has been the main cause of displacement, and the displaced have been almost exclusively from the south and Nuba Mountains.

<sup>30</sup>See Francis M. Deng, *Protecting the Dispossessed: A Challenge for the International Community* (Washington, D.C.: The Brookings Institute, 1993).

The government granted legal title to small plots of land outside Khartoum to squatters who arrived prior to 1990, most of them northerners. When faced with the war-displaced from southern Sudan, however, the Khartoum authorities in 1991 relocated over 150,000 displaced persons and squatters from Khartoum.<sup>31</sup> These relocatees were housed in a series of mud brick government-controlled transit camps too far from Khartoum to commute to work in the city. Many relocated displaced therefore have filtered back into Khartoum from the resettlement camps, into squatter settlements.

During 1992, often at gunpoint, the authorities removed additional tens or hundreds of thousands of Khartoum displaced to unsuitable sites well outside the city, reportedly killing fifteen people who resisted relocation. The homes of many were destroyed to prevent return to Khartoum.

Francis M. Deng, the Special Representative of the U. N. Secretary General on Displaced People, observed the living conditions in the government-controlled camps in 1993:

Whatever services were being rendered, the location of the displaced just outside Khartoum, where they were neither part of the urban community nor in their own natural setting, was inherently degrading, especially since it was popularly believed that they had been removed to cleanse the city of undesirable non-Muslim elements. Second, the fact that their shanty dwellings in the camps were not better than those they had lived in before, except for a more open barren space, did not adequately compensate for their removal from the city.<sup>32</sup>

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<sup>31</sup>Africa Watch, "Refugees in their own Country," pp. 9-14, described the campaign of expulsions and relocations which started immediately after the adoption of the draconian 1990 Amendment to the Civil Transactions Act. By the end of the following year, the campaign to relocate displaced southerners increased in scale and regularity with over 150,000 people removed to arid camps at Jebel Aulia, Dar-Es-Salaam (Omdurman) and Dar-Es-Salaam (Khartoum North).

See also, "Commission of Displaced, Camps Administration briefing paper," July 25, 1993; Barbara Crosette, "Sudan is Said to Force 400,000 People into Desert," *The New York Times*, February 2, 1992; JENNIFER Parmalee, "Sudan Razes Homes, Relocates Thousands," *The Washington Post*, March 7, 1992; Burr, "Khartoum's Displaced Persons."

<sup>32</sup>Deng, *Protecting the Dispossessed: A Challenge for the International Community*, p.78.

### **Forcible Displacement From Khartoum in 1994**

Médecins Sans Frontières (MSF, Doctors Without Borders), a French nongovernmental medical relief organization, said that the relocation program had accelerated in late 1993 and 1994. MSF calculates that over 100,000 persons were forcibly displaced from the Khartoum area between November 1993 and June 1994, and another 60,000 in July 1994. Most were taken to four main camps outside Khartoum -- Jebel Aulia, Es Salaam, Mayo Farms, and Wad El Bechier -- whose populations increased in August 1994 to about 400,000.<sup>33</sup>

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<sup>33</sup>Four camps, Jebel Aulia, Es Sallaam, Mayo Farms, and Wad el Bechier, had 38,000 families in January 1994, and in August their estimated population was 53,367 families; at five per family, the total is now 266,835. At eight per family, the total is 429,096. United Nations Emergency Unit, "Khartoum Displaced Camps Population Figures," Khartoum, Sudan, July 20, 1994, reprinted in Médecins Sans Frontières (MSF), "Soudan, Accélération des Mouvements Forcés de Populations dans la Région de Khartoum et Entraves à L'Action des Organisations Humanitaires Impartiales," London, July 1994.



MSF views these as the most important displacements to occur since 1991. They were conducted in a brutal manner, with night-time raids and the razing of entire quarters (Marzoug, Sita Abril, Ikalakala Abu Adam, Fitibah, Bharri, and Umm Bhadda). These newly displaced are also too far from Khartoum to commute to work there, and the opportunities for employment near the camps are slim. They are in increased need of assistance but the Sudanese government continues to put obstacles in the path of the international nongovernmental organizations willing to work with the displaced. Among other things, according to MSF, the authorities made it hard for expatriate personnel to receive the authorizations necessary to travel, required their employees to seek travel permits even to visit the displaced in the periphery of Khartoum and in the transition zone (permits are not issued for these organizations for the Nuba Mountains), did not respect permits even when issued, and refused to permit them to utilize radios for communications where there were no phones.<sup>34</sup>

The policy of bulldozing homes of the displaced continues. On February 14 and 15, 1994, three trucks of soldiers and police and two bulldozers arrived at Wad El Bashir, a government displacement camp, and without advance warning proceeded to destroy more than 150 mud buildings. A U.N. report observed, "The remains of damaged personal and household effects attested to the lack of prior notice."<sup>35</sup>

Those choosing to live in nongovernmental squatter camps around Khartoum face equally bad living conditions. In addition, many of these southerners face flogging in Khartoum's Public Order Courts for traditional survival practices.

For instance, women have received severe punishments for brewing traditional alcoholic beverages, including floggings of between twenty-five and forty lashes, jailing for one to six months, and fines of 1,500 to 14,000 Sudanese pounds.<sup>36</sup>

Typically displaced southern women will brew and sell native beer and liquor. Women turn to brewing for survival. Many among them are widows or separated. Some are divorced. All but a few have children, and of those who had been jailed, they had between three and five children each. Women brew because it pays. Even the married ones need the income, since their husbands' incomes are usually inadequate; even their soldier-husbands.

Some have been caught several times, lashed, flogged, and jailed, even though it is often the police who purchase the beer. A Dinka displaced woman from Abyei said she was arrested and flogged on three occasions for brewing native beer. Despite the punishment, she is unwilling to stop because brewing provides the only means of subsistence for herself and six children.

Flogging punishments are typically meted out directly after sentencing with no time for appeal. Flogging is done with a whip and usually leaves deep and even permanent welts on the skin.<sup>37</sup>

Human Rights Watch/Africa concludes that the government is creating a permanent underclass through its policies of marginalizing and segregating displaced southerners. While feigning a show of concern for the displaced

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<sup>34</sup>Ibid.

<sup>35</sup>U.N. Situation Report for February 4 - March 9, 1994, of the Special Coordinator for Emergency Relief Operations in the Sudan, p. 9.

<sup>36</sup>Initial results of 1993 survey; "Impact of Certain Legal and Administrative Measures Upon Displaced Women and Their Children in Greater Khartoum," report to Ford Foundation, Cairo, March 30, 1994 (author's name withheld upon request), pp. 63-76.

<sup>37</sup>Ibid.

and making small concessions following substantial diplomatic efforts, the government is single-mindedly pressing ahead with its Islamization/urban removal plans which punish the displaced.

### **Displaced Boys Rounded Up And Interned Without Due Process**

Among the displaced, children are especially vulnerable. Human Rights Watch/Africa has received numerous reports of children being rounded up, often by police, from the streets and marketplaces of Khartoum and other cities. Without the knowledge or consent of their family members, the children often are placed in special schools where they receive a Koranic education, even though their and their family's religion may be different; older children are inducted into the Popular Defense Forces and eventually serve in the civil war. The targets of these roundups are usually southern children, displaced by famine and war.

The Special Rapporteur on Human Rights in Sudan looked into this issue and concluded, among other things, that "the fear that the practice of collecting up street children is in fact mostly a case of arbitrary arrest and detention without due process of law is well-founded."<sup>38</sup> He found that the Juvenile Welfare Act of 1983, which prescribes a very precise procedure to be followed in the case of separating a child from his or her family, was not followed in a single case in which street children were taken to camps and kept there.<sup>39</sup> He also found that children in some camps are indoctrinated with a view to religious conversion.<sup>40</sup>

Michael, an eleven-year-old southern boy, was sent by his parents in Malakal to live with his aunt in Khartoum for better schooling.<sup>41</sup> He and other southern boys were scooped up by police in the market. There was no attempt made to establish who and where his family members were; without their consent this minor was interned in a camp.<sup>42</sup> There he and other southern boys suffered beatings. They lived under guard, with severe punishment for those who attempted to escape.<sup>43</sup> This boy, however, managed to escape the camp after a few months, in mid-1993.

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<sup>38</sup>Final report of Special Rapporteur on Human Rights in Sudan (February 1, 1994), p. 28.

<sup>39</sup>Ibid.

<sup>40</sup>Ibid., p. 32.

<sup>41</sup>The child's name has been changed for his safety.

<sup>42</sup>This detention without notice to the family violates the Convention on the Rights of the Child, article 5:

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by the local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

It also violates Article 9:

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

<sup>43</sup>Such beatings and other ill treatment violate Article 19 of the Convention on the Rights of the Child:

1. States Parties shall take all appropriate legislative, administrative, social and education measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment . . . .

He was walking to the market near his aunt's home in a Khartoum suburb when the market was surrounded by men in uniform who looked to him like policemen. All children between ages three and eleven years old were rounded up. All but one were southern, and the one northerner was let go. About twenty children were forced into a minibus. Michael lost the buttons off his shirt in the struggle.

They were taken to the police station in Soba [another suburb of Khartoum]. On arrival in Soba, the children were asked details about their families. They were also accused of being thieves and badly beaten. When one of the boys in Soba managed to escape, the rest were beaten with camel whips.

The toilet was outside and the boys were accompanied to the toilet by a guard. They were served two meals daily, consisting of beans and bread. There were Dinka, Nuer, and Nuba boys. They were crying all the time.

They were held in Soba in a single cell about five by three meters, for five days, until there were about thirty children between three and eleven years of age, all boys, collected from different parts of Khartoum.

They were then taken to a large camp near a village, a two-day walk north of Omdurman and Khartoum and a one-day walk north of the military airfield.

In the camp, the boys were grouped together in rooms of ten. Each was provided with a bed. The buildings were made of local materials. The number of boys in the different rooms were "too many to count."

Guards armed with pistols patrolled the grounds.

There was no fence around the camp. Anyone who lived near the camp who caught a child trying to escape was given a reward. Most did not try to escape because they were frightened. Nonetheless, Michael reported a constant effort by some children to escape. Most were unsuccessful and were severely punished.

A failed escape attempt by Michael and three friends led to a flogging. They were then forced to hold a brick in each hand above their heads for a long time.

The normal routine of the day was: wake up before sunrise, clean the room and themselves. Parade and roll call. Koranic school, where they learned how to pray and recite Koranic verse. Failure to perform properly lead to savage beatings. At 10:00 a.m. there was a break and meal. The children then returned to Koranic school. At 3:00 p.m. another break and meal. School resumed once more until very late. Sometimes they would be taken to work on a farm or to do parade duties.

All of the boys were given Islamic first names but not given the patronyms indicating the names of ancestors, thereby obscuring ethnic and family origin. Michael was given the name of Mohamed.<sup>44</sup>

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<sup>44</sup>This violates the Convention on the Rights of the Child, Article 7:

1. The child . . . shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

It also violates Article 8:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

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It further violates Article 29:

1. States Parties agree that the education of the child shall be directed to:  
(c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate .

Michael felt that while many of the boys claimed to follow Islam when at the camp, none of them would follow it if given the freedom to choose.<sup>45</sup>

The ages of the children in the camp ranged from three to fifteen. At fifteen, the boys were taken somewhere else.

One day the children woke to a scene that suggested that there had been a feast during the night; a bull had been killed. The children were told that President Omar Al-Bashir had visited and left a message for them. The message was that if they behaved, they would go into the militia when they were fifteen, where they would be taken to the south to fight. After this they would be released. If they did not behave, they would be taken to a normal prison where they would be left to rot.

Michael and three friends made two attempts to escape. The unsuccessful attempt, mentioned above, was made after he had been in the camp for one month.

After two more months elapsed, he and his friends planned to escape when the night guard was away from his post. They hid while the search was underway and then walked for two days. Then they split up to join their families.

At the time of the interview, he had been back for one month with his relatives but was afraid to leave the house.<sup>46</sup>

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<sup>45</sup>Children have the right to freedom of religion under Article 14 of the Convention on the Rights of the Child:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right . . . .
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

<sup>46</sup>Interview, Khartoum, August 1993.

This treatment also violated the non-discrimination provisions of the Convention on the Rights of the Child.<sup>47</sup>

#### IV. CONTINUING PATTERNS OF VIOLATIONS OF RIGHTS

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<sup>47</sup>The Convention on the Rights of the Child, Article 30, provides:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

Article 2 also provides:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Immediately after the June 30, 1989 coup, the military government of Sudan embarked on comprehensive purges of the judiciary, civil service, army, and security forces; banned all political parties, cultural and social associations; and imposed a state of emergency throughout the country. The judiciary, in particular, was targeted for a series of drastic purges which gravely diminished its institutional independence.<sup>48</sup>

In December 1993, the regime lifted the curfew which had been strictly enforced under the State of Emergency throughout the greater Khartoum area since June 30, 1989. As the State of Emergency itself and various regulations issued under it remain in force, security forces and officially-sanctioned vigilante groups, known as "popular police forces,"<sup>49</sup> continue to stop and harass people who are out of their homes at night, requiring them to show identity papers and explain their movements.<sup>50</sup>

### **Arbitrary Arrest and Detention**

Hundreds of persons continue to be arrested without a warrant and held incommunicado for varying periods of time without criminal charges against them.<sup>51</sup> Detentions carried out by plainclothes security forces typically occur late at night, creating an atmosphere of terror. Political detainees are brought to security buildings known as "ghost houses"

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<sup>48</sup>See, e.g., Arab Lawyers Union, *al-Mohamoon al-Arab*, issue no. 3, January 1990; Lawyers Committee for Human Rights, "Sudan: Attacks on the Judiciary" (New York: Lawyers Committee for Human Rights, March 1991), p. 8; International League for Human Rights, "Sudan's Human Rights Record" (Washington, D.C.: International League for Human Rights, January 1991), pp. 10-12; Adam Abdelmoula, "Sudan: The Judiciary and the Legal Profession in the 1989 Coup Aftermath," *Al-Hagg*, Spring 1991, pp. 143-189; Amin Mekki Medani, "Report to the International Commission of Jurists" (Geneva: International Commission of Jurists, January 1992).

<sup>49</sup>Sudan Human Rights Organization (SHRO), *Sudan Human Rights Voice*, vol. 1, no. 6 (London: Sudan Human Rights Organization, 1992), p. 7.

<sup>50</sup>SHRO, *Sudan Human Rights Voice*, vol. 2, no. 12 (London: SHRO, 1993), p. 6.

<sup>51</sup>Interview, Amin Mekki Medani, Cairo, March 17, 1994.

in Khartoum, El Obeid, Port Sudan, and other major towns.<sup>52</sup> Torture is routinely used in interrogation, while some detainees are simply tortured and released without questioning, apparently as a means of punishing and terrorizing them. Those charged are tried in special courts, usually under summary procedures that lack due process. Sentences, especially flogging in public, may be executed immediately and without right of appeal.

Where the detainee or his political party has international connections and a protest is swiftly mounted, the detention without charge may be for only a brief period, but will still serve as a warning.

Harassment techniques often include a requirement for people to report daily to security offices. The person reporting must sit for hours at a time; is not allowed to read, talk to other waiting persons, or sleep sitting up; and is frequently ordered to return the following day.<sup>53</sup> This technique is apparently designed to maintain a low but persistent level of control and intimidation while avoiding criticism of detention without charge.

All political parties in Sudan were banned when the military coup occurred in June 1989, and they remain banned. Nevertheless, political activists continue to find new ways to struggle, and even their peaceful efforts frequently are met with arrest. The section below on the continued suppression of political parties contains a few of the cases of detentions in 1993 and 1994 of members of the Umma and Democratic Unionist Parties, previously the two largest political parties in Sudan, and of members of the Communist and other parties.

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<sup>52</sup>The term "ghost house" refers to detention centers and torture chambers of which the existence is not officially recognized. Africa Watch, "Sudan, The Ghosts Remain," *A Human Rights Watch Short Report*, vol. 4, no. 6, April 27, 1992, p. 1.

<sup>53</sup>Many Khartoum-based lawyers, journalists, church activists, and Muslim leaders report they are routinely asked to report to the various security forces. A former university professor subjected to this harassment saw security officers repeatedly slap the face of another waiting person simply because he fell asleep.



Relatives and friends of suspects and victims frequently are also suspected of subversion. The widows and children of twenty-eight military officers summarily executed by the regime in 1990 regularly meet to commemorate the anniversary of the executions. On March 10, 1994, about nineteen persons, including two widows of the victims, were arrested during such an anniversary gathering in a private home (following the Islamic calendar).<sup>54</sup> They were held at security headquarters, then transferred to "ghost houses." All but four were released without charges on or before March 16. Prior to release they were made to sign an undertaking that prohibited them from gathering, opposing the government, or leaving Khartoum without prior permission from the authorities.<sup>55</sup>

On October 24, 1993, Baha'a al-Din Abud Gassim, a brother of one of the executed army officers, attended a commemorative meeting in a private home for another of the twenty-eight military victims. This meeting was violently broken up by security officers. The next day Gassim was arrested; he was held until November 1.<sup>56</sup>

Relatives of political exiles, too, have been detained and tortured, presumably as a warning. On September 11, 1993, a Public Order Court in Wad Medani imposed a sentence of forty lashes by flogging on ten men who were arrested at midnight on September 2, 1993, at a private home, reportedly without a warrant.<sup>57</sup> Each of the men arrested was questioned about his involvement in political activities and his connection to Amin Mekki Medani, the exiled member of their family who is the current president of the banned Sudan Human Rights Organization and a member of the National Democratic Alliance, an umbrella organization of opposition political parties. The men were accused of consuming alcohol, a crime under Sudan's Penal Code, on the basis of the testimony of an officer that he "smelled alcohol" on their breaths. It is believed that the gathering was raided because those present were relatives of Amin Mekki Medani.<sup>58</sup>

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<sup>54</sup>Amnesty International, "Urgent Action," UA 100/94, AI Index AFR 54/06/94 (London: March 11, 1994).

<sup>55</sup>Amnesty International, "Urgent Action," UA 100/94, AI Index: AFR 54/08/94 (London: March 17, 1994).

<sup>56</sup>Amnesty International, "Urgent Action," UA 382/93, AI Index: AFR 54/37/93 (London: October 29, 1993), and AI Index: AFR 54/39/93 (London: November 4, 1993).

<sup>57</sup>This case was also reported in the Interim Report by the Special Rapporteur for Human Rights in Sudan (November 18, 1993), p. 15.

<sup>58</sup>Amnesty International, "Urgent Action," UA 353/93, AI Index: AFR 54/36/93 (London: October 6, 1993).

The lawyer for the accused was denied the opportunity to read a defense plea at trial. The defense sought to call two doctors, the first who had tested the defendants for the presence of alcohol in their blood twelve hours after their arrest and found it negative, and the second who would offer an expert opinion on the ability of ordinary people to detect the presence of alcohol through smell. The second medical witness was disallowed. The first medical witness was sick on the day of the trial, and the judge refused to adjourn the hearing to receive this evidence. During the trial a security officer reportedly admitted that he beat defendant Kamal Mekki Medani in custody, but the authorities took no disciplinary action against the officer. Kamal Mekki Medani was sentenced to four months in prison and fined 15,000 Sudanese pounds, in addition to the forty lashes by flogging.<sup>59</sup> The flogging was carried out on eight of those convicted on November 2, 1993.<sup>60</sup>

## **Torture**

Notwithstanding persistent denials by high-ranking government officials, torture is still practiced in "ghost houses" in Khartoum, El Obeid, Port Sudan, and other towns.

Survivors of torture report that the methods include immersion of the head in cold water, hanging from the hands on cell bars, burning with cigarette ends, electric shock, mock execution, rape, and pulling out of finger nails. Forms of cruel, inhuman or degrading treatment or punishment include confinement of many people in a very small cell, insults, beatings, and humiliation by requiring a person to imitate animal sounds.

The case of Brig. (Ret.) Mohamed Ahmed al-Rayah al-Faki, age fifty-three, is particularly shocking. His handwritten description of his 1991-93 ordeal, including electric shock, severe beatings, and rape, was incorporated into his complaint to Sudan's minister of justice and attorney general. Portions of his description follow.

I was arrested by the security on Tuesday 20 August 1991 from my home and was forced to go to the security office using my own car. . . .

I was tried by a secret and summary military tribunal on 23/9/1991, i.e., one month after my arrest. During this month I was subjected to extreme and terrible forms of psychological and physical torture at the hands of the members of the investigation committee and the guards. The torture and shameful behavior continued even after the supposed trial and the sentence because they said I did not co-operate and admitted nothing in my testimony. The torture continued the day I was sentenced on 3/12/91 [December 3] which was a death sentence, later commuted to life imprisonment. I was then moved on 4/12/91 [December 4] from the security headquarters to Kober Prison. On 10/12/91 I was moved to Shalla Prison in Darfur.

During the 18 months I spent in Shalla I suffered the effects of the physical and psychological torture I was subjected to, which were unimaginable and contradict all human rights and what religion calls for . . . .

. . . I personally was subjected to terrible torture which left its lasting effect on my body and made me a regular visitor to al-Fashir hospital. I was given tranquilizers and analgesics but without effect and as a result doctors decided to send me to Khartoum for medical treatment, a decision taken by a medical committee.

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<sup>59</sup>Ibid.

<sup>60</sup>Amnesty International, "Further Information on UA 353/93," AI Index: AFR 54/40/93 (London: November 5, 1993). Kamal Mekki Medani's prison sentence was reduced to one month, and he was given credit for the month he was free pending appeal, so he did not have to spend time in jail. He paid the fine and was flogged.

. . . I feel ashamed to remember what happened to me and the torture I suffered and its effects. I will also tell you the names of those who tortured me from the investigating committee and the guards. . . .

1. Severe beating by water hose and whip[ping] on the head and all the body.
2. Chaining, suspension for long periods which sometimes reached two days.
3. Hanging of buckets full of water and bricks on hands outside cell doors.
4. Pouring of hot and cold water on our bodies when we collapse.
5. Locked in containers and in toilets where breathing is impossible.
6. Blindfolded for hours.
7. Transferred from the detention center to the security in the back of pick-up trucks covered by blankets on which the guards were sitting. They used their guns and boots to beat whoever makes noise.

All acts described above were committed by the guards: Kamal, Hassan and his real name is Ahmed Mohamed from Issailat area and he is the worst among the lot, Husein, Abu Zeid, Omer, Alwan, Al-Gamri, Ali, Siddig, Osman, Khojali, Magboul, Mohamed, al-Tahir, and others.

8. I was personally raped by Captain Asim Kabashi and others I do not know. They also sexually abused me using solid articles.

9. My testicles were crushed by pliers. My sexual organ was also pulled by pliers. All this was done by Asim Kabashi.

10. Kicking and beating on the face and the head. This was committed by Asim Kabashi, and once the head of the investigating committee, Abdel Mutual.

11. Verbal abuse and continuous threats against my wife by Asim Kabashi and Salah Abdalla who is nicknamed Salah Boash.

12. Placing a stick between the legs and bending of the body to the back and then severe beating on the stomach. Asim Kabashi and Captain Mohamed al-Amin and others.

13. Electric shocks and cigarette burning by Asim Kabashi.

. . . I am very sad that you simply do not know what is happening in the ghost houses and what is committed by the security personnel in these places, especially where I spent 107 black days in the cells of the ghost house on the intersection of al-Giada Mosque street with Dinar street.<sup>61</sup>

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<sup>61</sup>Brig. Mohammed Ahmed Al-Rayah Al-Faki, Complaint to Minister of Justice and Attorney General, written in Sauakin Prison, August 15, 1993, translation provided by Sudan Human Rights Organization (London: October 18, 1993). This complaint was brought to the attention of the U.N. Rapporteur on Torture by Lord Avebury of the British House of Lords, who asked for an investigation.

Dr. Rida Mahmoud Sharif, urologist and chief surgeon at the Port Sudan Hospital, issued a medical certificate on August 12, 1993, which described the condition of the victim: "The above-mentioned suffers from pain in the back and left leg and the left testicle. After investigation it became clear that he suffers from a slip[ped] disc (L2-L3) and testicular atrophy in the left testicle and he is undergoing medical treatment at the moment."<sup>62</sup>

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<sup>62</sup>Dr. Rida Mahmoud Sharif, medical certificate regarding patient Mohamed Ahmed al-Rayah al-Faki (Port Sudan Hospital, Eastern Region, Ministry of Health: August 12, 1993), translation provided by Sudan Human Rights Organization (London: October 18, 1993).

The regime refused to allow the U.N. Commission on Human Rights' Special Rapporteur for Sudan, Gáspár Biró, to see or interview Brig. al-Rayah during Dr. Biró's September 1993 visit to Sudan.<sup>63</sup> Although Sudan's chief justice promised Dr. Biró there would be a judicial inquiry regarding the allegations of torture, this has not occurred. Dr. Biró was permitted to speak with the victim during his December 1993 visit to Sudan.<sup>64</sup>

Sid Ahmad al-Hussein, secretary general of the Democratic Unionist Party (DUP), has been repeatedly detained<sup>65</sup> and tortured. Al-Hussein, who previously lost his right hand, described some of the torture to a colleague who told Human Rights Watch/Africa that al-Hussein was forced to stand on three bricks while his left hand was tied outside the window of his cell from 9:00 P.M. to 6:00 A.M. nightly. After being released briefly to say his morning prayers, al-Hussein's left hand was tied to his right leg daily. He was not allowed any visitors, including his own family.

Some have suffered from permanent disability following torture. Among them is one who managed to go abroad for medical treatment: Abd al-Bagi al-Raya, a Khartoum lawyer, who lost use of his leg after forty-eight days of torture. The leg had to be amputated.<sup>66</sup>

In May 1993, the security services detained a group of twelve for allegedly plotting to carry out bombings in Khartoum. They were mostly recent graduates from Egyptian universities arrested upon their arrival home. Other alleged co-conspirators included some of the senior commanders of the armed forces prior to the 1989 coup, now exiled members of the opposition Legitimate Command of the Armed Forces.<sup>67</sup>

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<sup>63</sup>Interim Report of Special Rapporteur on Human Rights in Sudan (November 18, 1993), p. 13.

<sup>64</sup>Final Report of Special Rapporteur on Human Rights in Sudan (February 1, 1994), p. 12.

<sup>65</sup>Amnesty International, "Urgent Action," UA 159/94, AI Index: AFR 54/15/94 (London: April 20, 1994); Lawyers Committee for Human Rights, "In Defense of Rights 1992" (New York: Lawyers Committee for Human Rights, 1993) p. 167.

<sup>66</sup>"Turabi in London," *Sudan Update*, vol. 3, no. 17 (London: May 5, 1992), p. 1, citing *The Guardian* (London: April 29, 1992), reported that al-Rayah waved his artificial leg in the air in protest at Hassan al-Turabi, NIF leader, when Turabi lectured in London on the pan-Islamic movement.

<sup>67</sup>Interview with Farouk Abu Eissa, Secretary General of the Arab Lawyers Union, June 18, 1994.

For over seven months after the detentions, the relatives of the alleged plotters did not know where they were. At their trial before a special tribunal in May 1994, the accused showed the court the scars and marks of torture on their bodies and gave detailed accounts of the horrors they had suffered during their year in ghost houses. Hassan Ahmed Salih lost his left eye solely due to torture. A Ministry of Health forensic doctor who had examined the defendants testified at trial that the defendants had been tortured. Instead of discarding the evidence secured through torture, however, the court convicted the accused. The court held that neither the Sudan Penal Code nor shari'a would require the exclusion of confessions obtained under torture, even if those confessions were the only evidence of the crime.

In this case, the security forces claim to have found explosives and arms in searches of some of the defendants' homes, but without the confessions there would seem to be no proof of a key element of the crime charged, conspiracy, which is an agreement to act together. The defendants have appealed the conviction and the government has appealed the leniency of the sentence. Seven were acquitted. Some exiled members of the Legitimate Command of the Armed Forces and civilians were tried in absentia, and some were convicted and sentenced to ten years of imprisonment.<sup>68</sup>

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<sup>68</sup>They were General Fathi Ahmed Ali, General Abdurrahman Sa'eed, Brigadaire Abdul Aziz Khalid, Brigadaire Abdurrahman Khogali, Abdul Azim Awad Sirour (lawyer and former army officer), Sadik Ma'anni, Nagib Al-Khair Abdul Wahab (former diplomat), Mohamed Osman Al-Zubair, and Mohamed Al-Fatih.

Nor did the court initiate proceedings against the torturers, leaving it to the victims to file complaints with the police.<sup>69</sup> It is extremely unlikely that the responsible officers will be investigated, much less punished. The only known investigation of official abuse is not for torture but for the October 1992 assassination of Abu Bakr Mohy al-Din Rasikh, a trade union activist.<sup>70</sup> Because of the visibility of this case, Major Abd al-Hafiz Ahmed al-Badir, a security officer, was tried, convicted of murder, and sentenced to death. Ironically, this officer was in jail pending trial, but upon conviction was released and returned to work in the security forces.<sup>71</sup>

The leaders in the towns and villages of the Nuba Mountains also have been targeted. Torture and summary execution were the routine fate of those arrested in the crackdown on community leaders and intellectuals that started in 1989 and continued until most opposition leaders were believed to have been disposed of. One Sudan National Party leader and Nuba businessman was jailed from November 1989 to June 1991 as part of this army crackdown, and was tortured and shackled.<sup>72</sup>

For part of his detention, A.Z. (not his real initials) was in jail with Hamdan Hasan Kori, a Nuban criminal defense attorney. Kori's arrest in late 1989 was key to the repression: it left the large group of recent Nuban detainees without counsel. Kori was executed in July 1990. A.Z. gave the following account:

A.Z. was picked out of a crowd at the Dilling bus station at 7 a.m. in November 1989 by Mahdi Mahmur, who used to belong to the Sudan National Party in Port Sudan before he was expelled for misuse of funds. Mahmur, who returned to his family home in Dilling to head the PDF, was at the bus stop looking for likely suspects from the party; A.Z. does not believe they were specifically searching for him.

A.Z. was taken to the military intelligence unit of the 19th Infantry Brigade in Dilling, headed by Col. Ahmed Abdullah, and held in the headquarters of that brigade. During the next six months A.Z. was transferred to the Artillery Brigade headquarters for eighty-five days, from there to Dilling prison for fourteen days, then back to military intelligence at the 19th Infantry Brigade where a court of security officials was convened.

Then A.Z. was sent for three months to Dilling prison. From there he was transferred briefly to Kadugli then to El Obeid prison, where he spent a year before release.

The worst torture was in military intelligence at the 19th Infantry Brigade; his torturers were Abdul Khassim Hamid, Ali Kumbo, and Hasan Abunur.

A.Z. was tortured twice by having a plastic bag filled with hot pepper put over his head. He passed out both times.

They also forced him to stand more than a meter from a wall, then lean forward so his fingertips were touching the wall. As he was propped up against the wall at this angle, they would punch him in the stomach and whip his back. When it was winter they poured cold water on his body.

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<sup>69</sup>Interview, Farouk Abu Eissa, June 18, 1994.

<sup>70</sup>Amnesty International, *Annual Report 1993*, Sudan, p. 270.

<sup>71</sup>Interview, Amin Mekki Medani, April 3, 1994.

<sup>72</sup>Interview, Cairo, Egypt, June 18, 1993.

A.Z. also had to kneel down and put a stone on his head and stay in that kneeling position without moving for three to four hours.

In another form of torture, A.Z. was tied to a bar that stood high off the ground on two tall poles (set horizontally on vertical poles). He was hung from the bar, but his toes could touch the ground because he was tall. Shorter men were hung without touching the floor.

Often A.Z. had no food for three to four days at a time. They frequently denied him access to the toilet outside the tiny cell.<sup>73</sup> He was denied medical treatment although he was sick several times. They commented, "We'll kill you anyway." He had boils; his legs and back were infected for about six weeks from the whipping.

The purpose of the torture was to force A.Z. to confess to collaboration and other crimes to justify his execution. They also wanted him to implicate others.

It was believed by the prisoners that those who confessed were shot. Signing a confession was equivalent to a death sentence. A.Z. therefore steadfastly refused to confess even after torture.

A.Z. saw the execution of two people, a member of a Muslim sect from Gulud and a young man from Tymein. Both signed confessions after torture. Many prisoners witnessed the flogging of the first man.

In February 1990 these two were taken from the base with three other prisoners, including A.Z., in a Land Rover. They were handcuffed and escorted by five or six army soldiers, no officers. Those who had not confessed were told that this was their last chance to confess. They drove about fifteen kilometers from Dilling toward Kadugli, and turned off; it was sunset.

The soldiers told the two victims to get out of the vehicle; when they dismounted, Ali Kombo and Abu Khassem Hamid from military intelligence shot them in the back of the head without warning.

A.Z. prepared a list of 380 persons he said were executed in army detention in the Nuba Mountains from 1989 to 1993, including one hundred people A.Z. said he personally knew while in jail. About 95 percent were members of the Sudan National Party.

According to A.Z.'s account, most were shot outside the base by military intelligence, as described above. Torture victims sometimes died after their transfer to the prison. Those who died in prison after torture include Makina Khaber (Nyimany), Abashir Ali (same), Ismael Sultan (Tymein), Ibrahim Basha and his brother Kortuber Basha (a sultan, both from Gulud), Bachute Kuku (Shawaya), Omer Luban (same), Mohamed Hamad (same), and Mohamed Haroum (town of Kadugli).

In jail, for instance, Ismael Basha told A.Z. about his torture: this forty-five-year-old man was tied with hands and ankles together as he lay face down on the floor. He was beaten. They put a sack of grain on his back. He had internal injuries and died in prison. In his account of his own treatment, A.Z. described living under constant threat of death, shackled, in a tiny cell.

At the Artillery headquarters, A.Z. was kept in a tiny room for eighty-five days. Each day they announced that he should prepare himself to be shot.

In Dilling prison, A.Z. was kept in a cell, one by one-and-a-half meters, and shackled. He was chained by the wrists to the walls for long periods of time, the last for three months. Even when not chained to the wall, he had shackles on his legs, rings around his ankles which were linked by a chain of about one foot. His ankles were rubbed raw. From that chain another chain proceeded up his waist and encircled his waist, being long enough that he could stand upright. The shackles weighed thirteen kilos. In Dilling prison, he saw that some prisoners were chained in couples, so they would even have to go to the bathroom together.

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<sup>73</sup>Even when he was taken to the bathroom, he was heavily guarded by armed soldiers, who cocked guns at him.



After A.Z. was in El Obeid prison for one year, he saw that his case was brought to the attention of the district attorney, and he was released.

### **Continued Suppression of Free Assembly, Opposition Parties, and Trade Unions**

The present government of Sudan maintains a constant program of surveillance, harassment, detention, and torture of members of political opposition parties and trade unionists, and ruthlessly opposes all efforts to restore a multi-party system. All political parties are banned, but the National Islamic Front is effectively the ruling party through the military junta. Its leaders have held the highest ministerial positions since the 1989 coup.

Sadiq al-Mahdi, the man elected prime minister in 1986 and deposed by the military coup in 1989, remains in Sudan as head of the banned Umma Party. Al-Mahdi continues to try to exercise his right to free speech, for which he is periodically arrested and released. He and his home are under constant surveillance to deter political activity. Former members of his cabinet and Umma Party members have been periodically detained, tortured, and/or prevented from traveling outside the country.

Four senior Umma party leaders were detained in the first week of February 1994 in Khartoum.<sup>74</sup> In late February, Abdel-Mahmud Abbo, a leading member of the Ansar Islamic sect, was detained following his February 27 speech at Wad Nubawi mosque in Omdurman to celebrate the seventeenth day of the holy month of Ramadan. The speech was critical of the government. Others present for the speech, including Abdel Rahman al-Sadiq al-Mahdi, son of the former prime minister, Dr. Ibrahim el-Amin, former government minister, Abdel-Mahmud Haj Salih, former attorney general, and Sarah Nugdallah, lecturer at Omdurman University and chair of the Women's Committee of the Umma Party, were arrested in late February and early March. They were held for several hours and ordered to report daily to the security headquarters in Khartoum, where they have been held daily until late at night.<sup>75</sup> Abdel-Mahmud Abbo has since been released.

Another wave of arrests of top members of the Umma party began in April 1994, after former Prime Minister Sadiq al-Mahdi publicly called for a return to the multi-party political system. On April 9, 1994, in Omdurman, after Friday prayers, dozens of Umma demonstrators were arrested and beaten during interrogation. Others were arrested in Khartoum and in provincial towns, such as El Obeid, Ad Damazin, Ad Dueim, Wad Medani, and Nyala. Sarah Nugdalla, who had just been arrested and released on March 7, was rearrested on April 7, and Abdel Rasoul al-Nur, a former governor of Kordofan region and prominent Umma Party politician, was arrested on April 5, held briefly, and then detained again on April 9.<sup>76</sup>

In May, two members of the executive committee of the Umma Party, Prof. Hamad Bagdai and Brig. (Ret.) Abdel Rahman Farah, were arrested. Both were over sixty and in need of regular medicine. They were reportedly so badly tortured that they had to be transferred to the military hospital in Omdurman in late May. They were charged with conspiracy, including planning to assassinate prominent political figures and to commit acts of sabotage. These crimes are punishable by death. On June 20, government television broadcast a videotape of them in captivity; they appeared to bear signs of torture and were so weak they could only mumble unintelligibly or not speak.

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<sup>74</sup>Amnesty International, "Urgent Action," UA 49/94, AI Index: AFR 54/01/94 (London: February 14, 1994).

<sup>75</sup>Amnesty International, "Urgent Action," UA 95/94, AI Index: AFR 54/05/94 (London: March 10, 1994).

<sup>76</sup>Amnesty International, "Urgent Action," UA 148/94, AI Index: AFR 54/13/94 (London: April 14, 1994).

On the basis of these broadcast "confessions," Sadiq al-Mahdi himself was detained on June 20, held incommunicado in a ghost house in Khartoum for ten days, and released after he made a statement the authorities deemed satisfactory. No charges were brought against him; the charges against the two executive committee members were dropped, and they were released.

Sid Ahmad al-Hussein, as secretary general the most senior Democratic Unionist Party member still in Sudan, has been detained and tortured on numerous occasions. Al-Hussein, a prominent lawyer over sixty years of age, is the former deputy prime minister and former minister for foreign affairs.<sup>77</sup> Al-Hussein was arrested on March 20, 1994, twice in 1993, and was tried and acquitted in 1992 for plotting with the SPLA to overthrow the regime.<sup>78</sup>

Osman Omar al-Sharif, a senior member of the Political Bureau of the same banned *dup*, was arrested on November 27, 1993, and charged with instigating a one-day strike of shopkeepers in Wad Medani.<sup>79</sup> He was held for several weeks and then released.<sup>80</sup> This was his third arrest under the regime.<sup>81</sup>

Five leading members of the Nuba community in Khartoum were detained in late June 1993 and held incommunicado, apparently suspected of being sympathetic to the rebel SPLA. Two were members of the banned Sudan National Party: Mohamed Hamad Kowa, former minister of tourism under Sadiq Al-Mahdi, and Mustafa Angelo. The others were two teachers and Khamis Farajallah Kortel, a priest.<sup>82</sup> They have been released.

The also banned Sudan Communist Party, which was very active in union organizing, remains a favorite target of the repressive security apparatus. Magdi Mohamedani, a trade unionist, medical doctor and party member who was an active non-violent opponent of the government, was arrested in early February 1994.<sup>83</sup>

In May 1994, the government launched a campaign of arrests directed at members of the Sudan Communist Party and trade unionists. Among those arrested were Mahjoub Sherif (a teacher and poet who has been detained

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<sup>77</sup>Lawyers Committee for Human Rights, "In Defense of Rights 1992" (New York: Lawyers Committee for Human Rights, 1993) p. 167.

<sup>78</sup>In July 1993 his arrest and detention at a "ghost house" followed his participation in a student-organized "Peace in Sudan" symposium. He next was detained from November 17, 1993 until February 20, 1994. Amnesty International, "Urgent Action," UA 159/94, AI Index: AFR 54/15/94 (London: April 20, 1994).

<sup>79</sup>World Organization Against Torture, Case Number SDN 301193 (Geneva: November 30, 1993).

<sup>80</sup>Amnesty International, "Urgent Action," UA 430/93, AI Index: AFR 54/42/93 (London: December 9, 1993), and AI Index: AFR 54/43/93 (London: December 13, 1993).

<sup>81</sup>World Organization Against Torture, *ibid*.

<sup>82</sup>Amnesty International, "Urgent Action," UA 224/93, AI Index: AFR 54/31/93 (London: July 9, 1993).

<sup>83</sup>Amnesty International, "Urgent Action," UA 76/94, AI Index: AFR 54/03/94 (London: February 25, 1994).

several times since 1989<sup>84</sup>), Salah al-A'alim, a trade unionist, and Bushra Abdel-Karim, a lawyer and secretary general of the banned Sudanese Youth Union.<sup>85</sup>

Despite government claims that it has released all political detainees, those still held without charge include four Communist Party members detained in December 1992: Farouk Ali Zakariya, Yousif Hussein Mohamed, engineer Siddig Yousif Ibrahim, and Salah Samerete.<sup>86</sup>

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<sup>84</sup>Africa Watch, "Sudan: Bullets Aren't the Seeds of Life, The Detention of Mahjoub Sherif, Poet and Teacher" (New York: Human Rights Watch, December 5, 1990). He was arrested on September 20, 1989, with scores of other political activists and remained in detention until May 1991.

<sup>85</sup>Amnesty International, "Urgent Action," UA 203/94, AI Index: AFR 54/20/94 (London: May 26, 1994).

<sup>86</sup>Interview with Farouk Abu Eissa, secretary general of the Arab Lawyers Union, June 18, 1994.

The arrests of suspected Communist Party members probably are linked to the government's implementation of a larger policy of suppression and control of the trade union movement. Phase one of this process involved massive arrests and torture of trade union leaders and activists, dissolution of all the trade unions, and purges of trade union leaders and activists from their jobs. Those measures were carried out with exceptional determination following the doctors' strike of November 1989.<sup>87</sup>

In the second phase, prominent professors and trade unionists belonging to the NIF held a "Trade Union Dialogue Conference" and made recommendations for changes in labor laws that were carried out in the Union Act of 1992. The right to organize or join trade unions has been denied to those who pursue a long list of occupations. Article 8 of the Union Act provides for a single General Union for the entire country, comprising all those working for the private and public sectors whether they are employees, professionals, or workers. Trade unions are obligated to give the general registrar of trade unions, the government organ charged with overseeing the implementation of trade union laws, any information he may require about their activities. Under Article 18 of the Act, the registrar enjoys full powers to inspect the documents, premises, and accounts of any union. Regulations under the Act provide that private sector employees may be lumped together with public sector employees in one trade union at the discretion of the minister of labor, and raise the minimum number of employees required for the formation of a union from thirty to fifty.

Known trade unionists continue to be detained, and trade union activities suppressed. In March 1994, engineer Khalil Ahmed Ali, a member of the dissolved Sudan Engineers Union, was detained, as was Mahjoub Khalid, a worker already fired immediately after the coup in 1989.

On May 30, 1994, plainclothes security forces raided the house of engineer Ali Khalifa Mahdi in the Ombadda area of Omdurman and detained him, Suleiman Khidir (detained in 1990, tortured and released after sixteen months), Mohamed Babikr Mukhtar (Secretary General of the banned Sudan Employees Union), Ali Al-Mahi Al-Sakhi (Secretary General of the banned Sudan Mint Workers Trade Union, detained and tortured several times since 1989), and Al-Haj Osman (Secretary General of the banned Local Governments' Workers Trade Union).

In April 1994, trade unions in Sennar organized a campaign to press the government to pay salaries on time: various government agencies, complaining of cash shortages, had not paid wages due. On April 24, 1994, thirty-six trade union leaders were detained. Seventeen of them were transferred to Wad Medani, and the rest were released three days later. In early May, twelve were released in Medani, and five remained in detention in June.<sup>88</sup>

Kamal Abdelwahab Nureldayem, a prominent trade union activist, was arrested on several occasions for his opposition to government policies. At the end of 1993 he was required to report daily to the security forces' offices. He was arrested again in the first week of March 1994 and released on May 9 or 10, 1994.<sup>89</sup>

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<sup>87</sup>Africa Watch, "Political Detainees in the Sudan: Medical Doctors" (New York: Human Rights Watch, January 12, 1990).

<sup>88</sup> Interview with Farouk Abu Eissa, Secretary General of the Arab Lawyers Union, June 18, 1994.

<sup>89</sup> Amnesty International, "Urgent Action," UA 106/94, AI Index: AFR 54/07/904 (London: March 15 and May 18, 1994).

## Silencing the Free Press

Until the 1989 coup, Sudan enjoyed one of the freest presses in sub-Saharan Africa, with over forty journals and newspapers. Immediately after the coup, all nongovernmental newspapers and journals were closed. Some newspapers linked to the government were allowed to publish, but many prominent independent journalists were arrested.<sup>90</sup>

Despite an alleged relaxation of restrictions on the press in mid-1993, not a single independent newspaper has been allowed to publish freely. On February 24, 1994, security officers raided the Khartoum offices of the Sudanese daily newspaper *Al-Sudani Al-Doulia*, edited and owned by Mahjoub Mohamed al-Hassan Erwa, a veteran of the Islamic movement, and a member of the Transitional National Assembly (tna); the newspaper had previously been published in Beirut and had begun publication in Sudan in January 1994. The security officers ordered all staff to leave the premises and seized documents supposedly related to the newspaper's financial accounts.<sup>91</sup> They arrested journalist Mutasim Mahmoud for reporting the escape underground of Mohamed Ibrahim Nugud, the leader of the banned Sudan Communist Party.<sup>92</sup> This was the first and only newspaper established under the new press law. After the police raid in February, the government prevented it from publishing for two days, after which it resumed publishing under caution.

In April, *Al-Sudani Al-Doulia* was under attack again. The editor and owner Mahjoub Mohamed al-Hassan Erwa and journalists Ahmad Ali Bagadi and Mutwakil Abdel Daffeh were detained on April 4. An April 4, 1994 presidential statement accused the paper of "raising doubts about the purpose and struggle of the armed forces and People's Defence Forces" and having the aim of "destroying the revolution." These arrests and the closure of the newspaper followed the publication of articles that argued for a return to multi-party politics and made allegations of government corruption.<sup>93</sup>

The two journalists were released on April 18. Initially the government announced that the editor was to be tried under Section 66 of the Penal Code, which carries a six-month sentence. When he was released in late June or

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<sup>90</sup>See Africa Watch, "Sudan: Suppression of Information" (New York: Human Rights Watch, August 30, 1990).

<sup>91</sup>Amnesty International, "Urgent Action," UA 84/94, "AI Index: AFR 54/04/94 (London: March 3, 1994).

<sup>92</sup>Amnesty International, "Urgent Action," UA 141/94, AI Index: AFR 54/12/94 (London: April 8, 1994).

<sup>93</sup>Amnesty International, "Urgent Action," UA 141/94, AI Index: AFR 54/12/94 (London: April 8, 1994); "Urgent Action," further information on UA 141/94, AI Index: AFR 54/14/94 (London: April 19, 1994) and AI Index: AFR 54/16/94 (London: April 26, 1994).

early July, Amnesty International had adopted the editor as a prisoner of conscience as of April.<sup>94</sup> Acting under the 1989 emergency legislation, and not under the 1993 press law, the government suspended publication of the newspaper, confiscated the house and car of the editor, and accused him of cooperating with a foreign government. The newspaper never resumed publishing. It has been confiscated by the government, which recently announced that the editor would have his personal belongings returned to him, but they will not return the press, for which he will receive compensation.

Government restrictions extend to the international press. Sudanese interviewed by foreign journalists risk reprisal. Foreign correspondents are accompanied by government censors to the transition zone between north and south and to displaced persons camps around greater Khartoum. If their articles, published abroad, are not to the regime's liking, they risk arrest.

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<sup>94</sup>Ibid.

On January 28, 1993, Mohamed Abdul Sid, Khartoum correspondent for the international London-based Arabic language daily newspaper *Asharq al-Awsat*, was arrested by security officers and held in *incommunicado* detention for two months. The newspaper's Khartoum offices were closed. *Asharq Al-Awsat* has consistently carried stories quoting Sudanese political leaders who oppose the government. Mohamed Abdul Sid's arrest followed a lengthy interview with former Prime Minister Sadiq al-Mahdi, the leader of the banned Umma Party.<sup>95</sup>

## V. RESHAPING THE LAW

The law has been radically reshaped in the important areas of apostasy, discrimination against Sudanese citizens on grounds of gender and religion, among other things.<sup>96</sup>

### Apostasy

In shari'a, the crime of apostasy, the repudiation by a Muslim of his faith in Islam, is punishable by death. This punishment was not explicitly codified as part of the Islamic *hudud* punishments<sup>97</sup> when they were first introduced by former President Nimeiri in the 1983 Penal Code. It was nevertheless enforced in the case of Mahmoud Mohamed Taha by way of judicial construction of section 458(3) of the Penal Code, which stated that the lack of legislative provision does not preclude the imposition of any hudud punishment. This was a flagrant violation of the requirements of Article 15 (1) of the ICCPR:

No one shall be held guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offense was committed. If, subsequent to the commission of the offense, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

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<sup>95</sup> *Sudan Human Rights Voice*, vol. 2, no. 2 (London: SHRO, February 1993), p. 3.

<sup>96</sup> See Africa Watch, "Sudan: New Islamic Penal Code Violates Basic Human Rights," vol. 3, issue 9 (New York: Human Rights Watch, April 9, 1991).

<sup>97</sup> *Hudud* offenses are specific crimes for which the Koran provides specific punishments. They include theft, highway robbery, fornication, drinking alcohol, unproven accusation of fornication, and apostasy. For instance, highway robbery must be punished by amputation or death by crucifixion. See Abdullahi An-Na'im, *Toward an Islamic Reformation* (Syracuse, New York: Syracuse University Press, 1990) chapter 5.

Thus the execution of Taha on January 18, 1985, not only violated the fundamental right of freedom of belief and conscience, but also due process of law, and clearly illustrated the inherently vague and arbitrary nature of the crime of apostasy. Taha was in fact executed for his political opposition to the Nimeiri regime, and not for his beliefs and views on Islamic reform that he had held and advocated openly since the early 1950s.<sup>98</sup>

Section 126 of the 1991 Penal Code now expressly mandates the death penalty for apostasy that "is committed by any Muslim who advocates apostasy from Islam or openly declares his [her] own apostasy expressly or by categorical action."<sup>99</sup> Unless an apostate recants his apostasy within the time stipulated by the court, the Penal Code mandates execution except where the apostate is a recent convert to Islam.

Although the definition of the offense of apostasy does not exempt a recent convert from conviction, the Code does not specify the punishment for recent converts. Presumably, that determination is left to the discretion of the court, which has the power to impose any punishment it deems fit according to the shari'a principle of *ta'zir* (reforming the offender) when no specific punishment is provided for by law.

The apostasy provision is open to abuse. The death penalty may be imposed for what the court deems to amount to repudiation of belief in Islam, regardless of the actual beliefs of the accused.

The provision is also open to political manipulation. As illustrated by the case of Taha, political or religious opposition by a Muslim that questions the government's interpretation of Islam or its establishment of a shari'a state can be construed as opposition to the "law of God," and warranting the death penalty as "constructive" repudiation of belief in Islam.

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<sup>98</sup>Abdullahi Ahmed An-Na'im, "The Islamic Law of Apostasy and its Modern Applicability: A Case from the Sudan," *Religion*, vol. 16 (1986), pp. 197-223.

<sup>99</sup> Translation by Human Rights Watch/Africa from the original Arabic text of the Penal Code.



Section 126 of the 1991 Penal Code violates freedom of belief even under a most restrictive interpretation. It gives the government's interpretation of Islamic principle an absolute status, preventing Sudanese from freely exchanging views within an Islamic framework and from holding and changing personal beliefs. This contravenes Article 18 of the ICCPR, to which Sudan is a party.<sup>100</sup>

### **The Status of Women**

The NIF regime is committed to an interpretation of shari'a law that is particularly repressive and discriminatory against women, in violation of internationally recognized standards of human rights.<sup>101</sup>

The regime's practice at the present time, however, is not fully consistent with its own declared ideological position and legal system in that a few women are appointed to high-ranking office and there are some instances of women's participation in public life. These exceptions, however, should not be allowed to hide the fact that the vast majority of Sudanese women suffer systematic discrimination, repression, and degradation every day simply because of their status as women.<sup>102</sup>

Thus, during the early purges following the 1989 coup, thousands of women were dismissed from their jobs in accordance with statements of President al-Bashir, who described the ideal Sudanese woman as one who took care of herself and her reputation, cared for her husband and her children, did her household duties, and was a devout Muslim.<sup>103</sup>

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<sup>100</sup> Article 18 (1) of the ICCPR states:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

<sup>101</sup> Abdullahi Ahmed An-Na'im, "The Rights of Women and International Law in the Muslim Context," *Whittier Law Review*, vol. 9:3 (1987), pp. 491-516.

<sup>102</sup> Sudanese Women's Committee in Cairo, "Human Rights Abuses Against Sudanese Women" (Cairo: February 1993).

<sup>103</sup> President Al-Bashir, presentation to the Women's Conference, Khartoum, January 1990, quoted in Africa Watch, "Sudan: Threat to Women's Status from Fundamentalist Regime," vol. 2, issue 12 (New York: Human Rights Watch, April 9, 1990), pp. 1-2.

Following the 1989 coup, the rights of women in public life and employment began to be restricted. In Khartoum state, a number of decrees and local orders were issued to control women's appearance and behavior in public: Decree number 47 of 1989, for example, prohibits women from working in coffee and cafeteria premises. Public Transportation Regulation Order number 78 of 1991 requires women to take the back seats in transport to avoid sitting in front of men. Section 11 of a 1991 Public Order Decree requires anyone dealing with the public to separate men and women, and section 17 forbids women from selling food or tea after 5:00 P.M.<sup>104</sup>

In December 1991, the governor of Khartoum decreed that Sudanese women should appear in public only in dress that meets public standards of decency, which was later defined by an all-male committee as a requirement to cover the entire body and head with loose opaque garments and forbidding trousers.<sup>105</sup>

The Popular Police Force Act of 1992 gives wide-ranging powers to those appointed to serve as the guardians of morality, including the Public Order Police, Popular Police Forces, Popular Committees, and members of the officially-sanctioned Guardians of Morality civic group. Determination of what constitutes an offense to public morality or offends the public feeling enough to warrant arrest is almost always made by men untrained in law. A Khartoum-based Public Order official interviewed in November 1993 said that in the previous year his office had charged 150 women with "scandalous conduct" and 271 with "immodest dress" under the Popular Police Force Act of 1992. Another fifty were charged with practicing marginal economic professions such as the sale of tea, and thirty-eight women were lashed for this offense, mostly southerners.<sup>106</sup>

A young Sudanese woman described her January 1, 1991, experience:<sup>107</sup>

On first January 1991, when I was on my way to the university about 8 o'clock P.M., I stopped . . . waiting for the bus. I was wearing white trousers and a white shirt. A police officer came to me and asked me about my nationality. I told him that I'm a Sudanese and showed him my identity card. He claimed that if I were a Sudanese, I would not wear such clothes because, as he claimed, they were not Sudanese clothes. I told him that there are no specific dresses for Sudanese women and that there are many Sudanese women wearing trousers. He said that the country is in the state of Islamic orientation. I told him that the Islamic dress would be applied after six months but not now. He took me to the police station of Nasser's Extension.

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<sup>104</sup>"Women and Human Rights in Sudan: A Report," prepared for Fund for Peace (New York: 1993), author's name withheld on request.

<sup>105</sup> Fund for Peace, "Abuses Against Women in Sudan" (New York: Fund for Peace, May 15, 1992), p. 2.

<sup>106</sup>"Women and Human Rights in Sudan: A Report," Fund for Peace, appendix.

<sup>107</sup> Ibid.

There in the station I saw another officer and a police man to register my words. In addition there were two security men. The police man asked me to apologize so as to diffuse tensions. I told him I did no wrong and I did not know of the application of this law. The two officers were looking at me and laughing loudly.

An officer asked her whether anti-epilepsy medicine she had in her purse were birth control pills; both officers looked at her and commented about her body. One of them suggested they take off her trousers to identify her sex. They berated her and laughed, taking her to a dirty cell, and threatening her with sexual abuse:

The officer was laughing and repeating words I will never forget; I sat on the ground crying.

The chief officer came in and talked to me politely about the Islamic veil. . . . He actually wanted me to pay the cost of releasing me in bed. Of course I refused . . . . He asked me to choose between his demand and going to the court. Of course he took me to the southern court in the Khartoum police station. In the court the judge asked [me] to agree [with] the officers [and plead guilty]. They showed me many women -- prostitutes and sellers of local beer -- and [the police were] hitting them. I fell to the ground and fainted.

When she recovered, the judge asked her again to agree with the charges, but when she persisted in her refusal he changed his tone and became very harsh, asking her why she wore such dress under the umbrella of Islamic rule.

She was sentenced to be lashed, a sentence that was carried out immediately.

They took the shirt off my back and then lashed me. When I kept silent and [was] not affected, the judge said I defied him and ordered them to lash me in excess.

Finally, he asked me whether my father and brothers knew that I wear trousers. I told him that they knew. Then he damned my father and brothers. He said that if I showed myself to him again, he would arrest me for six months.<sup>108</sup>

The special rapporteur on human rights in Sudan noted several laws which contained provisions discriminating against women on account of their sex, so notably that, with regard to witnessing a marriage contract and to hudud offenses, the testimony of a woman is not equal to that of a man.<sup>109</sup>

He also observed that

together with children, the people most affected by the phenomenon of displacement all over the Sudan are the women. A striking example is the fact that the majority of the women in Omdurman prison are women from the south convicted of brewing, possessing or selling alcohol on the streets of Khartoum or around the camps for displaced persons. Sentenced to imprisonment and fines which they cannot pay for activities which for them are the only means of earning a miserable existence, these women are likely to become regular inmates of these prisons. It is to be noted that before the prohibition of alcohol there were only a few female inmates in this prison.<sup>110</sup>

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<sup>108</sup> Student conducting research at Khartoum University, name withheld on request, "Women and Human Rights in Sudan: A Report," Fund for Peace, appendix.

<sup>109</sup> Final Report of Special Rapporteur on Human Rights in Sudan (February 1, 1994), p. 34.

<sup>110</sup> *Ibid.*, pp. 35-36.

The main prison for women is in Omdurman, with another temporary one in Kober. In 1991 and 1992, women in Kober prison lived and slept in the open; that temporary prison is reportedly now closed.

Omdurman Prison for Women holds hundreds more than it was designed to hold. In late 1992, a social worker who visited the prison estimated that 700 women were there, northerners and southerners, with 200 children.<sup>111</sup> Another study later in the year found the total number of women in Omdurman Prison was 825; the majority were convicts from the south and Nuba Mountains, 35.7 percent and 32.3 percent, respectively, of the women's prison population. Over 60 percent of the women prisoners were illiterate, and 58 percent had been convicted for liquor law violations.<sup>112</sup>

### **Non-Muslims**

Non-Muslims in Sudan continue to hold a tenuous position under a regime that has declared its intention of building an Islamic state according to its version of Islam, which discriminates against non-Muslim citizens in the most fundamental ways. Non-Muslims are theoretically excluded, for example, from high-level government office, the judiciary, the military, and any position in which a non-Muslim would exercise authority over a Muslim. More restrictions and discrimination apply to believers in non-scriptural religions than to Christians and Jews, but even the status of the latter groups is totally inconsistent with the requirements of international human rights law.<sup>113</sup>

As in the case of women, the regime's practice at the present time is not fully consistent with its own declared ideological position and legal system, in that a few non-Muslims are appointed to high office and there are some instances of non-Muslim participation in public life. The vast majority of non-Muslim Sudanese, however, suffer systematic discrimination, repression, and degradation every day simply because of their status as non-Muslims.<sup>114</sup>

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<sup>111</sup>Very young children often go to jail with their mothers.

<sup>112</sup>Fund for Peace, "Women and Human Rights in Sudan."

<sup>113</sup>Abdullahi Ahmed An-Na'im, "Religious Minorities under Islamic Law and the Limits of Cultural Relativism," *Human Rights Quarterly*, vol. 9:1 (1987), pp. 1-18; and "Christian-Muslim Relations in the Sudan: Peaceful Co-existence at Risk," in Kail C. Ellis, ed., *Vatican, Islam and the Middle East* (Syracuse University Press, 1987), pp. 265-76.

<sup>114</sup>See, for example, U.N. Economic and Social Council, Commission on Human Rights, Fiftieth session, item 12 of the provisional agenda, "Question of the Violation of Human Rights, Situation of human rights in the Sudan, Report of the Special Rapporteur, Mr. Gáspár Biró, submitted in accordance with Commission on Human Rights resolution 1993/60," E/CN.4/1994/48 (New York: UNESCO, February

The Khartoum area alone is populated by nearly two million displaced southerners, most of whom practice their traditional African religions and tens of thousands of Arab Copts and other Christians. In the Nuba Mountains there are hundreds of thousands who practice traditional African religions or Christianity as well as various forms of Islam. Non-Muslim Sudanese are not only subjected to hudud criminal punishments that are alien to their religion and culture, but also suffer various discriminatory and repressive policies.

Restrictions on Sudanese Christian churches date back to the Foreign Missionary Society Act of 1962, which treats churches as foreign rather than domestic entities and forbids the construction of churches without government permits. Repeatedly, authorities in many areas have refused to issue building permits for churches and church centers.<sup>115</sup> In contrast, Muslim groups are not subject to these limitations, and mosques and Islamic centers are freely constructed.

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1, 1994), pp. 20-21 (specific cases of violations of human rights of persons belonging to religious minorities).

<sup>115</sup>Letter, Sudan Catholic Bishops' Conference, General Secretariat, to Dr. Boutros Boutros-Ghali, Secretary-General of the United Nations, dated September 24, 1992, Rome, Italy, p. 2.

The protestant Sudan Council of Churches and the Sudan Catholic Bishops' Conference regularly protest the discrimination against their membership,<sup>116</sup> including the continuous relocation of the displaced persons, the privileges given to Islamic relief organizations in contrast to the tight limitations on Christian church relief activities, the harassment of non-Muslim citizens by the Popular Police Force, and the lack of equality in religious matters.<sup>117</sup>

In late 1991, two bishops and two diocesan administrators issued a pastoral letter to encourage Christian resistance to recent acts against Church institutions and pastoral agents; in particular, the letter supported Christian sit-ins in the town of Ad-Damazin where the state tried to confiscate Church land and expel pastors. The central security administration on January 13, 1992, claimed that the letter violated national security and provoked civil strife, and ordered the bishops to hand over all copies of the letter. The signatory bishops, including Archbishop Gabriel Wako of Khartoum, were called to a meeting with security officers in Khartoum on January 15.<sup>118</sup>

In the north and transition zones, the Sudan Council of Churches' efforts to deliver humanitarian relief are impeded. All missionary personnel were expelled from South Kordofan, and mass arrests and torture of local priests and catechists occurred in 1992. The Sudan Catholic Bishops' Conference condemned the open attack by the government on Christian churches, denial of the right of association and religion, and a "monumental and all pervading security system which controls all aspects of public and personal life."<sup>119</sup>

## VI. RECOMMENDATIONS

### Sudan Government

Human Rights Watch/Africa calls on the Sudan government to:

- respect international humanitarian and human rights law, particularly the prohibitions on targeting civilians in military operations; on indiscriminate attacks, especially aerial bombardment where the bombs cannot be precisely aimed at military objectives; and on looting or unnecessary destruction of civilian property.
- abolish detention solely for non-violent political beliefs or actions.
- immediately halt torture, flogging, the use of shackles, the hudud punishment, and summary executions.
- institute due process.
- abolish the death penalty.
- abolish the crime of apostasy.
- cease imposing shari'a law on non-Muslims.
- establish equality in law of women and of non-Muslims and punish discrimination against them.
- permit the International Committee of the Red Cross (ICRC) to visit persons detained in connection with the conflict according to ICRC specific criteria.
- cease, without prior notice to family members (unless the minor is caught in the act of committing a crime) and without due process, custodial detention of minors including their confinement in reeducation or resocialization camps.

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<sup>116</sup>Ibid.

<sup>117</sup>Joint Pastoral Message of the Catholic Bishops of the Sudan, "This Hope Does Not Disappoint," November 30, 1993, published in "News Bulletin, General Secretariat, Sudan Catholic Bishops' Conference," no. 6/1993 (Khartoum, Sudan: December 1993), pp. 2-6.

<sup>118</sup>"Sudanese Government Orders Bishops," *National Catholic Reporter* (Washington, D.C.: February 9, 1992), p. 7.

<sup>119</sup>Letter, Sudan Catholic Bishops' Conference, General Secretariat, to Dr. Boutros Boutros-Ghali, September 24, 1992.

- respect freedom of association and permit trade unions, professional associations, political parties, ethnic and religious associations, and human rights monitors to function freely.
- lift restrictions on the press.
- grant full access to the U.N. and nonsectarian NGOs to the internally displaced in urban areas. Halt the destruction of homes of the internally displaced and their relocation to barren areas away from urban centers.
- facilitate access to all parts of the country, particularly the Nuba Mountains and the south, for human rights monitors, human rights educators, and relief workers.
- disarm and disband militias and Popular Defense Forces created from them.
- investigate all allegations of human rights abuse, and prosecute those who are implicated in such abuses.

### **United Nations**

HRW/Africa recommends that the U.N. Security Council:

- institute an arms embargo on the warring parties in Sudan, with special attention to bombs and airplanes used to deliver them.
- authorize a contingent of full-time U.N. human rights monitors to observe, investigate, bring to the attention of the responsible authorities, and make public violations of humanitarian and human rights laws by all parties. The monitors should have access to all parts of Sudan and be based in southern Sudan because the conflict is at its most extreme there.
- establish a civilian directed and staffed program of human rights education for all regions of Sudan. This program should be a supplement to, not a substitute for, the human rights monitors.

### **United States, United Kingdom, European Union, and other concerned governments and bodies**

HRW/Africa recommends that the U.S., U.K., European Union, and other concerned governments and bodies:

- support an arms embargo.
- urge limiting arms sales to Sudan in trade negotiations with China, South Africa, and others.
- support the creation of a full-time U.N. human rights monitoring team.
- maintain pressure on the Sudan government to respect humanitarian law and permit access to relief operations.
- use their votes in international financial institutions to freeze Sudanese requests for loans or disbursements, including from the African Development Bank, on the grounds of gross human rights abuses.
- pressure the government to improve its human rights performance.

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#### *Human Rights Watch/Africa (formerly Africa Watch)*

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is associate director; Juan E. Méndez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in Africa. Abdullahi An-Na'im is the director; Janet Fleischman is the Washington representative; Karen Sorensen, Alex Vines, and Berhane Woldegabriel are research associates; Kimberly Mazyck and Urmi Shah are associates; Alison Des Forges and Bronwen Manby are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.