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THE LOST BOYS

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HUMAN RIGHTS WATCH / AFRICA
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CHILD SOLDIERS AND UNACCOMPANIED BOYS IN SOUTHERN SUDAN

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SUMMARY¹

In Sudan, the civil war between the government and its southern peoples, which started in 1983, has claimed a very high number of civilian dead, estimated at 1.3 million in ten years.² Both the government and the rebels have abused the civilian population and engaged in widespread violations of the rules of war.³

One abuse which bodes ill for the future of the country is the use of child soldiers by both sides. Boys as young as eleven have been recruited to fight in this cruel war. No one knows the exact number of boys who have been forced to fight, but the number is in the thousands. Hundreds of these children have been killed or grievously wounded. Others have died of starvation or disease. Many have been subjected to severe beatings and all have lived in deplorable conditions. Rehabilitating these children and reintegrating them into their communities is an immense and daunting task.

This newsletter focuses on the use of child soldiers by the rebel Sudan People's Liberation Army (SPLA). The government's ill treatment of children, including the illegal detention of street children, almost always southerners, the forced reeducation of them in schools run by Islamists and forced recruitment of boys into militias, is described in another recent HRW/Africa report.⁴

Although not yet in effect, the African Charter on the Rights and Welfare of the Child⁵ prohibits recruitment, voluntary or involuntary, of anyone under the age of eighteen. The Children's Rights Project of Human Rights Watch (HRW) and HRW/Africa oppose the participation in armed conflict of those under eighteen years of age. Recruitment of

¹This newsletter is based largely on a visit to southern Sudan and Sudanese refugee camps in Kenya and Uganda from late June to late July 1993 by a delegation from Human Rights Watch/Africa (HRW/Africa) formerly Africa Watch, consisting of Jemera Rone, counsel to Human Rights Watch, and John Prendergast, a consultant to HRW/Africa. The delegation visited the towns of Nasir, Ayod, Waat, Kongor, Lafon, Nimule, Aswa, Atepi in southern Sudan, and refugee camps in Uganda and Kenya, and interviewed about 200 victims of the war, including former boy soldiers and the adults who supervised or cared for them, and other witnesses to the violence. Interviews were also conducted in London, Cairo, Nairobi and Washington DC. Most of this material appeared in *Civilian Devastation, Abuses by All Parties in the War in Southern Sudan* (New York: Human Rights Watch, 1994), pp. 194-224. Additional information was provided by Michelle Baird, counsel to the HRW Children's Rights Project, in October 1994.

²Millard Burr, *A Working Document: Quantifying Genocide in the Southern Sudan 1983-1993* (Washington, D.C.: U.S. Committee for Refugees, October 1993), p. 2.

³Human Rights Watch/Africa, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan* (New York: Human Rights Watch, July 1994).

⁴HRW/Africa, "In the Name of God: Repression Continues in Northern Sudan" (New York: Human Rights Watch, October 1994).

⁵African Charter on the Rights and Welfare of the Child, CAB/LEG/153/Rev. 2, Organization of African Unity, Addis Ababa, Ethiopia. The African Charter, Art. II, defines "child" as a person below the age of eighteen years. At Art. XXII (2), the Charter states: "States Parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child." This Charter applies to States Parties, and makes no mention of rebel groups, but does provide authoritative guidance for interpreting customary international humanitarian law applicable to rebels.

soldiers under the age of fifteen is illegal under the rules of war⁶ and under the United Nations Convention on the Rights of the Child.⁷

Sudan, the largest country in Africa, has an estimated population of twenty-five million people in nearly one million square miles. The southern third of this vast country, where the war is being waged, has an estimated population of 4.3 million. The prewar population was five or six million; the decrease is due to death from war-related causes, floods and drought, and to outmigration to northern urban slums⁸ and refugee camps in neighboring countries.

Sudan's citizens are enormously diverse. There are fifty-six classified ethnic groups and at least 572 tribes in the country, speaking more than 100 languages and dialects.⁹ The four largest ethnic groups in 1983 were Sudanese Arab (49.1 percent), Dinka (11.5 percent) and Nuer (4.9 percent),¹⁰ and Nuba (8.1 percent).¹¹ The most frequently spoken languages are Arabic and Dinka.¹²

Sudan's identification as an Arab or African state, and the role of Islam in Sudan, are questions that have been open since independence in 1956. Elements of religion have been present in this conflict since the imposition of *shar'ia* in 1983 by the then-dictator, President Jaafar Nimeiri. The implementation of *shar'ia* was seriously undertaken by the current regime, which came to power after a military coup overthrew the elected president in 1989. This government is dominated by the National Islamic Front (NIF), a militant Islamic movement. Its view of Islam, however, is not shared by the majority of the Muslim population of Sudan.¹³ Since 1989, the regime has abolished civil liberties and political life, imposed strict press and speech censorship, frequently arrested suspected dissidents and beaten and

⁶Protocol II of 1977 to the 1949 Geneva Conventions, Article 4 (3) (c): "children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities."

⁷U.N. Convention on the Rights of the Child, Article 38. Sudan has ratified the Convention, which provides authoritative guidance for interpreting customary international law. Under this Convention, those who recruit soldiers between the ages of fifteen and eighteen must endeavor to give priority to those who are oldest.

⁸See Africa Watch, "Sudan, Refugees in their Own Country: The Forced Relocation of Squatters and Displaced People from Khartoum," vol. 4, issue no. 8 (New York: Human Rights Watch, July 10, 1992). Africa Watch's name has been changed to HRW/Africa.

⁹U.N. Economic and Social Council, Commission on Human Rights, Fiftieth Session, "Situation of human rights in the Sudan, Report of the Special Rapporteur, Mr. Gaspar Biro," E/CN.4/1994/48 (Geneva: United Nations, February 1, 1994), p. 20.

¹⁰*Encyclopedia Britannica, World Data Annual 1993*. The Dinka, Nuer, Anuak and Shilluk are African Nilotic peoples and comprise the majority of southerners.

¹¹Nubans are African peoples living in the Nuba Mountains, in the transition zone between north and south Sudan; they speak their own languages and belong to Christian, Muslim and animist religions. They are not to be confused with Nubians, northerners who trace their origins to Pharonic times. See Africa Watch, "Sudan: Eradicating the Nuba," vol. 4, issue no. 10 (New York: Human Rights Watch, September 9, 1992).

¹²*Encyclopedia Britannica, World Data Annual 1993*.

¹³The NIF won less than 20 percent of the vote in the 1986 elections, the last prior to the coup. Sudan's population is Sunni Muslim (73 percent), traditional African religions (16.7 percent), and Christian (9.1 percent). *Encyclopedia Britannica, World Data Annual 1993*.

tortured them, prohibited political parties, and sharply curtailed the activities of all civic, labor and professional organizations.¹⁴

The first civil war, from 1955-1972, was waged by southern separatists. In this second civil war, the southern rebel SPLA sought not separation but a united secular Sudan. In 1991, the rebel movement split into two factions, the SPLA-Torit or -Mainstream (commanded by John Garang) and the breakaway SPLA-Nasir or -United (commanded by Riek Machar).¹⁵ The SPLA-United faction favors separation.

Whatever the causes of the war, it is southern civilians who have paid most dearly for it, and continue to pay. In this second civil war, even the adults are hard pressed to survive where displacement, asset destruction, famine and disease are constantly recurring. Children, always the most disadvantaged in any war, have been additionally punished in Sudan by being separated from their families, where they might find a modicum of adult protection, supervision and concern. They remain at greater risk than adults.¹⁶ HRW/Africa and the Children's Rights Project find that the SPLA has engaged in recruitment of boy soldiers and in the separation of children from their families for this purpose. Since 1987 the SPLA has maintained large camps of boys separate from their relatives and tribes in refugee camps in Ethiopia and in southern Sudan. From these camps the SPLA has drawn fresh recruits as needed, regardless of the age of the boys.

Initially the SPLA encouraged many boys to leave their parents and go to refugee camps in Ethiopia for educational purposes; others went for safety reasons, many with their families as whole villages took flight from government army and tribal militia abuses.

In Ethiopia, the "SPLA was allowed to administer the 'minors' camps', where unaccompanied [children] were kept separated from the main camp."¹⁷ There were some 17,000 boys in these camps where, according to SPLA officers and the children themselves, they were given military training as well as education. They were removed from the camps for military service when the needs of the SPLA demanded, including to fight with its Ethiopian government host's army against Ethiopian rebels; many Sudanese boys who fought were under fifteen years of age. Other under-fifteens were given military duties such as guarding checkpoints and prisoners.

How many underage soldiers have been used in the war in Sudan itself is almost impossible to estimate, but they surely number in the thousands. Most who survived are still soldiers, and doubtless many now have reached the age of eighteen. The SPLA-Mainstream, however, apparently continues the practice of maintaining segregated boys' camps in southern Sudan for recruitment purposes, although the SPLA-United does not. Both use soldiers under the age of fifteen although the SPLA-United's use appears less than that of the Mainstream faction.

The problems these boy soldiers will face when the war is over are immense: they have grown up knowing only military skills and may find it hard to fit into a peace-time economy, especially because they are familiar with the

¹⁴Africa Watch, *Denying the Honor of Living: Sudan, a Human Rights Disaster* (New York: Human Rights Watch, 1990).

¹⁵The factions were originally given the names of the Sudanese towns in which they were headquartered: Torit in Eastern Equatoria and Nasir in Upper Nile province.

¹⁶UNICEF, *Children of War: Wandering alone in southern Sudan*, (New York: UNICEF, 1994), p. 29.

¹⁷UNICEF, *Children of War: Wandering alone in southern Sudan*, p. 15.

SPLA's practice of requisitioning food for soldiers at the point of a gun.¹⁸ How readily they will settle down to herding and farming, and where, is difficult to gauge.

It is also difficult to know how many boys in all have been held in boys' camps to receive military training as reserve troops. When the Sudanese refugees fled Ethiopia in May and June 1991, this group, then estimated at 17,000 unaccompanied boys, was escorted by the SPLA back to Sudan. In Sudan, some were trained and sent to the front. Others were held back in boys' camps for future recruitment.

Of these repatriated boys, some 12,000 mostly Dinka boys fled the government capture of Kapoeta town in May 1992 into Kenya. Some 10,500 of them now live in a refugee camp administered by the UNHCR under nonmilitaristic conditions in Kakuma, Kenya. Although some boys still live separately, the UNHCR has endeavored to give unrelated Dinka families incentives to take in four or five Dinka boys each.

Other boys, still segregated in southern Sudan, remain in camps which were relocated as military and political fortunes waxed and waned. Conditions in these camps have been described as "heart-rending": no schooling, no hygiene, few caretakers, ragged clothing, disease, and little food. There were in mid-1994 several thousand boys in Laboni, a 1994 relocation site in Eastern Equatoria near Parajok; most of these boys never lived in the Ethiopian refugee camps but were recruited for a boys' camp in Palataka by the SPLA from the Eastern Equatorian population and moved from Palataka when it became insecure. Recently there were reported to be another 2,800 unaccompanied boys in Natinga and 1,000 in Omere, also in Eastern Equatoria. About 800 boys live together in Maiwut near Nasir, having arrived in Nasir from the Itang and Dinka refugee camps in Ethiopia in 1991. Finally, there are those minors who are not being held in military reserve but who are living among the displaced and remain separated from their families, not knowing if they are living or dead.

SPLA-Mainstream has denied recruiting or arming young soldiers. John Garang stated, "Our cut-off age is eighteen and above."¹⁹ But the evidence of the SPLA's use of underage soldiers, as detailed below, is overwhelming.

The SPLA-United (Nasir) faction, whose leadership did not publicly complain about these recruiting practices until it broke from the SPLA-Mainstream, apparently does not now use segregated boys' camps for recruitment but it has maintained a segregated camp for some one thousand boys at Nasir since 1991, and in 1993 placed obstacles in the way of family reunification; family reunification is now proceeding from Nasir, however.

The work of reunifying the boys with their families is being done, where permitted as in Nasir, by UNICEF, which with the nongovernmental organization Radda Barnen (Swedish Save the Children) is searching for and interviewing relatives to ascertain the feasibility of reunification. When that is established, they must arrange for transport of the boys; so far several hundred boys from Nasir have been reunified with their families in Ler, Upper Nile. There are others, however, who come from areas such as the Nuba Mountains that are still in conflict and placed off-limits to all U.N. and international nongovernment organizations, making tracing of relatives there impossible. Others have long been separated from their families. Locating displaced persons inside southern Sudan is no easy task; it is far easier to locate relatives who might be in refugee camps in Kenya, Uganda, or Ethiopia. Where the families can be located in refugee camps, the usual policy of not relocating individuals from their country of origin to a refugee camp in a foreign country should be overridden in the interests of the children.

¹⁸See HRW/Africa, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, pp. 174-89.

¹⁹Emma Sharp, "Child Soldiers in Southern Sudan," *Sudan Monitor*, vol. 2, issue 6 (London: December 1991), p. 4. John Garang made this statement on December 1, 1991.

Family reunification, the most obvious remedy and the one the HRW/Children's Rights Project and HRW/Africa urge, will not be indicated in each individual case. Some boys have grown to adolescence and young manhood apart from their families and indeed from all adult discipline. Others have already been combatants and lived independently for too long. In these circumstances neither parents nor children may be able to make the adjustment to living together.

Family reunification, however, is the solution indicated for most by custom, law and expediency. The care and supervision the SPLA factions provided this lost generation have been totally inadequate even in the segregated camps; by recruiting the boys as combatants the SPLA revealed its total lack of concern with the children's welfare.

BACKGROUND

SPLA-Mainstream Position on Recruitment of Boys

SPLA-Mainstream has denied recruiting or arming young soldiers. When challenged on the use of boys as soldiers after the Nasir faction defected in mid-1991, Commander Garang denied that they even had enough guns to give to recruits above age eighteen, much less those under age.²⁰ Others in the SPLA and its allies, however, have acknowledged the practice but have advanced a variety of arguments to justify or explain it away. Analyzing these arguments throws light on the manner in which the phenomenon developed.

Rationale for Segregation of Unaccompanied Boys

These children first became "unaccompanied" when they undertook to go as refugees to Ethiopia in the mid-1980s. They usually left their homes in groups, together with adults. Some were orphaned by the war, but many were not.

While some started out their journey to Ethiopia enthusiastically, others were taken against their will. In late 1991, a journalist interviewed a chief of a village in the Sobat basin of Upper Nile province who said that in 1989 twenty-nine twelve-year-old boys had been taken from that village by force by the SPLA. Since then, none of their parents had heard from them.²¹

Some of the village women walked to the Itang refugee camp in Ethiopia on their own to find their boys but were told that the children had been taken to another place. The villagers found out that some of the larger children were sent to Kapoeta, for what they feared was military training.²²

As to those who went voluntarily to Ethiopia, some SPLA supporters said that the unaccompanied boys were separated from their families when their cattle camps were raided by the government and government-aligned militias, and that they fled separate from their families. This might, in part, explain the fact that the unaccompanied children were all boys, since girls' work did not include tending cattle in cattle camps away from the villages.²³

²⁰*Ibid.*

²¹*Ibid.*

²²*Ibid.*

²³Some report, however, that girls may be found in cattle camps because children go there to be near a source of milk, or because girls go to prepare the food, traditionally female work, for their brothers and other male relatives.

Spontaneous flight across a nearby border certainly accounted for some of the unaccompanied boys, but it is not the only reason for the appearance of over 17,000 unaccompanied Sudanese boys in Ethiopia, most of whom came from areas hundreds of kilometers from the Ethiopian border.

The avenues of escape to Ethiopia developed over time. The safest route to Ethiopia, the only neighboring country that received refugees at the beginning of the war, was through the SPLA networks, and the SPLA took increasing responsibility for organizing this flight, which then became routine. By 1988, large numbers of boys were being marched to Ethiopia, and in 1990 were observed by outsiders being transported by vehicle with adult supervisors.²⁴

Often the boys left Sudan upon hearing from SPLA commanders of the educational opportunities available in the refugee camps in Ethiopia. Riek Machar, commander of the SPLA-Nasir or -United faction, described what he considered to be the initiation of the recruitment program:

In 1988, five years after the start of the SPLA, I began to realize that we had no schools in the liberated areas. I was the commander of [Western] Upper Nile. Garang sent a message that there were good schools in the refugee camps, if the children wanted to go there for school. This was a very noble idea.

I started a campaign for them to go to school in the refugee camps. I vigorously pushed this in western and northern Upper Nile, my command, and also in areas bordering these zones.

Kuol Manyang also sent children to the refugee camps from Bahr [El Ghazal province]. We were competing with lost time, five years, 1983-88. It would affect our manpower in the future.

As a Dinka leader close to the SPLA explained it, each chief was asked by the SPLA to send some children from his village for the schools in Ethiopia. Those had to be boys whose parents were prepared to release them. This leader's own brother and three nephews went voluntarily to Ethiopia in this fashion. Often they were escorted in large groups. A Nuer commander from Bentiu told HRW/Africa that he had accompanied over one hundred boys from Bentiu region to Fugnido, Ethiopia, for education in 1986.

It was true that educational opportunities in southern Sudan were extremely limited, especially in the rural areas, even before the conflict broke out.²⁵ After SPLA advances in the mid-1980s the government cut off its services to SPLA-controlled territory, which came to include all of southern Sudan except for a handful of garrison towns.

Most often, boys interviewed by social and relief workers in Ethiopia routinely volunteered "education" as their reason for going to Ethiopia. Education continues to be a magnet. Today, Sudanese youth migrate to the Kenyan

²⁴Some boys, according to various reports, were even sent to Cuba for training. A journalist in Nasir as late as 1992 heard some of the minors speak proficient Spanish and sing songs in Spanish in praise of Fidel Castro. Sharp, "Child Soldiers in Southern Sudan," p. 3.

²⁵Schools, even those built by community donations, were not staffed or supplied. One anthropologist who visited the Nasir area in 1983 remarked that most of the buildings (brick and zinc schools, medical dispensaries and veterinary offices) built to attract government services remained vacant. There were only fourteen primary schools and two junior secondary schools operating in the immediate Sobat region of Upper Nile province in 1983; Nasir had one of the intermediate schools. Throughout the 1970s and early 1980s, however, many of these schools were closed for weeks or months at a time due to shortages of textbooks, teachers, and other essentials. Sharon Hutchinson, "Potential Development Projects for the Sobat Valley Region; A set of Proposals Prepared for Save the Children Fund (U.K.)" (London: June 1993).

refugee camp at Kakuma for schooling. Equatorial youth, including those in besieged Juba, go to refugee camps in Uganda with the dream of education. They usually learn of these refugee schools by word of mouth, however, rather than from the SPLA.

While education may be a partial reason motivating the boys and the SPLA, it does not appear to be the sole reason.

Many explain the apparently anomalous and continuing segregation of boys by pointing to two Sudanese precedents: boarding schools and the cattle camps.

In Sudan, southern youths who continued their schooling beyond a certain grade often lived in boarding schools distant from their family's rural homes. These young people, however, usually returned home on vacations and continued to maintain ties with their families and to be brought up in the culture through initiation and marriage rites.

Others cited the cattle camp culture as an explanation for segregation of the boys. It is said that in the pastoral Nilotic culture, boys are sent to cattle camps at a young age, and there learn to fend for themselves and live apart from the family. The anthropologist Wendy James wrote that in some

Nilotic communities, it was normal and traditional for boys and young men to form well-organized and independent groups, based upon age, which functioned as cattle-herding units and normally lived together in cattle camps for the dry season, on their own and away from their families. In the cattle camps they would depend largely on milk and other cattle products for subsistence. These bands of young men also had the duty of protecting herds from raids, and provided the framework for traditional forms of hostility and peacemaking. In some of the Nilotic groups, there is a formal and sophisticated system of age classes and grades, giving a coherent structure to the groupings and activities of boys and young men, and leading to their ceremonial initiation into the adult world. This is one factor in the social background against which the large groupings of unaccompanied boys found particularly in the former refugee camp of Fugnyido should be understood.²⁶

This background is evoked, less subtly, by others to justify segregation of the unaccompanied boys as consistent with the culture. The cattle camp, however, was not a function of the war but a pre-existing economic phenomenon. In the cattle camp, boys performed a seasonal economic function for the family and were accompanied by other family members, sometimes uncles, brothers, or grandfathers.²⁷

Neither the boarding schools nor the cattle camps were intended to serve as the means of permanent separation of the boys from their families, such as has occurred for unaccompanied boys in the context of the conflict. Other, more directly military and war-related reasons provide a more plausible explanation for this modern phenomenon.

²⁶Wendy James, "Background Report and Guidelines for Future Planning: Nor Deng Centre for Sudanese Returnees, Nasir," WFP/Operation Lifeline Sudan, Southern Sector, Nairobi, Kenya, August 1991, p. 13.

²⁷The war probably affected the movement of males to cattle camps; there is a good deal of testimony that men and boys tried to protect their cattle, their most valuable asset, from the raiders when it appeared a raid was on the way. Thus they would go to the cattle camp to move their cattle to a different location; many were killed trying to fend off cattle raiders who were either combatants or others taking advantage of the situation. In other cases the men and boys were safer from attacks away from the villages. Thus the existence of armed conflict and raiding done by organized military expeditions could have changed the rather temporary basis on which boys were sent to cattle camps.

Historical Background for Boy Soldiers in Southern Sudan

Boy soldiers are part of a cultural pattern that is not offered as a justification for these unaccompanied boys. However, there is a history in northeast Africa of military slavery,²⁸ in which "gun-boys" were a source of soldiers.

Whereas the slaves captured for the Turco-Egyptian army before the twentieth century were mostly full-grown men, the commercial companies/armies formed to exploit the ivory and slave potential of the White Nile made use of young boys as well.²⁹

These "gun-boys" were slave boys who, starting at the ages of about seven to ten, worked as gun bearers for individual soldiers. Every contractual soldier had at least one, some had two or more, and many slave-soldiers themselves had "gun-boys." The boys' service to the soldiers was part of their training, and when they grew older they became soldiers themselves. They were the most regular though not the most numerous source of military slaves.³⁰

The gun-boys were observed as early as 1870, but they are a consistent feature of slave armies in the Nile Valley, and gun-boys turn up not only in the Uganda Rifles at the end of the last century, but in the King's African Rifles, the Sudanese army, and even the National Resistance Army and the Sudan People's Liberation Army of this century.³¹

This is not to say that the system that the SPLA follows today is a direct continuity from these earlier military slavery practices, but that conditions similar to those which fostered the expansion of military slavery in the nineteenth century now exist in the late twentieth century.

Colonial armies which grew out of the institution of military slavery in northeast Africa retained the legacy of having a reserve of boy soldiers who were regularly channeled into the army, whether as sons of soldiers or as hangers-on of soldiers, a regular feature even of the British army into the twentieth century. Both the Sudanese and Ugandan post-independence armies retained some form of boy soldiers, and in both countries the percentage of teenaged, and even younger, soldiers rose during the dislocation of prolonged civil wars, particularly in guerrilla armies.

At the start of the first Sudanese civil war, 1,146 soldiers mutinied in Torit and later fled in August 1955 to become rebels. Among them were 380 boy soldiers.³²

Change in Age at which Boys Become Adults

Historian Douglas H. Johnson suggests that the phenomenon of boy soldiers among the southern Sudanese today also is linked to another war-related phenomenon, a change in the age at which boys become adults.

Among the Nuer and those Dinka who practice facial scarification, boys became adults when they are initiated into age-sets which are composed of groups of boys of roughly comparable ages. Earlier in this century initiation took place between the ages of fifteen and eighteen. Starting in the 1950s the age-sets have been initiated more frequently,

²⁸See Douglas H. Johnson, "The Structuring of a Legacy: Military Slavery in Northeast Africa," *Ethnohistory* 36:I (Winter 1989), pp. 72-88.

²⁹Johnson, "Military Slavery in Northeast Africa," p. 79.

³⁰Douglas H. Johnson, "Recruitment and Entrapment in Private Slave Armies: The Structure of the *Zara'ib* in the Southern Sudan," *Slavery & Abolition* 13 (London: April 1992): p. 168.

³¹*Ibid.*, p. 168.

³²Johnson, "Military Slavery in Northeast Africa," p. 86, n. 6.

and the age of initiates declined to ages thirteen and fourteen in the 1970s and 1980s, largely due to fears on the part of fathers that scarification would be banned.³³

Once so marked, the boys are regarded as adults and are expected to take up adult duties, such as carrying spears and defending herds and homes from attack, and getting married. This applies to those societies which practice scarification at initiation for boys, most Nuer and many Dinka, which together make up perhaps half the population of southern Sudan.

Although by international law standards these thirteen- and fourteen-year-olds remain underage for military recruitment purposes, many are considered by their own societies, and consider themselves to be, "adults" and thus old enough to serve in the military.

The historical and cultural background explains but does not excuse the recruitment of underage boys. The modern rules of war, the U.N. Convention on the Rights of the Child, and the African Charter on The Rights and Welfare of the Child were ratified to change just such practices in all societies.

Conditions in the Ethiopian Refugee Camps

When one international nongovernmental organization first visited the Sudanese refugee camp in Fugnido, Ethiopia in 1987, one staffer recalled they found "only naked bodies, very thin, of boys, as far as the eye could see. They did not even have *tukls* [huts] to live in." Later the boys built their own large sleeping quarters and schools, and relief agencies helped recruit caretakers and teachers for them.

As the war progressed and flight into Ethiopia became more organized, a system of receiving refugees developed. After the boys reached Ethiopia, they were segregated into boys' sleeping and living quarters and there subjected to political and military training by the SPLA. The SPLA says that the boys were given military training in order to prepare them to defend their country in the event that the war lasted a long time, but denies that the boys were sent into combat. As explained below, that assertion is not true.

The SPLA instructed the boys in the camps in what to tell expatriate relief workers and other outsiders about their relations with the SPLA.³⁴ Interviewers over the years remarked on the singular uniformity of answers to questions, such as why the boys went to Sudan ("education"). After the split in the SPLA in August 1991 a fuller picture began to emerge. The Children's Rights Project and HRW/Africa conclude that the SPLA recruited the boys for both education and military purposes, but attempted to conceal the military purpose.

Furthermore, many of the boys were not "unaccompanied." Surveys conducted in Ethiopian camps indicate that one-fifth of the unaccompanied boys in the Ethiopian camps had relatives in the camps. Many of these boys were required by the SPLA to live in segregated buildings with the other boys. This was possible because the SPLA, not international agencies, was delegated management authority in the camps by their Ethiopian government hosts.

Unfortunately, the schooling the boys received in Ethiopia was minimal, no doubt due to the difficult conditions under which they lived and the fact that they had to perform the whole range of feeding and housekeeping chores normally split up among family members according to age and sex. One 1989 survey of the unaccompanied boys in the camps in Ethiopia found that 90 percent of the unaccompanied boys were illiterate or in grade one.

³³Commander Riek tried to ban scarification by decree in the late 1980s in his jurisdiction of Western Upper Nile on medical grounds (lack of health service to treat infections resulting from scarification).

³⁴It was in the Ethiopian refugee camps that the term "unaccompanied minors" began to be used for these segregated boys not yet in military service.

One boy soldier, Emmanuel Jal, said that the only time the boys saw any books in Itang was when they had important visitors; the rest of the time they worked or were in military training.³⁵

One boy, a member of a small non-Nilotic tribe, told HRW/Africa that he left his family and village in 1989 to go to Ethiopia with his cousin. The reason he left was "because of the harassment of the system." Based on an estimate of an adult who knew him in his village, he was about twelve or thirteen when he left for Ethiopia in 1989. The cousins traveled with a mixed group of 900 members of their tribe. Upon their arrival in the Itang refugee camp, the SPLA separated the boys among the 900 refugees by age. Those over sixteen or seventeen were sent for full-time military training, and his age group was sent to the housing for the other unaccompanied boys. He lived at the school at Tarpaam, in Itang, created in early 1990, where 5,000 unaccompanied male minors were registered.³⁶ He estimated there were six schools in Tarpaam. In his home village, he had gone to school up to grade four where the language of instruction was Arabic, which was not the language used in Tarpaam.

The Ethiopian refugee camps continued to receive refugees as the war in Sudan drove civilians out. By June 1990, there were three main Sudanese refugee camps in Ethiopia: Fugnido, Itang and Dima.³⁷ Not uncommonly, there is some dispute about the overall numbers of refugees and the numbers of boys. Conservative estimates were that Fugnido, with 76,204 refugees,³⁸ mostly Dinka, had the largest unaccompanied minor population: 10,000. Itang, the largest refugee camp with 150,000 mostly Nuer refugees,³⁹ had an unaccompanied minor population of 5,300. Dima, with a mixed population of 20,000,⁴⁰ had 2,000 unaccompanied boys.

The boys built the huts in which they lived. In Fugnido, they had access to the Gilo River, where they fished and bathed. They prepared their own food. They were assisted by caretakers and teachers, although the ratio of adults to children was very small, much smaller than in the average Nilotic village.

The boys were assisted by international organizations, although at no time were Ethiopian or expatriate relief workers allowed to live in or spend the night in the camps. The camp administration, which was in the hands of the SPLA and its designees, required relief workers to depart daily at 3 P.M. or 6 P.M., supposedly on safety grounds.

³⁵Peter Moszynski, "Letter from Nairobi," *New Statesmen & Society*, vol. 123, no. 4200 (London: September 2, 1994), p. 11.

³⁶UNICEF OLS, "The Return to Southern Sudan of the Sudanese Refugees from Itang Camp, Gambela, Ethiopia," Nasir, Southern Sudan, August 31, 1991, p. 4.

³⁷A survey done in March 1988 indicated that in Itang camp 75.2 percent of the population was male, in Fugnido, 94.6 percent male, and in Dima, 97.8 percent male. Alex de Waal, "Starving out the South, 1984-9," in *Civil War in the Sudan*, ed. M.W. Daly and Ahmad Alawad Sikainga (London: British Academic Press, 1993), p. 161, n. 25.

³⁸Office of UNHCR, "UNHCR activities financed by voluntary funds: Report for 1989-90 and proposed programmes and budget for 1991," Part I. Africa, A/AC.96/751 (Geneva: UNHCR), p. 33. Another source set the population of Fugnido (also written Panyido) at its height in 1991 at 86,000. Alastair Scott-Villiers, Patta Scott-Villiers and Cole P. Dodge, "Repatriation of 150,000 Sudanese Refugees from Ethiopia: The manipulation of civilians in a situation of civil conflict," *Disasters* 17 (1993): p. 204.

³⁹UNHCR, "Report for 1989-90," p. 33, gives a figure of 247,143 for Itang, but later studies concluded that the number was probably no more than 150,000. Scott-Villiers, "Repatriation of Sudanese Refugees," p. 204.

⁴⁰UNHCR, "Report for 1989-90," p. 33, sets the number at 35,075 for Dima. Scott-Villiers estimates, based on later data, that the figure was closer to 20,000. Scott-Villiers, "Repatriation of Sudanese Refugees," p. 204.

By 1989, the Sudanese refugee camp in Fugnido had exploded in size, far outstripping the nearby village of 5,000 Anuak tribesmen.⁴¹ In an armed incident in June 1989 sparked by conflicts between the unaccompanied Sudanese boys and Anuak youth, between fifty and one hundred Anuaks were killed by Sudanese refugees and SPLA cadre, with fewer casualties among the Sudanese.⁴²

Military Training for the "Red Army"

Some form of military training was admittedly given to all unaccompanied boys, regardless of age. A former SPLA commander told HRW/Africa that of the boys in Ethiopia the older boys (a relative term) received a full-time military training course of three or four months. The younger, starting at age seven, received training during school holidays.

Boys were organized into separate military units which made up the "Red Army," according to another SPLA former commander. After he was wounded, this man was transferred to a job as a teacher of the unaccompanied boys in a refugee camp with the rank of commander of the "Red Army."

Another former SPLA officer described the "Red Army" to HRW/Africa:

The "Red Army" means the young people, ages fourteen through sixteen. They were organized as a separate army; the adults were in the SPLA. The Red Army was in battalions. Wherever SPLA had a stronghold, they had contingents of the Red Army.

In the first few years, the Red Army fought and was always massacred. Then they were taken off the front line. They were not good soldiers because they were too young. They were then assigned to menial jobs. In the last stage, they were in school in Itang and Fugnido, which was organized for them.

Others, not affiliated with the SPLA, observed that the Red Army boy soldiers were used as bodyguards for army officers and defense of "liberated" towns, which explains their armed presence in 1991 in Mongalla and Torit.⁴³ Some long-term prisoners of the SPLA said that their guards included these under age soldiers.

Military Deployment of Boys in Ethiopia

When the Ethiopian army began to collapse in late 1990 and early 1991, the Mengistu regime turned to the SPLA for reinforcements, and the SPLA provided troops to fight alongside its benefactor's army. Two former SPLA officers separately told HRW/Africa that at that time between 900 and 2,000 unaccompanied Sudanese boys aged eleven and over were sent from the boys' camps in Ethiopia for training at SPLA bases and then sent into battle against the Ethiopian rebels in Dembidolo (February 1991) and in Gore (April-May 1991). Many died there.

HRW/Africa talked to one boy sent for military training at an SPLA base in Ethiopia in early 1991. His group then was deployed to fight in SPLA units under SPLA command in Dembidolo, Ethiopia, against Ethiopian rebels. The boy was a private, he was armed, and he fired his rifle in the engagement. At the time he was probably fourteen.

Emergency Evacuation of Unaccompanied Boys Along With Sudanese Refugees from Ethiopia

⁴¹The Anuak live on both sides of the Ethiopia/Sudan border. They, like the Dinka, are Nilotic peoples.

⁴²Commander Simon Mori was part of an investigation commission sent by John Garang to look into this incident as soon as it occurred. Its report, which faulted the SPLA rather than the Anuak, was never published. Simon Mori is now affiliated with SPLA/United.

⁴³Sharp, "Child Soldiers in Southern Sudan," p. 4.

When the Mengistu regime collapsed in May 1991, the SPLA prepared to move its troops and hundreds of thousands of civilian Sudanese refugees from Ethiopia. Although in some cases the unaccompanied boys were able to reunite with their families during the exodus, in most cases they were not.

One task force of boys, after their defeat in Dembidolo, Ethiopia, withdrew to Pochalla, on the Sudan side of the border. They stayed two weeks, then went to Boma, where they stayed for nine days. From there they went to Kapoeta, a fifteen-day walk. There may have been 1,000 boys on this march, according to one participant.

A former SPLA commander said that in May/June 1991, he was ordered to accompany another group of several thousand boys to Kapoeta for education "by the Kenyan government and NGOs [nongovernmental organizations]." He took the boys from Tarpaam in Itang to Fugnido to join the larger group of unaccompanied boys, which he estimated then totaled 4,000. Once in Kapoeta, those who had already received military training were deployed to SPLA bases. Some 2,500 who had not been trained (ages eleven to sixteen) were trained in less than three months in Kapoeta and then deployed.

The boy soldier referred to above who fought in Ethiopia, and his 1,000 companions, stayed one night in Kapoeta at around that time, then proceeded to Torit for twenty days, where they were idle. His account of his movements as part of the SPLA-Mainstream force was corroborated by others familiar with the period.⁴⁴

Conditions for Unaccompanied Boys Repatriated to Sudan from Ethiopia

Those unaccompanied boys fleeing Ethiopia who were not yet incorporated into the SPLA forces appeared in large groups in the Sudanese towns of Nasir, Pochalla, and Pakok, all near the Ethiopian border. It was agreed by the agencies concerned that the ICRC would register and organize protection and assistance for the repatriated unaccompanied boys in Sudan. The ICRC registered 10,000 unaccompanied boys at Pochalla, 2,000 at Nasir and 2,000 at Pakok by the end of 1991.⁴⁵ In March 1992 the ICRC was denied permission to continue operations in Sudan by the government, partly because of this very protection role. UNICEF then took over the job.

Meanwhile, in August 1991, while the returning refugees were stalled in the three camps along the Ethiopian border, the Nasir faction broke from the SPLA, raising several human rights complaints against Commander-in-Chief Garang—one was that the SPLA under Garang's leadership had recruited underage boy soldiers. Commander Riek, head of the Nasir faction, later tried to explain how, even though he was a commander in that SPLA, he disapproved of the practice:

In 1990, after being in the field for five years, I decided to visit Itang. I found the children's camp there. They were receiving military training. It was the same in Fugnido.

On April 1, 1990, I met Garang en route to operations. "Why are the children being militarily trained?" I asked him. "Those who succeed will go to school. This is our reservoir for the army," he said.

I did not like it. I took a stand against the military training of children. I told Taban Deng Gai (the administrator of Itang) to stop the military training of the children. He was an ardent Garang supporter,

⁴⁴After Torit, the boy soldiers went to various locations in Eastern Equatoria, first to Magwe where they stayed for two months and built their own huts. When the government's 1992 dry season offensive commenced this unit of boy soldiers moved to Ngangala where they fought against the Sudan government in April, 1992, and were defeated. The young witness' task force retreated to Lirya, north of Torit, and remained for forty days until they were ejected by the government. His company retreated south to the SPLA base in Lotukei, in Didinga territory in Eastern Equatoria. The rest of the task force left for the SPLA siege of government-controlled Juba.

⁴⁵ICRC Annual Report 1991, p. 39.

but he stopped their training in Itang. The children left a few months later to Sudan. But there were actually more children being trained in Fugnido than in Itang.

Conditions in Nasir

One group of unaccompanied boys was originally estimated at 4,000-5,000 in June 1991 when they first arrived in Nasir from Itang and Dima refugee camps. There were actually 3,500 boys in Nasir in June 1991 at a site called Pandanyang. Of these, some 1,500 left Nasir in June and July, probably walking to their accessible home areas.⁴⁶ The boys in Nasir were mostly Nuer, with some Dinka, Nubans, and others.

Due to government intransigence, relief flights were not able to land in Nasir, and because the returned refugees were not able to cultivate, a severe food shortage developed. The boys set up a separate camp. A nutritional survey in August 1991 by relief agencies found 60 percent moderate malnourishment among these boys.

A study of the repatriation and the international relief efforts in Nasir in 1991 found that the SPLA-Nasir manipulated the remaining 1,500-2,000 unaccompanied boys and other repatriatees to secure more aid for themselves. This study found that significant relief was required for all the refugees returning to Nasir from Ethiopia, that the Sudan government was doing everything in its power to block the needed relief, and that the international community was not responding to the need. The SPLA-Nasir "directed the focus of relief on to the severely malnourished unaccompanied minors,"⁴⁷ and this focus helped to generate what little assistance was brought, although in the end, the boys did not receive the needed assistance. The study concluded:

A fair proportion of the special food distributed to the unaccompanied minors never reached their mouths, but instead went to feed other more powerful individuals. The minors therefore remained, for a long time, in a state of near starvation, and this helped ensure the continuation of relief assistance.⁴⁸

Another study later that year found that one in three of the 2,000 unaccompanied boys in Nasir suffered from severe malnutrition.⁴⁹

THE FLIGHT OF BOYS TO POCHALLA AND THEIR EXODUS TO AVOID GOVERNMENT ATTACK

Some 10,000 unaccompanied boys in Fugnido fled to Pochalla, where they set up a separate camp apart from the large displaced persons' camps for families fleeing Ethiopia. Crossing the Gilo River in Ethiopia, many drowned. Other boys went to Khor Shum (Pakok), where in November 1991 a nutritional survey showed 66 percent moderate malnourishment.

After unsuccessful militia attacks on Pochalla, the Sudan government launched a cross-border attack on Pochalla from Ethiopian soil in early 1992 as part of its 1992 dry season offensive. The offensive had been expected,

⁴⁶UNICEF OLS, "Return to Southern Sudan of the Sudanese Refugees," p. 4.

⁴⁷Scott-Villiers, "Repatriation of Sudanese Refugees," p. 209.

⁴⁸*Ibid.* The other group that was manipulated and prevented from leaving Nasir in order to attract more relief was the Uduk. *Ibid.*, p. 210. See generally, Wendy James, "Uduk Asylum Seekers in Gambela, 1992," Report for UNHCR (Addis, Ababa: October 31, 1992).

⁴⁹OFDA, "Sudan-Drought/Civil Strife, Situation Report no. 52," December 5, 1991 (Washington, D.C.: U.S. AID), cited in Burr, *Genocide*, p. 45, n. 190.

and tens of thousands of the former refugees, including the boys, were evacuated before the government reached Pochalla.

The ICRC assisted the boys and others in evacuating Pochalla and traveling south, providing food, water and medical assistance at stations along the long route. The ICRC was expelled from Sudan in March 1992 by the government, in part because of this humanitarian assistance. Some relief workers suspected that part of the government motivation for the Pochalla attack was to kill or capture large groups of the boys whom the Sudan government viewed as combatants or at least a military reserve force.

The boys' journey, from February to the end of April 1992, led them across very difficult marshy and desert terrain as well as an area controlled by the hostile Toposa militia. The U.N. Operation Lifeline Sudan (OLS) reported an attack by Toposa bandits at Magos, northeast of Kapoeta, on March 19, 1992 that killed five boys.⁵⁰

SPLA-Mainstream Commander Salva Kiir, Garang's chief of military operations, accompanied the boys. Interviewed with them before they arrived in Kapoeta, he said that the plan was to settle the boys in a new camp at Narus near the Kenyan border, for which large-scale international assistance would be required.⁵¹

A headcount of unaccompanied boys in Narus completed on April 22, 1992⁵² showed 12,241 boys and 6,600 "teachers and dependents." Narus was to be a temporary place for the boys. Some 850, the OLS noted, could have been reunited with their families immediately if there were government flight clearance to Ler.⁵³

The Flight from Sudan to Refuge in Kenya

A month later, on May 28, 1992, the nearby town of Kapoeta unexpectedly fell to the government. Many fled from Kapoeta south to Narus, and those in Narus quickly fled to Kenya. The hasty exodus was not coordinated or directed by the SPLA, according to relief officials directly across the border in Lokichokio, Kenya at the time.

After the boys arrived in Lokichokio in late May 1992, their numbers were estimated at 12,000. A later, more leisurely headcount of the boys at the Kakuma refugee camp just set up one hundred kilometers south of Lokichokio found only 10,500 boys, prompting the accusation that the SPLA-Mainstream had kidnapped some 1,500 to 3,000 of the boys and sent them back to fight or receive military training in Sudan. At the time, a UNHCR spokesperson said that at least 1,000 unaccompanied boys apparently had left the Lokochokio camp in Kenya in one night, and that a U.S.-based relief organization, World Vision, had reported seeing a sudden increase in the number of boys mainly in their late teens back in Narus.⁵⁴ Some believed that these boys were deployed in the major SPLA-Mainstream assaults

⁵⁰SEPHA Bi-Monthly Report no. 14 on OLS Emergency and Relief Operations in the Southern Sector for the period March 21 to April 5, 1992 (Nairobi, Kenya) p. 2.

⁵¹Long March, "*Sudan Update*, vol. 3, no. 15 (London: March 30, 1992), p. 1, quoting Peter Biles in *The Guardian* (London).

⁵²The headcount was conducted jointly by the U.N., NGOs, and the Sudan Relief and Rehabilitation Association, the relief wing of the SPLA-Mainstream.

⁵³SEPHA Bi-Monthly Report no. 16 on OLS Emergency and Relief Operations in the Southern Sector for the period April 19 to May 5, 1992, p.6.

⁵⁴Jane Perlez, "1,000 Boys Return to Camp in Sudan," *The New York Times*, August 19, 1992.

on Juba that occurred in June and July 1992.⁵⁵ The discrepancy in numbers was never fully explained,⁵⁶ and the SPLA-Mainstream denied the charges.

The boys who remained in Kenya were moved to a newly created refugee camp at Kakuma, Kenya, which, as of late June, 1993, had 28,000 Sudanese refugees, 10,500 of them unaccompanied boys, a disproportionate share of that population. Some 95 percent of the Sudanese were Dinka.⁵⁷

At Kakuma, the UNHCR established a foster care family program for approximately 2,500 unaccompanied boys, who live in groups of four or five with refugee families who are given incentives to take them in.

The refugee camp operated eighteen schools with 318 headmasters for 12,500 students.⁵⁸ Further evidence of the difficulty Sudanese children faced over the war years in receiving an education is the fact that, in the camp in Kakuma, where the average age of all Sudanese students was fourteen to fifteen, only fifty or sixty Sudanese attended secondary school, according to camp administrators.

The school itself may attract unaccompanied boys from the Sudan. In one week in June 1993, one hundred Dinka boys, average age fourteen, arrived from Lotukei, a Didinga (Equatorial tribe) border area where an SPLA base is located. They were seeking an education in Kakuma.

Unaccompanied Boys Remaining in SPLA-Mainstream Areas, Including Palataka

There were unaccompanied boys in several locations inside Sudan even before the fall of Mengistu and the evacuation of the Sudanese refugee camps in May 1991.

In 1989-90 the SPLA proposed creation of schools that also would function as self-sustaining economic enterprises, to be run by its Friends of African Children Educational (FACE) Foundation. Industrial and agricultural enterprises would draw their labor from schoolchildren working in shifts who would thereby generate enough income to make the educational system self-supporting. Funding agencies did not find the FACE proposal attractive because it would have directed too many resources to a small group, would not serve all children in the population, and seemed more like an agricultural project for children than an educational project.⁵⁹ Nevertheless, the SPLA established a FACE school along these lines on the grounds of a large Catholic mission and farm at Palataka, south of Torit. Other schools were set up north of Nimule, in Molitokuro and Borongolei.

A visitor to the Palataka school in late 1991 observed that the "situation is shocking, but not because military training is going on. It is shocking because the boys are dying of starvation and easily preventable diseases, such as

⁵⁵*Ibid.*

⁵⁶Relief workers in this region tend to view all numbers with skepticism and regard most as educated estimates, at best.

⁵⁷The total refugee population in Kakuma camp was 35,000. UNHCR Camp Profile -- Kakuma, Kenya (updated June 28, 1993).

⁵⁸*Ibid.*

⁵⁹"Boys starve to death in F.A.C.E. Foundation schools," *Sudan Monitor*, vol. 2, no. 7 (London: January 1992), p. 3.

malaria and diarrhoea . . . Observers say that military training has gone on in the past, but most of the children are too weak and small to make effective soldiers."⁶⁰ Other visitors agreed that the conditions were deplorable.⁶¹

In 1992 an estimated 4,100 boys from seven to fourteen years were in Palataka; most were ten and eleven years old.⁶² A Norwegian journalist who visited Palataka in February 1992 saw these very young boys with weapons; one, fully armed and in uniform, told her that he was thirteen and had been a soldier for three years. She observed that the children were "undernourished, some are losing their hair, others can hardly stand." The boys "often have no other food than the leaves from the trees."⁶³

She observed that the principal was an officer in the SPLA, and she received eyewitness accounts of daily military drills, tough discipline including beatings and exposure to the sun for some who tried to escape, and reports that many were taken by force from their families.⁶⁴ Other foreigners in the area also received complaints from Acholi villages that SPLA cadre recruited boys for these boarding schools from the surrounding Acholi tribal area and that some boys were taken against the will of their parents.

An OLS report for the March/April 1992 period noted, "The health, nutritional and educational situation of 6,000 boys who are in three boarding schools in Palataka, Molitokuro, and Borongolei is said to be deplorable."⁶⁵ Evacuees from Torit to Palataka in May 1992⁶⁶ saw 3,000 boys, some as young as five to eight years old, living there in terrible conditions, with no latrines. The boys were entering into conflicts with the local Acholi because the boys raided the fields around Palataka in a desperate search for food.

By July of 1992, health workers were in each of the three FACE "boarding schools" and feeding centers had been opened there as well. The total population of three schools was 7,750, with fifty-three health workers, and some 602 children were in the feeding centers.⁶⁷

The U.N. World Food Program determined a monthly food distribution schedule for the three FACE schools, population then grown to 9,000, in September 1992.⁶⁸ This schedule was interrupted, however, by the killing of three relief workers in the area that same month, causing the U.N. to pull out of this south Torit region. The provision of food to these schools fell to Catholic Relief Services, which in December 1992 began operations in the area unprotected by the U.N. umbrella. Bringing relief to Palataka involved two problems: Palataka is twenty-two kilometers over a bad

⁶⁰Sharp, "Child Soldiers in Southern Sudan," p. 4.

⁶¹"Boys starve to death in F.A.C.E. Foundation schools," *Sudan Monitor*, pp. 1, 3.

⁶²UNICEF, *Children of War*, p. 25.

⁶³Tove Gravdal, "They Don't Cry, but Their Eyes are Full of Tears," translation from Norwegian supplied by author to HRW/Africa (London: 1992).

⁶⁴*Ibid.*

⁶⁵SEPHA Bi-Monthly Report no. 14 on OLS Emergency and Relief Operations in the Southern Sector for the period March 21 to April 5, 1992, p. 4.

⁶⁶The SPLA-Mainstream evacuated the population of Torit before it was recaptured by the government in June 1992. Some evacuees passed through Palataka.

⁶⁷OLS (Southern Sector), Bi-Monthly Situation Report No. 21, July 4-20, 1992 (Nairobi, Kenya), p. 8.

⁶⁸OLS (Southern Sector), Bi-Monthly Situation Report No. 25, September 5-22, 1992, p. 6.

mountain road from Magwe, and the Magwe area was the scene of several clashes between SPLA-Mainstream and the breakaway William Nyuon faction in late 1992.

Conditions did not improve in 1993. A visitor to Palataka in July 1993 reported about 2,500 to 3,000 boys in the facility. He reported a serious food shortage there, due in part to the transportation and coordination difficulties. The children, aged five to fourteen, were cared for by eighty caretakers and thirty teachers. All lived in the thirty to forty unrepaired brick buildings of the Catholic Mission, in poor health and deplorable hygienic conditions. In short, Palataka remained a scandal.

Security in the area due to factional fighting continued to be poor in August and September 1993, causing the parish at Palataka to relocate to Nimule. Not all security problems were attributable to the combatants: some land mines, for example, were believed to have been laid by the local Acholi people, who were hostile to the mainly Dinka boys.

Increasing military clashes in the area led to the evacuation in early 1994 of the boys from Palataka to Laboni, an almost inaccessible site at Parajok near the Uganda border to which tens of thousands of displaced from the "Triple A" camps⁶⁹ were also moved.

A different fate awaited the older boys in the Molitokuro and Borongolei FACE schools. They were "evacuated" and disappeared in mid-1992, as described below.

In Molitokuro school in early 1991, there were only 800 boys, all from the area around Torit and Kapoeta. In mid-1991, some 2,300 arrived from Ethiopian refugee camps and later fleeing from the Bor Massacre.⁷⁰ Education was provided up to seventh and eighth grades.⁷¹ By late 1992 there were about 3,100 boys from seven to seventeen years old, most in the fourteen- to fifteen-year-old group.

The 1,250 boys in Borongolei came almost entirely from the Dima refugee camp in Ethiopia. Classes went up to fifth or sixth grades.

Other reported locations of unaccompanied boys include Chukudum in Didinga territory south of Torit. There, in 1991, U.S. AID personnel observed an Oxfam/U.S. agricultural project for 6,000 displaced, including some 500-800 unaccompanied boys who were being given military training by the SPLA.⁷²

⁶⁹The "Triple A" camps, so named after the Nile East Bank towns of Aswa, Atepi and Ame where they were located, were opened in 1992 and evacuated due to the approach of government troops in 1994.

⁷⁰In late 1991 SPLA-Nasir troops and others, mostly Nuer, attempted to capture the Dinka home area of SPLA-Mainstream commander John Garang, near Bor. They killed an estimated 2,000 civilians on this rampage, looted thousands of head of cattle, and burned what civilian property remained. See HRW/Africa, *Civilian Devastation: Abuses by All Parties to the Conflict in Southern Sudan*, pp. 91-106.

⁷¹SEPHA Bi-Monthly Report no. 19 on OLS Emergency Operations in Southern Sudan for the period June 7-22, 1992, p. 3. An assessment done in June 1992 noted 150 malnourished minors at this school. *Ibid.*

⁷²Millard Burr, *Sudan 1990-1992: Food Aid Famine and Failure*, (Washington, D.C.: U.S. Committee for Refugees, May 1993), p. 20.

It appears that in August 1994 there were 2,800 unaccompanied boys in Natinga and 3,000 in Omere also in Eastern Equatoria.⁷³

Military Training and Forced Recruitment of Boys Inside Sudan

One location where boys were trained by the SPLA inside Sudan was a training camp in Kapoeta that was marked with a sign "Jesh Amer" (Red Army) until August 1991, according to a journalist who wrote: "Eyewitnesses saw boys as young as 11 years old being trained there. It was quite an open practice until all the adverse publicity in July, after which time the sign was removed."⁷⁴ Many relief workers in southern Sudan at that time reported seeing very young boys armed with Kalashnikovs, en route to battle after the split between the Mainstream and Nasir factions of the SPLA occurred.⁷⁵

Several thousand boys are believed to have been recruited into the SPLA-Mainstream from the two FACE boarding schools established for them in Borongele and Molitoko in the vicinity of the "Triple A" displaced persons camps on the east bank of the White Nile. In late 1992 or early 1993, the SPLA closed the Borongolei and Molitokuro schools and evacuated the boys, on the pretext that the area was under military threat from the government. Nevertheless, only the unaccompanied boys were moved, not the over 100,000 displaced persons in the nearby "Triple A" camps. The estimated 4,350 boys from these two camps were walked first to Palataka, about 200 kilometers away; they arrived tired and weak. Some 700 stayed in Palataka and the rest, about 3,650, were taken to the Narus area, where, it is suspected, they were given military training and were deployed in the SPLA-Mainstream offensive against the Nasir faction in Kongor in March 1993.⁷⁶

No family reunification efforts have been undertaken by the SPLA-Mainstream through any agencies.

Conditions in Nasir and Status of Family Reunification Program and Schooling

Efforts at family reunification for the boys were part of the ICRC's work in Sudan in 1992. The ICRC picked up Radda Barnen's work in Ethiopia, attempting to document the social history of each individual minor who returned to Sudan. The Radda Barnen personal history files in Addis Ababa, however, were destroyed during the uprising that overthrew Mengistu.

In an agreement signed in Nairobi on June 19, 1992, between the two SPLA factions, point number 3 (c) states that the two factions shall "Promote the voluntary reunion of divided families and shall take measures to resolve other humanitarian issues."⁷⁷ The SPLA-Mainstream faction has apparently done nothing to promote such voluntary reunion, and the SPLA-Nasir/United faction, while making a start on such efforts, backtracked in 1993.

⁷³OLS (Southern Sector) Monthly Report, August 1994, Nairobi, Kenya, p. 6.

⁷⁴Sharp, "Child Soldiers in Southern Sudan," p. 4.

⁷⁵*Ibid.* Sharp saw dozens of twelve-year-old boys on the night of November 25, 1991, being transported towards the front line on the road from Torit to Ngangala. Another witness told this reporter of seeing 150 trucks of SPLA-Torit troops passing the Juba turn-off on the Ngangala-Mongalla road on November 19, 1991; one-third of the soldiers in those trucks were children under fifteen, and some as young as eleven.

⁷⁶One report said that these boys were sent to Natinga, just north of the Kenyan border. UNICEF, *Children of War*, p. 27. In August 1994 there were some 2,800 unaccompanied boys in Natinga.

⁷⁷Signed by Commander William Nyuon Bany (for SPLA-Mainstream) and Commander Lam Akol Ajawin (for SPLA-United).

The SPLA-Nasir group was cooperative with early attempts at family reunification for the boys settled in Nasir. Agencies administered a questionnaire to the boys, including the question, "Do you want to see your mother?" The boys routinely answered no, or said that they did not care. Commander Riek, made aware of this response, announced that the boys should be free to talk. The answers to this question, and others, were then reversed: the boys replied that indeed they did want to see their mothers and fathers.

In February 1992, 150 Nuer boys were reunified with their families in Ler, Upper Nile, after interviews to locate the families and assure the voluntary nature of the reunification. After that, the Sudan government, as part of its dry season offensive in 1992, refused further flight permission and the reunification program was suspended.

UNICEF registered some 1,456 unaccompanied boys in Nasir in May 1992, of whom about 800 were considered appropriate for reunification with their Upper Nile families. Some had been rejoining their families without assistance; some seventy walked hundreds of kilometers to Ler, arriving in October 1992.⁷⁸

In June 1992, those boys who stayed behind in Nasir were observed in poor condition. The grass houses the boys had constructed for themselves could not possibly withstand a series of heavy rains and were already on the verge of collapse. The school had not yet been opened, allegedly because promised school supplies had not been delivered,⁷⁹ the tent intended to serve as the school was severely ripped and leaking. The boys, to ensure their own survival, were walking three hours each way to a fishing pool, but had no proper fishing nets or materials, nor mosquito nets. When food aid became erratic, due to Sudan government obstructionism, their situation visibly deteriorated.⁸⁰

The reunification program in Nasir recommenced in December 1992, after flight permission was granted by the government, and another 300 boys were reunited with their families in Ler by UNICEF.⁸¹ Although the reunification was largely successful, a small percentage of the older boys did not want to stay with their families and returned on their own to Nasir.

In early 1993, the reunification program operating out of Nasir had to be suspended due to an outbreak of relapsing fever in the boys' camp near Nasir. Before it could be diagnosed and treated with tetracycline, some seventeen boys died, according to officials. A medical officer noted that the disease is transmitted through lice, and because of their poor hygiene the boys were the first to be affected.

By the time the outbreak was controlled, SPLA-Nasir was having second thoughts. It refused permission for further reunification, on the grounds that there were no schools in the areas to which the boys were being taken, while the school at Nasir went up to grade six. Commander Riek told HRW/Africa that this measure was taken in part to bring pressure on UNICEF to open up schools in southern Sudan. "Some of the boys who were taken to Ler walked back to Nasir since there was no school for them in Ler. I am telling the U.N. to provide schools for them in their home areas and in Nasir," he added.

The agency questionnaire administered to the boys in Nasir in January 1992 asked if they wanted to go home if there was no school at home. Fifty percent responded that they did, indicating that lack of schools in the home areas is not an adequate reason for suspending the entire reunification program.

⁷⁸OLS (Southern Sector) Bi-Monthly Situation Report No. 29, November 6-21, 1992, p. 4.

⁷⁹School materials such as blackboards and a mimeograph machine were provided in 1991 but were diverted for use in Riek's headquarters, according to one former U.N. representative with personal knowledge.

⁸⁰OLS (Southern Sector) Bi-Monthly Situation Report No. 22, July 21 to August 5, 1992, p. 3.

⁸¹OLS (Southern Sector), "Situation Assessment 1992/93," February 1993, p. 23.

In the schools in the two boys' camps near Nasir,⁸² most of the children were in grades one through three in June 1993. At Ketbek boys' camp, there were only fifty students in grade four, thirty in grade five, and thirty in grade six, of a total of 1,100 students.

It is not accurate to say that there were no schools outside of Nasir. UNICEF's education program reached 930 schools throughout southern Sudan in 1993 with 730 education kits benefiting 1,940,000 pupils. An NGO trained 112 teachers in southern Sudan in 1993, and forty teachers attended a basic course in trauma treatment in Nasir organized by UNICEF.⁸³

In early 1994, another twenty boys walked from Nasir to Ler, which took one month, to rejoin their families. UNICEF prepared a new reunification program for about 3,000 boys from Nasir to Ler,⁸⁴ the SPLA-Nasir/United having withdrawn its objections to the program. Several hundred youth were reunified with their families before fighting between Nuer tribes in March-April 1994 led to the burning of all huts in Nasir in May and the scattering of the population. About 600 unaccompanied boys settled temporarily in a displaced persons camp in Malual village,⁸⁵ then moved to Maiwut for better farming land in June.⁸⁶

Minority Boys

The segregation of students in the refugee camps in Ethiopia and the evacuation of the unaccompanied boys separately from the rest of the refugee community had an inevitable result: many boys have since lost touch with family members. Family reunification has become all but impossible.

This is especially hard on ethnic and tribal groups that are not in the majority in the Dinka or Nuer areas where the concentrations of unaccompanied boys are located, because they may be subject to different treatment and even discrimination when they have Arabic names or are Muslims. They also tend to lose their culture since they grow up away from the adults who could teach them tribal customs and traditions.

Although most of the boys in Nasir are Nuer, there are several hundred boys from other groups, such as Dinka (perhaps eighty) and Nuba. The Dinka boys' families have been traced mostly to the Kakuma refugee camp in Kenya. Although it is against UNHCR policy to transport people out of their country and make them refugees, the interests of child welfare and family reunification expressed in the U.N. Convention on the Rights of the Child⁸⁷ should override that policy in this case.

⁸²The two locations were Ketbak (1,273 minors of whom 1,100 were enrolled in school) and Brjoc (114 minors in their own farming community) in June 1993.

⁸³OLS (Southern Sector) Situation Report No. 52, January 16-31, 1994, p. 3.

⁸⁴OLS (Southern Sudan) Situation Report No. 53, February 1-15, 1994, p. 2.

⁸⁵OLS (Southern Sector), "Weekly Update, May 31, 1994," Nairobi, Kenya, p. 2.

⁸⁶OLS (Southern Sector), "Weekly Update, June 7, 1994," p. 2.

⁸⁷The U.N. Convention on the Rights of the Child, art. 10 (1) states, "applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by State Parties in a positive, humane and expeditious manner."

The Nuba boys in Nasir speak Arabic⁸⁸ and have Arabic names, and some of them are Muslims. They have been the object of jokes or comments by others and are in need of family reunification, which is difficult because the Nuba Mountains are the scene of too extensive military conflict to permit such an effort. Should their families or even fellow villagers be located in refugee camps or elsewhere, the boys' relocation should be permitted if they wish, regardless of borders.

In SPLA-Mainstream territory, HRW/Africa interviewed an eighteen-year-old boy, born in Blue Nile province, a member of a small non-Nilotic tribe. As of July 1993, he had been separated from his family for over three years.

The boy originally attended school in Blue Nile province, where the classes were in Arabic, his second language. He managed to complete grade three at age eleven, before the war reached his village.

Government forces burned the village to the ground in 1986, and villagers scattered to various places. He, his family, and others walked eight days to Ethiopia, to a camp near Asosa town. He had to start in grade one at the refugee school because the instruction was in English, not a language he understood. The Sudanese government attacked this refugee camp inside Ethiopia on January 4, 1990. The refugees fled to Itang, but in Itang, he "had no time to go to school." He and a male cousin were separated from their parents and sent to live with the unaccompanied boys. In May 1991, when Mengistu fell he and the other unaccompanied boys were taken to Fugnido, where they stayed a week. With a group of sixty-three boys from his tribe and other boys with whom he had been living in Itang, he was taken from Fugnido to Pochalla, a four-day walk. In Pochalla they remained from July 1991 to March 1992, and left when the Sudan government launched an attack.⁸⁹

They arrived in Kapoeta, and his ethnic group of sixty-three was divided. He remained with thirty-three who stayed in the Catholic Mission compound; there was no other place for them. After a series of evacuations the thirty-three boys were moved in July 1992 to the "Triple A" camps where they were split up among the three camps. He and what remained of his group settled near a few elders and women from their tribe who had fled to the "Triple A" displaced persons camps from Ethiopian camps.

The boys spoke their own language to each other but instruction in the "Triple A" school was in English, a language none of them spoke. A teacher who spoke Arabic interpreted the classes for them. They studied math, English, geography, and science, but had no books. The boys expressed a desire to see their parents, but "there is no chance." They lost all contact with their parents when they were separated in Itang, and now do not know where the parents are.

RECOMMENDATIONS

UNITED NATIONS

The Human Rights Watch Children's Rights Project and HRW/Africa recommend that UNICEF and the UNHCR:

- conduct voluntary family reunification; where small groups of minors are separated from their larger tribe, efforts should be made to reunite them in the safest location, even if that means reuniting them outside of Sudan or from one country of refuge to another. This task should receive the cooperation of all U.N. and NGO agencies.

⁸⁸Nuba often speak Arabic to each other, since there are many different dialects in the Nuba Mountains.

⁸⁹From Pochalla he, his ethnic group of sixty-three, and other minors proceeded to Kapoeta, a journey of sixteen days.

UNITED STATES, UNITED KINGDOM, AND OTHER CONCERNED COUNTRIES

The Human Rights Watch Children's Rights Project and HRW/Africa recommend that the U.S., the U.K., and other concerned countries:

- pressure all parties to improve their human rights performance by 1) ceasing to use children under age eighteen as combatants and preventing them from participating in hostilities, and 2) facilitating relief access, voluntary family reunification, and access for human rights monitors.

The concerned countries of Kenya, Uganda, Ethiopia, Zaire and other refugee-receiving countries should permit those unaccompanied boys in Sudan or in other countries to be reunited with their parents or closest surviving relatives who are refugees in their territories pursuant to their obligations under the United Nations Convention on the Rights of the Child, Article 10.

SPLA-MAINSTREAM AND SPLA-UNITED

The Human Rights Watch Children's Rights Project and HRW/Africa call on SPLA-Mainstream and SPLA-United to:

- facilitate voluntary family reunification.
- refrain from using children under the age of eighteen as combatants and prevent them from participating in hostilities.
- provide safe land and air access for the provision of humanitarian aid to the children of Sudan

Most of the material printed in this newsletter appeared in a report released by HRW/Africa, *Civilian Devastation, Abuses by All Parties in the War in Southern Sudan* (New York: Human Rights Watch, 1994), pp. 194-224, written by Jemera Rone and edited by Karen Sorensen, research associate of HRW/Africa. The information contained in that report was updated and the newsletter was edited by Lois Whitman and Michelle Baird, Director and Counsel to the Children's Rights Project, respectively. HRW/Africa would like to acknowledge with thanks the informed comments of Dr. Douglas H. Johnson of St. Anthony's College, Oxford, England, and Dr. Andrew N. M. Mawson of Amnesty International, London, England, on the draft report. We are grateful for the assistance of many others who have asked to remain anonymous.

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Human Rights Watch Children's Rights Project

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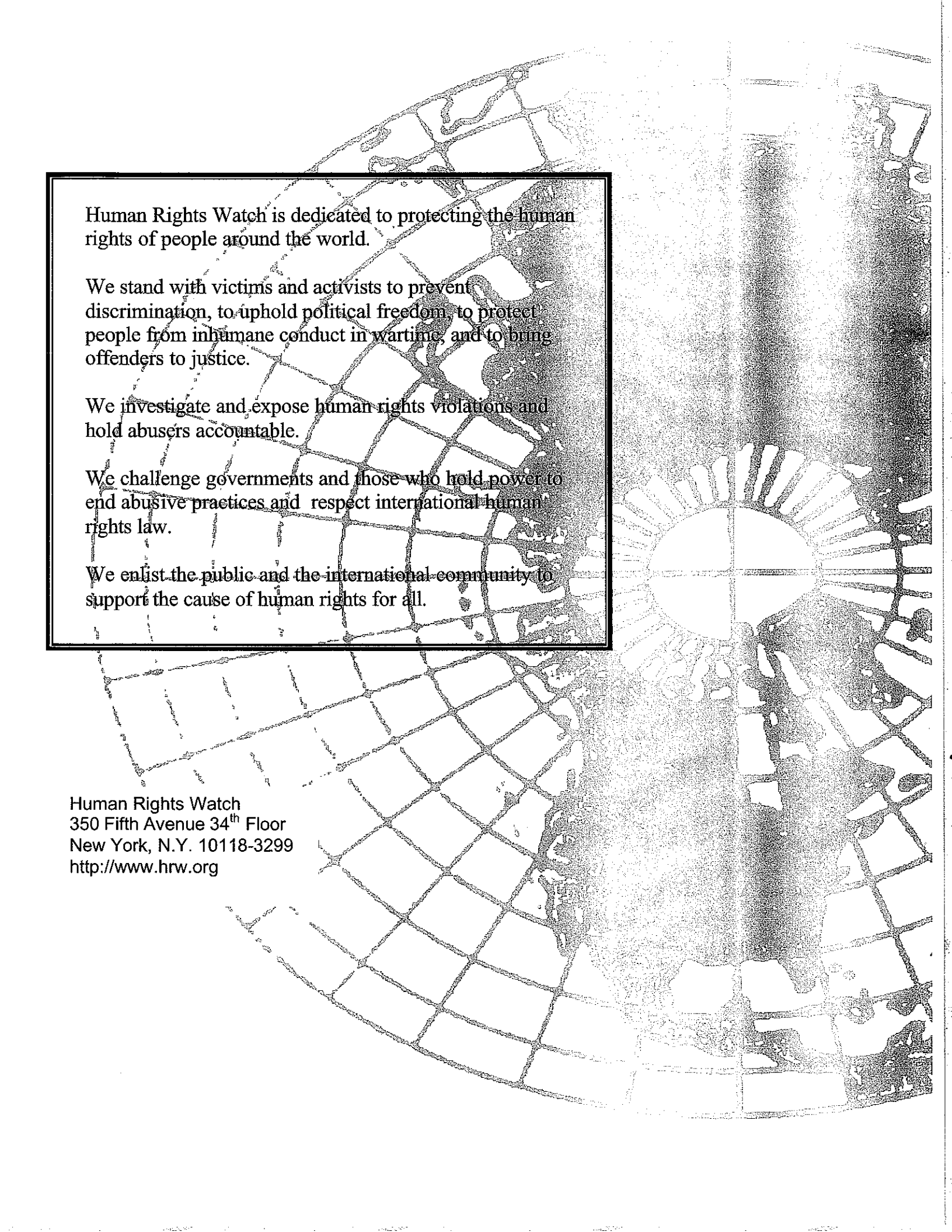
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