

Alert Series

Sudan: Human Rights Since the 1989 Coup



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PREFACE

The attached report on Sudan was written in April 1992. Information in this report on the background of the current situation is still substantially accurate. Below is a brief summary of events which have occurred since the report was written.¹

Human Rights Record of the Sudanese Government

The record of the Sudanese government regarding human rights deteriorated in all of the areas discussed in this paper. Martial law and a nationwide state of emergency remain in effect. Detentions, torture, severe misconduct in war, suppression of religious and political freedom, and systematic discrimination and violence against black African Sudanese in both southern and northern Sudan, continue to be documented.

Human Rights in Southern Sudan

The situation in southern Sudan, already extremely problematic when this paper was written, worsened dramatically since April 1992. Splits within the southern Sudanese People's Liberation Army (SPLA) between the "Torit" faction led by Colonel John Garang (primarily Dinkas) and the "Nasir" faction (primarily Nuer), worsened throughout 1992. Factional fighting between the two wings of the SPLA, and fighting within the two factions of the SPLA, on ethnic and political lines, led to widespread killing and abuse of civilians in southern Sudan. Southern Sudan is now experiencing severe famine conditions.

¹United States Department of State, Country Reports on Human Rights Practices for 1992 (Washington: Government Printing Office, February 1993), pp. 254-264. Human Rights Watch World Report 1993 (New York: Human Rights Watch, 1992), pp. 54-61. "Sudan: Another Uprising Within SPLA," Indian Ocean Newsletter, No. 560, 30 January 1993, p. 2.

SUMMARY

Following the June 30, 1989, military coup by Lieutenant General Omar el-Bashir's Revolutionary Command Council (RCC) against the civilian government of Prime Minister Sadiq el-Mahdi, human rights conditions have deteriorated for almost all sectors of Sudan's population. Both the military government, supported by the Islamic fundamentalist National Islamic Front, and the rebel Sudan People's Liberation Army (SPLA) fighting in southern Sudan, have committed human rights abuses against civilian populations, although abuses by the government are more systematic and widespread. In August 1991, the SPLA split into two largely ethnic-based factions, with Riak Machar, Lam Akol and Gordon Kong of the Nuer/Shilluk faction based at Nasir in the Upper Nile region and John Garang of the Dinka faction in the Equatoria region, both in southern Sudan. Human rights abuses continue to be reported against both factions. An estimated 500,000 civilian non-combatants have died and 3 million have become internal refugees as a result of the war. Another 300,000 people have died of starvation since 1988, many as a direct result of policies by the Sudanese government and the SPLA to withhold food supplies as a war tactic.

The imposition of Islamic law, Shari'a, on most of the Sudanese population has led to systematic legal discrimination against women and non-Muslims in northern Sudan, including over 20,000 dismissals from federal employment. The Sudanese government has attempted to curb most forms of non-violent political opposition by banning political, professional and trade organizations. Estimated detentions since the coup exceed one thousand, and include engineers, doctors, judges, trade unionists, Muslims who advocate secular law, and suspected SPLA

supporters. Many detainees have been held for over a year. Human rights groups allege that abuse of detainees, both physical and psychological, is common, and has resulted in at least two deaths. Due process and access to legal counsel are no longer guaranteed by law. Human rights organizations maintain that none of the 33 people executed for political offenses since the 1989 coup received a fair trial.

BACKGROUND

Sudan's Ethnic Composition

Under joint British and Egyptian colonial rule, the northern and southern regions of Sudan were governed separately. Southern Sudan, which comprises 30% of Sudan's population of approximately 24 million, is primarily black African. Most inhabitants of southern Sudan are Christians or practice traditional African religions: the British strongly discouraged the natural spread of Islam into southern Sudan during colonial rule. The largest ethnic group in the south is the Dinka, who comprise 40% of the southern population. Dinka, Nuer and other Nilotic peoples comprise around half of the population in the south. There are also various Bantu groups in the south, including the Fertit, Azande (Zande), and Bari.²

In northern Sudan, Islam is the predominant religion, although there is a small Coptic Christian community. An estimated two million refugees from southern Sudan, including Christians and adherents of traditional religions, are currently living in the north. Of Sudan's Muslim population, 40% identify themselves as Arab, more by cultural identification than by ethnic descent or physical features. The remaining 30% of Sudan's northern population are black Africans, including the Beja in northeast, Fur in the west, Ingessena, Meban and Uduk in the eastern and southern Blue Nile regions, and Nuba in central Sudan.³

The Sudanese Civil Wars of 1956-1972 and 1983-present

²United States Department of State, Country Reports on Human Rights Practices for 1990 (Washington: Government Printing Office, February 1991), p. 394. Africa Watch, Denying "The Honor of Living": Sudan: A Human Rights Disaster (New York: The Africa Watch Committee, 1990), pp. 10, 12. Sudan: A Country Study, Area Handbook Series (Washington: U.S. Government Printing Office, 1983), p. xiv.

³Denying "The Honor of Living", p. 9. Sudan: A Country Study, p. xiv.

Soon after Sudan was granted independence in 1956, civil war broke out between the south and the north. The southern rebellion, led by Joseph Lagu, demanded independence for southern Sudan. The situation was not resolved until the 1972 Addis Ababa peace accords, when Sudanese President Jaafar Nimeiri and representatives from the south signed the 1972 Regional Self-Government Act for Southern Sudan. This agreement to allow regional self-government provided southern Sudan with a substantial measure of autonomy.⁴

In 1983, Nimeiri reneged on this agreement by dividing southern Sudan into three administrative regions and increasing central government control. Civil war again erupted, with the Sudan People's Liberation Army (SPLA)⁵ as the main rebel group. In August 1991, the SPLA split into two factions after an attempted coup against John Garang failed. Both factions of the SPLA maintain that they are not fighting for independence, but for a secular, democratic form of government which respects the rights of Sudan's minority groups. At present, it appears that the faction of the SPLA led by Riak Machar may be somewhat more willing to compromise on these demands. John Garang has attempted to create alliances with black African ethnic groups in northern Sudan which are Muslim, such as the Fur, who are generally considered marginalized or the target of central government repression. It is not clear whether these alliances will survive the factional split.⁶

At present, the SPLA effectively controls most of southern Sudan, with Machar in the Upper Nile region and Garang in the Equatoria region. The June 30, 1989, coup pre-empted

⁴Denying "The Honor of Living", p. 15. Holly Burkhalter, "Human Rights in Sudan," Africa Watch, Testimony before the House Foreign Affairs Africa Subcommittee and Select Committee on Hunger, 2 March 1989.

⁵The political wing of the SPLA is the Sudan People's Liberation Movement (SPLM).

⁶Denying "The Honor of Living", pp. 16, 18. Holly Burkhalter, "Human Rights in Sudan."

negotiations (slated to begin on July 4, 1989) between the Sadiq el-Mahdi government and the SPLA. As will be discussed in greater detail below, both factions of the SPLA and the el-Bashir government have agreed to attend peace talks, scheduled for May 24, 1992, in the newly-designated Nigerian capital, Abuja.⁷

Breakdown of Secular Law, 1975 - 1985

In 1983, President Nimeiri imposed Islamic law (Shari'a) on northern Sudan, pre-empting Sudan's secular constitution and reversing Sudan's long-standing constitutional commitment to equal rights for women and men, and for all Sudanese religious groups. Although Nimeiri had, since 1975, weakened safeguards against arbitrary arrest and indefinite detention, and had undermined the independence of Sudan's judiciary, the form of Shari'a imposed in September 1983 represented a drastic departure from Sudan's tradition of respect for secular law and fair legal procedures.⁸

As it was imposed in Sudan, Shari'a included provisions that were unacceptable to non-Muslims, and to a substantial portion of Sudan's Muslim population. National institutions with non-Muslim employees, including the military, were subject to Islamic law. Non-Muslims living

⁷Lawyers Committee for Human Rights, "Sudan: Attacks on the Judiciary," (New York: Lawyers Committee for Human Rights, March 1991), p. 5. "Armed Forces Spokesman Details Situation in South," Cairo, MENA, 29 April 1992 (as reported in the Foreign Broadcast Information Service [FBIS] Daily Report: Near East & South Asia, 30 April 1992, p. 22). "Rebel Factions To Hold Talks With Khartoum," Sudan, Omdurman National Unity Radio, 28 April 1992 (as reported in the Foreign Broadcast Information Service [FBIS] Daily Report: Near East & South Asia, 29 April 1992, p. 15). "Abuja-Hosted Peace Conference Set for 24 May," Sudan, Omdurman Broadcasting Service, 26 April 1992 (as reported in the Foreign Broadcast Information Service [FBIS] Daily Report: Near East & South Asia, 27 April 1992, p. 13).

⁸Africa Watch, "Sudan: New Islamic Penal Code Violates Basic Human Rights," (New York: The Africa Watch Committee, 9 April 1991). One of the Islamic laws adopted by Nimeiri was Ijtihad -- a principle whereby, if a crime is not listed anywhere in existing legal codes of Sudan, but does exist in either of the Islamic religious texts -- the Koran and the Hadith -- a prisoner can be charged based on the religious texts. The 1991 Penal Code adopted by the el-Bashir government does not invoke Ijtihad, but has incorporated many acts which are considered crimes only under Muslim law into the Sudanese Penal Code used in northern Sudan. Denying "The Honor of Living", p. 23.

outside the southern region were liable for severe punishment for actions that are not considered criminal in most secular and Sudanese Christian and traditional religious practices, such as drinking or selling alcohol. The form of the Shari'a penal code adopted in 1983 included provisions allowing forms of corporal punishment (hudud) such as amputation of limbs, flogging, stoning, beheading, and crucifixion.⁹

Partial Restoration of Civil Law, 1985-1987

In April 1985, there was a popular uprising in Sudan, led by Sudan's intellectuals, professionals, and trade unionists. The uprising effectively toppled the Nimeiri government, which was replaced by the Transitional Military Council (TMC). The TMC promised a return to democracy within a year, and made Sudan a party to the African Charter on Human and People's Rights; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Covenant on Economic, Social and Cultural Rights.¹⁰

Sadiq el-Mahdi, leader of the Islamic Umma Party which won the 1986 elections, pledged to restore judicial independence, abolish Shari'a, and negotiate a settlement with the SPLA to end the civil war. While steps were taken to achieve these goals, none was fully implemented by the time Sadiq el-Mahdi was overthrown on June 30, 1989. The level of judicial independence remained about the same as it had been under the TMC. The rebel SPLA wrested control of large

⁹"Sudan: Attacks on the Judiciary," p. 3. United States Department of State, Country Reports on Human Rights Practices for 1984 (Washington: Government Printing Office, February 1985), pp. 321-331. Africa Watch, "Sudan: New Islamic Penal Code Violates Basic Human Rights," 9 April 1991.

¹⁰"Sudan: Attacks on the Judiciary," p. 5. Denying "The Honor of Living", p. 28. The el-Mahdi government signed the United Nations Voluntary Protocol for Human and Social Rights in February, 1988. Jonathan C. Randal, "Sudanese Leader Deposed in Coup; Takeover Sparked By Civilian Elite," Washington Post, 7 April 1985 (as reported on NEXIS database).

portions of southern Sudan out of government control, and no agreement to negotiate was reached until near the end of the el-Mahdi era. Sentences for amputations, hangings and beheadings continued to be imposed, although they were not carried out in political cases. Floggings were routine.¹¹

LEGAL CONDITIONS SINCE JUNE 30, 1989

Decree One: Dissolving Government Bodies

The coup of June 30, 1989, was led by the National Salvation Revolutionary Command Council (RCC), under the direction of Lieutenant General Omar Hassan el-Bashir. On the day of the coup, the RCC passed two Decrees. Decree One repudiated the 1985 Transitional Constitution and dissolved various government bodies, including the Constituent Assembly, the Supreme Council of State and the Cabinet.¹²

Decree Two: Banning Political Participation

Decree Two declared a nationwide state of emergency and gave the government sweeping powers. It dissolved and prohibited all political parties, trade unions, newspapers, and professional associations including the Sudan Bar Association, the Sudan Human Rights Organization, and the Sudan Legal Aid Association. Decree Two permitted the authorities to arrest and detain anyone "suspected of being a danger to political or economic security." It authorized the government to arrest anyone without a warrant and to hold detainees indefinitely without charge in administrative detention. Decree Two authorized the creation of "special

¹¹Denying "The Honor of Living", p. 28. "Sudan: New Islamic Penal Code," p. 4. United States Department of State, Country Reports on Human Rights Practices for 1990, p. 381.

¹²"Sudan: Attacks on the Judiciary," pp. 2, 6.

courts," a form of military tribunals, to try persons arrested under the state of emergency laws. In September 1989, the special courts were replaced with Revolutionary Security Courts, which do not differ fundamentally from the special courts.¹³

As the Lawyers' Committee for Human Rights states:

"...the extraordinary human rights violations under the current regime need to be seen as systematic. Parallel institutions are being developed by the government in the area of justice, law enforcement, military, internal security, banking and commerce which increase the chances of perpetuating rights violations even if a new government were to take power."¹⁴

Destruction of Sudan's Independent Legal System

Under the RCC, the military government, not civilian institutions, became the ultimate arbiter of Sudan's constitution and laws. Many civilians have been tried in the new Security Courts, which tend to give harsher sentences than civilian courts. Defendants in the Security Courts are not guaranteed the right to due process, protection from arbitrary arrest or imprisonment without charge, or the right to legal counsel. Amnesty International maintains that none of the 33 people executed for political offenses since the 1989 coup received a fair trial: the defendants were not allowed proper legal representation at their trials, and were not allowed to appeal their sentences in higher courts.¹⁵

Detention and Torture

¹³"Sudan: Attacks on the Judiciary," pp. 2, 6.

¹⁴Lawyers Committee for Human Rights, "Sudan," Critique: Review of the Department of State's Country Reports on Human Rights Practices for 1990 (New York: Lawyers Committee for Human Rights, July 1991), p. 262.

¹⁵Critique, Lawyers Committee, p. 263. United States Department of State, Country Reports on Human Rights Practices for 1990, pp. 384, 379. Amnesty International, Amnesty International Report 1991 (New York: Amnesty International, 1991), p. 214.

Most of the estimated 1,000 detainees held since 1989 were not informed of the reason for their arrest, and were routinely denied access to legal counsel. Many of those arrested were never charged or tried. Some people were held in detention without formal charges for over 18 months before being released. The State Department's Country Reports on Human Rights Practices for 1991 maintains that detention, interrogation and torture continue to be widespread in Sudan despite provisions introduced in 1991 to subject all detentions to judicial review. The State Department estimated that at least 65 long-term political detainees remained in prison at the end of 1991, not including a far larger number of short-term detainees kept in "ghost houses" (see below) or in security offices. Amnesty International has documented at least 60 cases of physical abuse of detainees.¹⁶

Intimidation and Expropriation

The el-Bashir government uses its Security of the Revolution and Youth for Reconstruction, both groups comprised of fundamentalist National Islamic Front supporters, to observe and submit regular reports on the activities of people within their jurisdictions in northern Sudan. Under existing laws, opponents and even suspected opponents of the el-Bashir government may be deprived, without compensation, of land, money, and commodities. According to the Lawyers Committee for Human Rights, the RCC has used this decree to consolidate substantial economic resources in its hands. Several of Sudan's largest textile and tannery factories have been appropriated under this legislation. In March 1992, the Sudanese government announced that it was confiscating the property of the Mirghani family, a moderate

¹⁶United States Department of State, Country Reports on Human Rights Practices for 1991, pp. 378-379. Benaiah Yongo-Bure, "Sudan's Deepening Crisis," Middle East Report, September-October 1991, p. 10. Amnesty International (USA), Urgent Action, Sudan, "Fear of Torture/Legal Concern," 18 October 1991, "UA345/91"

Muslim grouping which has been vocal in its opposition to the RCC government (see below under Democratic Unionist Party).¹⁷

Influence of the National Islamic Front

The National Islamic Front is a coalition of fundamentalist Islamic groups within Sudan, the strongest of which is the Muslim Brotherhood. With the resurgence of Islamic fundamentalism throughout the Middle East in the late 1970s and early 1980s, the Muslim Brotherhood gained increasing prominence in Sudan, sharing in coalition governments with the Nimeiri regime up to 1985, and with the Umma Party toward the end of the democratic period in the late 1980s.¹⁸

According to the State Department, the el-Bashir government is closely identified with the National Islamic Front, which, as a political party, was ostensibly banned in 1989 with all other political parties.¹⁹ The NIF has been the strongest ideological force pressing for implementation of Shari'a throughout Sudan. The membership of the NIF includes prominent Muslim intellectuals and professionals. The NIF has become an increasingly strong economic force owing to the el-Bashir government's policy of expropriation of property from alleged subversives and redistribution to NIF members.²⁰

POPULATIONS AT RISK IN SUDAN:

¹⁷Critique, p. 265. "State Confiscates al-Mirghani Property," London, AL-SHARQ AL-AWSAT, 1 March 1992 (as reported in the Foreign Broadcast Information Service [FBIS] Daily Report: Near East & South Asia, 1 April 1992, p. 36).

¹⁸"Sudan: Politics and Society," p. 7.

¹⁹United States Department of State, Country Reports on Human Rights Practices for 1991 (Washington: U. S. Government Printing Office, February 1991), pp. 376.

²⁰"Sudan: Politics and Society," p. 7.

**POPULATIONS AFFECTED BY SUDANESE SHARI'A AND
DECLINING LEGAL RIGHTS IN THE NORTH**

Soon after the June 30, 1989, coup, Omar Hassan el-Bashir promised a referendum on the continued use of Shari'a as the legal code in northern Sudan. That referendum has never occurred. On March 22, 1991, the Sudanese government introduced a new penal code based on Shari'a to replace Sudan's previous secular penal code. The new code restored some of the harsher provisions of Shari'a -- such as amputation, stoning, and crucifixion -- abandoned during the Sadiq el-Mahdi era. According to Amnesty International, at least two men convicted of theft have been hanged and then crucified since the beginning of the el-Bashir regime. An additional four men convicted on criminal charges (armed robbery, firearms offenses and "spreading corruption on earth") are awaiting hanging and public crucifixion. Africa Watch argues that provisions allowing the implementation of amputation, stoning to death for adultery, and limitations on the status of women and non-Muslims "amount to a denial of fundamental human rights."²¹ Under Shari'a as it is practiced in Sudan, non-Muslims and women do not share full citizenship rights. Women are considered legal minors with limited rights, and in most legal trials their testimony is worth only half that of a man. In some trials, such as those involving rape and adultery, their word has no worth: a rape conviction can be secured only with the testimony of several Muslim male witnesses. Married women must obtain permission from a male relative to travel, while unmarried women must be accompanied by a close male relative. Those affected range from academics prevented from attending conferences to patients prevented from seeking

²¹"Sudan: Attacks on the Judiciary," pp. 8, 10, 12-14. Amnesty International (USA), Urgent Action, Sudan, "Fear of Execution and Crucifixion," 21 October 1991, "UA349/91." "Sudan: New Islamic Penal Code," pp. 1, 7.

prescribed medical care abroad because they cannot afford the additional costs of a traveling companion.²²

Non-Muslims, including southerners, living in northern Sudan may be tried for activities which are not considered crimes in their own religious or ethical codes, most notably drinking, manufacturing or selling alcohol. Dealing in or possessing alcohol can result in up to a one-year prison sentence. In 1984, an Italian Catholic priest was flogged for possessing communion wine.²³ The new penal code does not apply to southern Sudan, but affects the approximately two million non-Muslims and all women living in northern Sudan. Although Muslims who are charged with crimes while in southern Sudan may choose to be tried under Islamic law, non-Muslims charged in the north cannot request a secular trial.²⁴

Attacks on Moderate Muslims

Execution for Apostasy

Muslims who advocate secular rule for Sudan have faced harsh penalties since Shari'a was first introduced in 1983. The most famous case is that of the Muslim leader of the Republican Brothers Party, Mahmoud Mohammed Taha, who advocated Islamic tolerance of other religions and opposed further imposition of Shari'a on Sudan's heterogeneous population. Apostasy, or renouncing Islam, was not in the Sudanese Penal Code in 1985. However, the Sudanese

²²"Sudan: New Islamic Penal Code," p. 11. Africa Watch, "Sudan: Suppression of Information: Curbs on the Press, Attacks on Journalists, Writers and Academics," (New York: The Africa Watch Committee, 30 August 1990), p. 24.

²³"Sudan: New Islamic Penal Code," pp. 5-6, 12.

²⁴"Sudan: New Islamic Penal Code," pp. 1, 5-7, 12.

government invoked the principle of Ijtihad to convict Taha of apostasy. Under Shari'a, the principle of Ijtihad allows conviction of crimes listed in the Koran or another Islamic religious text, the Hadith, even if they are not contained in the Sudanese penal code. Taha was executed. Under the el-Bashir government the charge of apostasy was incorporated into Sudan's penal code, and continues to carry a death penalty. No charges of apostasy have been made since 1985.²⁵

Firings and Detentions of Moderate Muslims

Far more common are detentions and firings from government positions of Muslims who have been identified by their membership in Sudan's former political parties or in the more moderate Islamic sects as being in opposition to the government (see discussion of the Umma and Democratic Unionist Parties, and of the Ansar and Khatmiya religious sects, below). Since August 1989, the Sudanese government has dismissed 120 judges, many of them moderate Muslims who were replaced by fundamentalists. An estimated 20,000 civil servants, many of them moderate Muslims who had supported the Sadiq el-Mahdi government, were dismissed and replaced by fundamentalists. Many of those detained since the 1989 coup were moderate Muslims, including members of the socialist Arab Ba'ath Party, who objected to the imposition of Islamic law on Sudan. A university professor, Dr. Farouk Mohamed Nur, was detained and tortured for his left-wing political views and for teaching Darwinian evolution at the University of Khartoum.²⁶

²⁵"Sudan: Attacks on the Judiciary," pp. 2, 4, 6, 7. "Sudan: New Islamic Penal Code," pp. 7-8.

²⁶"Sudan: New Islamic Penal Code," pp. 3-4. "Sudan: Attacks on the Judiciary," p. 6. *Critique*, pp. 263-4. Benaiah Yongo-Bure, "Sudan's Deepening Crisis," *Middle East Report*, No. 172, September-October 1991, p. 9. "Sudan's Famine: Please Don't Help," *Economist*, 19 January 1991, p. 36. *Amnesty International Report: 1991*, p. 213. Africa Watch, *Academic Freedom and Human Rights Abuses in Africa* (New York: Human Rights Watch, March 1991), pp. 1, 87.

Attacks on Non-Muslims Living in the North

Firings of Non-Muslims from Government Employment

Under the form of Shari'a adopted in Sudan, non-Muslims are forbidden from holding high office in the executive, military or judiciary, if they would thereby have authority over a Muslim. Although this provision is not adhered to strictly, many Coptic Christian and other non-Muslim judges, military officers, and civil servants have been dismissed since the coup.²⁷

Mistreatment of Non-Muslims

As a result of the war and famine in southern Sudan, there are approximately two million displaced southern Sudanese, including Dinka, Nuer, and Shilluk, living in refugee sites near the Sudanese capital. Fur and Nuba from areas of western Sudan affected by war and drought have also sought refuge near Khartoum. The el-Mahdi and el-Bashir governments, as well as Islamic fundamentalist groups, have been hostile to the refugees. During the el-Mahdi era, cabinet members complained that displaced southerners were altering the Arab character of the capital. Islamic fundamentalist religious groups continue to argue that the presence of non-Muslim refugees will "dilute the religious purity" of the north.²⁸

Since the 1989 coup, Islamic fundamentalists have gained increasing control over the Sudanese government bodies, the Commission on Refugees and the Commission on Displaced Persons, which administer Sudan's refugee programs. They have made survival for non-Muslim refugees in the north more difficult by cutting off water supplies, destroying shacks, obstructing

²⁷"Sudan: Attacks on the Judiciary," p. 6. Critique, pp. 263-4. "Sudan's Famine: Please Don't Help," p. 36. "Sudan: Suppression of Information," p. 20.

²⁸United States Committee for Refugees, "Khartoum's Displaced Persons: A Decade of Despair," Issue Brief (Washington: United States Committee for Refugees, August 1990), pp. 2, 11, 16, 17, 26-34, 41, 42.

the operations of non-Muslim relief agencies, and forcibly relocating refugees to areas without arable land, or access to food and water. The el-Bashir government has placed an interdiction on water supplies to the camps, and has forbidden refugees to drill wells. A Sudanese government official told a United States Agency for International Development (USAID) mission director that Sudan would continue to resettle refugees until "there could be no reason to object to the junta's calling Khartoum the `Arab capital' of Sudan." The consequences of these policies are serious: an estimated 300,000 have died of starvation since 1988.²⁹

The Status of Women

Mass Dismissals, Deprivation of Work Opportunities

Shari'a prohibits women from holding positions in which they have authority over men. Beginning in September 1989, the RCC began to dismiss women from positions in the military and the government. The policy was halted when it became apparent that the government would not have enough trained staff to run its ministries, but dismissed women were not rehired. Lawyers' Committee for Human Rights reports that "hundreds" of professional women were dismissed from jobs deemed the province of men. Women who attempt to make a living as street

²⁹Excerpt from Millard Burr, "Khartoum's Displaced Persons: A Decade of Despair," reprinted in Middle East Report, No. 172, September-October 1991, p. 12. See also "Sudan: Attacks on the Judiciary," p. 7. Holly Burkhalter, "Human Rights in Sudan."

vendors, whether they are selling alcohol or food, are routinely harassed on the streets of Khartoum. Their equipment is often destroyed or confiscated, and floggings are common.³⁰

However, as large numbers of upper-level male employees in the police force were dismissed for their religious and political affiliations, an unprecedented number of women in the police force did receive promotions. Only women in traditionally "female" professional occupations, such as nursing and primary school teaching, appear unaffected by these upheavals.³¹

Physical Attacks by Security Forces

Women perceived as opposing the RCC have been subjected to the same physical abuses as men. They have been detained, and some, including a nurse, have been tortured in detention. There have been reports as recent as April 1992 of arrests and detentions of women for peaceful demonstrations. A female student was among demonstrators killed by security forces firing on a non-violent, anti-government demonstration. As will be discussed below in greater detail, women in southern Sudan have been subjected to rape and other physical attacks, forced labor, robbery and destruction of property. Many thousands have been killed in military attacks on civilians in villages and refugee camps.³²

POPULATIONS AT RISK IN SUDAN: PROFESSIONAL AND WORKING CLASSES

GENERAL CONDITIONS

³⁰Critique, p. 265. Denying "The Honor of Living", p. 58.

³¹Denying "The Honor of Living", p. 58.

³²Denying "The Honor of Living", pp. 39, 52. Africa Watch, "Sudan: The Ghosts Remain" (The Africa Watch Committee, 27 April 1992) Volume 4, Number 6, p. 3.

Bannings and Dismissals

Immediately following the June 30, 1989, coup, the RCC issued Decree Two, which banned all political parties, newspapers, trade unions, students' groups, and professional organizations, including the Sudan Bar Association, the Sudan Legal Advisers Union, the Sudan Legal Aid Association, and the Sudanese Human Rights Organization. The Sudanese government later created government-controlled organizations which it named the "Bar Association" and the "Sudan Human Rights Association." Neither organization has been recognized by international legal and human rights organizations. At least 120 judges were dismissed from their posts after the legal community lodged formal protests with the el-Bashir government against changes in Sudanese law under the RCC. The RCC dismissed an estimated 20,000 civil servants who were perceived as supporting the previous government. The Presidents of Sudan's four universities were dismissed in April 1990, and replaced with government appointees.³³

Detentions of Professionals and Trade Unionists

Several hundred professionals and non-violent political activists have been detained without charge or trial, some for well over a year. Others have been convicted in trials which human rights groups consider did not conform to accepted international standards. According to both Amnesty International and Africa Watch, the total number of political prisoners and detainees since June 30, 1989, is well over one thousand. Among those imprisoned for political reasons since the coup are:

³³"Sudan: Attacks on the Judiciary," p. 2. *Critique*, pp. 263-4. "Sudan's Famine: Please Don't Help," p. 36. Africa Watch, "Sudan: Sudanese Human Rights Organizations," (New York: The Africa Watch Committee, 4 November 1991), pp. 1, 4-5, 8. "Suppression of Information," pp. 21-22.

three judges, 26 lawyers,³⁴ 23 academics, 100 students, 26 journalists,³⁵ "dozens" of trade unionists, including railworkers involved in a May 1990 rail strike, members of the socialist Arab Ba'ath Party, an estimated 200 people suspected of supporting the SPLA, two groups of military officers accused of coup attempts,³⁶ three human rights activists, seven socialists and communists, including professors and trade unionists, engineers,³⁷ 22 doctors,³⁸ and educated black Africans, particularly among the Nuba.³⁹

Detainees and Political Prisoners

Official Prisons

Many of those arrested in Sudan are held in "ghost houses," where physical abuse of prisoners is widespread, before being turned over to the authorities in Sudan's official prisons. Conditions in Sudan's official prisons are poor, with overcrowding, inadequate food, poor sanitary conditions, and minimal access by prisoners to visits from family and legal counselors.⁴⁰

However, deliberate physical abuse is not common in the official prisons. Some prison authorities are now insisting that all detainees and political prisoners receive a medical inspection

³⁴Critique, pp. 263-4.

³⁵"Suppression of Information," pp. 14-15, 21-22.

³⁶Amnesty International Report: 1991, p. 213.

³⁷Denying "The Honor of Living", pp. 35-36, 63.

³⁸United States Department of State, Country Reports on Human Rights Practices for 1990, p. 379.

³⁹Africa Watch, "Sudan: Destroying Ethnic Identity: The Secret War Against The Nuba" (New York: The Africa Watch Committee, 10 December 1992), Volume 3, Issue 15, p. 9.

⁴⁰Denying "The Honor of Living", p. 38.

before entering prison, to prove that the physical abuse occurred before the detainees arrived.⁴¹ Many detainees arrive at the official prisons needing medical attention for conditions -- such as internal bleeding, dehydration and weight loss -- suffered while in the "ghost houses." Prison facilities are inadequate to care for these cases. Ironically, deaths in prison have been kept relatively low because many of those detained are doctors held after the November 1989 doctors' strike.⁴²

"Ghost Houses"

Sudan's security officials known as the "Security of the Revolution" have been using "ghost houses," often set up in the confiscated premises of unions and newspapers, as places to detain and torture people they arrest. Amnesty International, Africa Watch, the State Department Human Rights Report, and Lawyers' Committee for Human Rights agree that torture of detainees in the "ghost houses" is widespread and quite brutal. There are at least two cases in which individuals have died of injuries sustained while in detention, and another was beaten until comatose.⁴³

Among the forms of physical abuse employed by security officials against detainees are beating with whips, sleep deprivation, burning flesh with cigarettes, beating sensitive body parts,

⁴¹Africa Watch, "Sudan: Lest They be Forgotten: Letters from Shalla Prison," (New York: The Africa Watch Committee, 8 May 1990), p. 8.

⁴²"Inside Al-Bashir's Prisons," p. 3.

⁴³Denying "The Honor of Living", pp. 37, 39. Amnesty International Report: 1991, p. 214. United States Department of State, Country Reports on Human Rights Practices for 1991, pp. 378-379. Critique, p. 262. Amnesty International (USA), Urgent Action, Sudan, "Possible Death Penalty for Prisoner of Conscience," 12 July 1991, "TLX45/91." "Inside Al-Bashir's Prisons," pp. 6-7.

extracting fingernails, electric shocks,⁴⁴ mock executions,⁴⁵ tying up with ropes for long periods, kicking, forced immersion for a half-hour or longer in ice-water, withholding medical treatment (such as insulin for diabetes patients), holding detainees in cells without light, forcing detainees to stay in unshaded open areas for long periods (northern Sudan has a desert climate), holding detainees for long periods in rooms filled with water to the knees, to prevent them from lying down to sleep, and forcing an elderly man to "dance" by firing shots at his feet.⁴⁶

Releases and New Detentions in 1991 - 1992

In April 1991, the el-Bashir government announced that it was releasing all Sudanese political prisoners, and was referring "all protective custody procedures to the judiciary in accordance with the law."⁴⁷ According to the Sudanese government, it released former Prime Minister Sadiq el-Mahdi, the leaders of other banned political parties, and several hundred other prisoners held since shortly after the 1989 coup.⁴⁸

The Sudanese government claimed that with these releases there were no more political prisoners in Sudan. However, Amnesty International, the State Department, Africa Watch, the British newspaper The Independent, and the London-based Arabic-language news service, Al-Sharq Al-Awsat, report continued political imprisonment. Amnesty International estimates that as

⁴⁴"Suppression of Information," pp. 2-3.

⁴⁵United States Department of State, Country Reports on Human Rights Practices for 1990, p. 382.

⁴⁶Denying "The Honor of Living", pp. 39, 42, 43.

⁴⁷"Release of Political Prisoners Announced," Cairo, MENA, 29 April 1991 (as reported in the Foreign Broadcast Information Service [**FBIS**], Daily Report: Near East & South Asia, 30 April 1991, p. 11).

⁴⁸"Ex-Premier Released," Khartoum, SUNA, 30 April 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 30 April 1991, p. 11).

of October 1991, there were at least 40 prisoners of conscience still in prison. The State Department estimated 65 political detainees at the end of 1991. The Independent reported at least 156 political prisoners in March 1992, and Africa Watch estimated that at least 150 people were in detention by the end of April 1992. Those in detention include intellectuals, students, engineers, scientists, trade unionists, lawyers, journalists, artists, members of opposition parties, military officers, and an official of the Sudan Council of Churches. Many of those detained have been tortured severely.⁴⁹ Sudan's Justice Minister concedes that people continue to be detained "on information that they were involved in activities that violate the law or undermine the regime. They are detained only for a month, renewable until investigation is completed and charges determined."⁵⁰ This provision clearly permits indefinite detention without charge or trial to continue.⁵¹

CONDITIONS BY PROFESSION

Political Parties and Peaceful Political Protest

After the 1989 coup, opposition to the el-Bashir government has united a broad spectrum of moderate Arab political groups, and both non-violent and armed black African groups. All of the major southern and northern political parties except the government-allied fundamentalist

⁴⁹"Justice Minister on Release of Political Prisoners," Cairo, Al-Sharq Al-Awsat, 5 July 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 12 July 1991, p. 5). United States Department of State, Country Reports on Human Rights Practices for 1991, pp. 378-379. Amnesty International (USA), Urgent Action, Sudan, "Fear of Torture/Legal Concern," 18 October 1991, "UA345/91." Amnesty International (USA), Urgent Action, Sudan, "Possible Death Penalty for Prisoner of Conscience," 12 July 1991, "TLX45/91." Caroline Moorehead, "Rights & Wrongs: 'Ghost Houses' haunt Khartoum," The Independent, 30 March 1992, p. 16.

⁵⁰"Justice Minister on Release of Political Prisoners," p. 5.

⁵¹"Armed forces statement on foiled `coup attempt,'" Sudan, Omdurman Sudan Broadcasting Service Network, 23 August 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 28 August 1991, p. 9). "Khartoum Student Dies in Clash With Police," London, Al-Sharq Al-Awsat, 18 July 1991 (as reported in **FBIS**, Daily Report: Near East and South Asia, 23 July 1991, p. 27).

National Islamic Front have endorsed a call by the SPLA for a constitutional convention, preceded by a suspension of Islamic law. In October 1989, moderate Muslim groups, the Sudanese Communist Party, trade unions, professional organizations, and the SPLA formed a coalition opposition movement, the National Democratic Alliance (NDA). Because many of the political groups which form the NDA are traditionally identified with particular religious and ethnic groups, Sudanese government hostility to the NDA has encompassed these broader groupings as well. The el-Bashir government has used a wide range of tactics in its attempt to crush political opposition. Political parties, organized political opposition, and non-violent demonstrations have been banned in Sudan since the 1989 coup. Political leaders have been detained, many of them physically abused. The government has bombed civilian refugee camps and villages, as well as military targets, and has withheld or destroyed food supplies in its war against the SPLA/SPLM.⁵²

Umma (Nation) Party

The Umma Party draws its support from the Ansar Muslim fundamentalist movement led by the el-Mahdi family. The Umma Party led coalition governments from the resumption of civilian rule in 1986 to the el-Bashir coup in 1989. Sadiq el-Mahdi, the leader of the Umma party and of the Sudanese government from 1986 to 1989, was imprisoned by the el-Bashir government and later held under house arrest. He was not released until April 1991. He was reportedly physically and psychologically abused while in detention, and was interrogated under bright lights. At least six other officials of the previous government were detained for several months following

⁵²Martha Wenger, "Sudan: Politics and Society," Middle East Report, No. 172, September-October 1991, p. 5.

the coup. In August 1991, at least two former ministers of the Sadiq el-Mahdi government were reported detained for alleged participation in a coup plot.⁵³

Democratic Unionist Party

The Democratic Unionist Party, led by the Khatmiya sect, a Sufi religious order, is controlled by the Mirghani family. The DUP draws its support from eastern and northern Sudan, and from professionals and international traders. The DUP has participated in each of the parliaments during the two democratic eras since independence, either as a part of the ruling coalition or in the opposition. DUP members have been dismissed from government positions and detained under the el-Bashir government. Exiled members of the Mirghani family have been vocal in their opposition to the el-Bashir government. In March 1992, the el-Bashir government announced that it would be confiscating large portions of the property owned by the Mirghani family.⁵⁴

Sudanese Communist Party

The Sudanese Communist Party was once one of the strongest communist parties in Africa, drawing its support from trade unions and university students. It was banned in 1966 and was briefly re-legalized during the early years of the Nimeiri government. When some communists backed a coup attempt against Nimeiri in 1971, leaders of the party were executed

⁵³United States Department of State, Country Reports on Human Rights Practices for 1990, p. 389. Denying "The Honor of Living", pp. 34-36, 39-40. Amnesty International Report: 1991, p. 213. Sudan Government Gazette, "Worse Massacre of Army Officers Feared," September 1991. "Sudan: Politics and Society," p. 7.

⁵⁴United States Department of State, Country Reports on Human Rights Practices for 1990, p. 389. Denying "The Honor of Living", pp. 34-36, 39-40. Amnesty International Report: 1991, p. 213. Sudan Government Gazette, "Worse Massacre of Army Officers Feared," September 1991. "Sudan: Politics and Society," p. 7. "State Confiscates al-Mirghani Property," London, AL-SHARQ AL-AWSAT, 1 March 1992 (as reported in the Foreign Broadcast Information Service [FBIS] Daily Report: Near East & South Asia, 1 April 1992, p. 36).

and its membership forced underground. Although seriously weakened, the communist party continues to enjoy support among trade unionists and intellectuals. Some of those detained by the current government, and abused in detention, are communists.⁵⁵

Republican Brothers Party

The Republican Brothers Party was founded by Mahmoud Mohammed Taha in 1945, drawing its support from intellectuals. It is a moderate Muslim organization that strongly objected to the imposition in 1983 of Shari'a on Sudan's religiously diverse population, and called for a negotiated end to Sudan's civil war. Taha's execution in 1985 on charges of apostasy (see above) seriously weakened the Republican Brothers. Although the Republican Brothers are not currently a source of strong political opposition, the el-Bashir government continues to view the group as heretical and to deal harshly with anyone who is, or is suspected to be, sympathetic with Taha's movement.⁵⁶

Sudan People's Liberation Movement

The SPLM, the political wing of the Sudan People's Liberation Army, was created in 1983 after the Nimeiri government reneged on an autonomy agreement for southern Sudan. Although the SPLA initially drew most of its support from the Dinka, its platform of solidarity with all groups disadvantaged or repressed by the current regime has attracted support from other black African ethnic groups in the south, including the Nuer. It has also become increasingly popular among black Africans in the war-torn regions bordering on the south, including the Nuba, Fur,

⁵⁵Denying "The Honor of Living", pp. 35-36, 63. "Sudan: Politics and Society," p. 7.

⁵⁶"Sudan: Politics and Society," p. 7. Letter from Professor Stephen Howard, Director, African Studies Program, Center for International Studies, Ohio University, to John D. Evans, Director, Resource Information Center, 4 April 1992.

Ingessena, Uduk and Meban. Widening support for the SPLM among various black African ethnic groups and attacks by Arab militias in the internal border with the south have led to a cycle of what the Middle East Report terms "a virulent and murderous racism" on the part of the government and an increasing black African disaffection from central authority.⁵⁷

Trade Unions

Banning Union Activity

According to the Lawyers Committee for Human Rights, the rights of workers in Sudan have "substantially deteriorated."⁵⁸ The State Department asserts that the Sudanese government "is extremely anti-union."⁵⁹ Decree Two, announced immediately following the June 30, 1989 coup, banned all existing trade unions and abolished the right to demonstrate peacefully, and to strike. Those unions banned included not just workers' unions, but unions for academics, doctors, engineers, human rights lawyers and other professionals. Trade union offices were closed, and union assets frozen.⁶⁰

⁵⁷"From the Editors," Middle East Report, No. 172, September-October 1991, p. 2. Denying "The Honor of Living", pp. 16, 18. Holly Burkhalter, "Human Rights in Sudan."

⁵⁸Critique, p. 265.

⁵⁹United States Department of State, Country Reports on Human Rights Practices for 1990, p. 382.

⁶⁰Ibid, pp. 393-394.

The Sudanese government re-introduced the Sudanese Workers' Trade Union Federation in September 1989, but it has remained under close government control. The RCC can, and does, dismiss members of the union from their posts. The SWTUF does not have the right to strike, and members who do strike are routinely detained.⁶¹

Dismissals and Detentions of Union Members

On August 1, 1989, a number of Sudanese unions sent a signed memorandum to the RCC pointing out that Sudan was a signatory to the International Labor Organization and Arab Legal Union protocols, which guarantee the right of association for the purpose of work. The banning of labor unions, canceling of fair labor laws, closure of union clubs and freezing of assets were criticized. The memorandum informed the government that union officials had been democratically elected by their membership, and would continue to perform their functions.⁶²

Signatories of the memorandum were detained, and mass arrests and detention of trade unionists followed. The largest category of detainees in Sudan since the coup has been rank-and-file trade unionists. Reports indicate that of all those imprisoned, rank-and-file trade unionists suffer the harshest physical conditions, including gross overcrowding.⁶³

Several thousand civil servants who were union members have been fired since the coup. On October 18, 1989, the organizations representing Sudan's police sent a memorandum to the government calling on the government to respect the integrity of the police force and objecting to the creation of new security organizations not subject to police supervision or discipline. In

⁶¹Ibid., p. 396.

⁶²Denying "The Honor of Living", p. 50.

⁶³United States Department of State, Country Reports on Human Rights Practices for 1990, p. 396.

response, the government dismissed an estimated 400 police officers. In August 1991, 131 police officers were dismissed, and five arrested after the government accused them of leaking information to human rights organizations about the National Islamic Front's security organs' involvement in the killing of five Khartoum students. Since November 1989, organizing a strike has been a capital offense.⁶⁴

Judges and Lawyers

The Lawyers' Committee for Human Rights states that "widespread attacks on the private bar have had a devastating effect on the administration of justice in Sudan."⁶⁵ The 1989 coup led immediately to substantial structural changes in Sudan's legal system and to the banning of legal organizations, including the Sudanese Bar Association. As of April 1991, a State of Emergency granting the Sudanese government extraordinary powers remained in force. Protests against the new system lodged by Sudan's judges and lawyers led to dismissals and detentions, which for many involved physical abuse.⁶⁶

Using Decree Two, the RCC created three-person military tribunals, which they called Special Revolutionary Security Courts, to try officials from the former government whom they had accused of corruption and other crimes. The RCC reserved the right to appoint anyone to serve on these tribunals. Members of Sudan's existing judiciary objected to the circumvention of

⁶⁴Denying "The Honor of Living," pp. 50, 52. "Al-Bashir 'To Retire Soon' for Health Reasons," London, Sawt Al-Kuwayt, 15 August 1991, p. 1 (as reported in **FBIS**, Daily Report: Near East & South Asia, 22 August 1991, p. 15).

⁶⁵Critique, p. 263.

⁶⁶"Sudan: New Islamic Penal Code Violates Basic Human Rights," 9 April 1991, p. 2.

existing court structures, and on August 21, 1989, organized a strike. In response, the RCC dismissed 57 senior judges. Most vacancies were filled with Muslim fundamentalists.⁶⁷

On August 25, 1989, a group of judges protested these dismissals and again questioned the fairness of the military tribunals. In September 1989, the RCC abolished the military tribunals, but replaced them with Revolutionary Security Courts which also failed to guarantee due process protections and the right to legal counsel.⁶⁸

By July 1991, the RCC had dismissed 120 judges and reportedly forced 30 more to resign. At least three judges and 26 lawyers were detained for registering disapproval of the new court system. Some of the lawyers were reportedly physically abused in detention. As of October 1991, at least one lawyer and two other prisoners had been held incommunicado in a "ghost house" for three months.⁶⁹

Journalists

Banning and Censoring Independent Publications

Immediately after the June 1989 coup, all Sudanese newspapers except the Armed Forces Journal were banned. The Sudanese Journalists' Union (SUJU), and the Sudanese Writers' Union were banned. The government later permitted two government-controlled dailies and two

⁶⁷"Sudan: Attacks on the Judiciary," pp. 2, 10. Denying "The Honor of Living", p. 29. The Lawyers' Committee for Civil Rights mentions that 58 judges were fired. United States Department of State, Country Reports on Human Rights Practices for 1990, p. 384.

⁶⁸Denying "The Honor of Living", p. 29. Critique, pp. 263-4.

⁶⁹Critique, pp. 263-4. Amnesty International (USA), Urgent Action, Sudan, "Fear of Torture/Legal Concern," 18 October 1991, "UA345/91."

English-language periodicals to publish under close government supervision. A limited number of cultural, trade, and sports publications have received permission to operate.⁷⁰

The tone of authorized publications tends to be pro-government, anti-western, fundamentalist Muslim, and in favor of the war with the south. Foreign journalists and Sudanese journalists working in Sudan for the international media face censorship. The Sudanese government is permitted by law to read all express mail (the mail service commonly used by journalists) before it leaves the country. Telex operators are hesitant to send journalists' stories.⁷¹

Detention and Unemployment of Journalists

Most journalists on banned papers are now unemployed. At least 12 have been detained, and of these, at least two were physically abused in detention. A journalist for the pro-Ba'athist newspaper al Hadaf, Tijani el Hussein, was beaten with whips, deprived of sleep, and burnt with cigarettes. Mike Kilongson, a journalist from southern Sudan who was working as a freelance reporter for the BBC, was detained for two months. He was deprived of food, and reportedly survived by eating cardboard and soil.⁷²

Academics and Students

The University Lecturers' Association and the Teachers' Union were among the unions banned by the Sudanese government. Their assets were confiscated, and they were replaced by

⁷⁰The dailies are Al Inqaz al Watani [National Salvation] and Sudan al Hadith [The New Sudan]. The English language periodicals are Sudan Now and New Horizon. "Suppression of Information," pp. 2, 11.

⁷¹United States Department of State, Country Reports on Human Rights Practices for 1990, pp. 385, 388.

⁷²United States Department of State, Country Reports on Human Rights Practices for 1990, p. 388. "Suppression of Information," pp. 2-3, 5.

government unions. University professors and school teachers have been harassed and detained by the government, and the level of academic freedom on campuses has been restricted.⁷³

Anti-government demonstrations at universities are usually broken up with teargas. However, during one demonstration in late 1989, a student member of the anti-government Democratic Front was killed by a student belonging to the fundamentalist National Islamic Front. Despite eyewitness reports to the contrary, the government claimed that the stabbing was an accident, and refused to prosecute. During student protests that followed, police fired on demonstrators, killing two students outright and fatally wounding two others. There are at least five confirmed reports of police killings of student demonstrators. During July 1991, a student was killed, seven others wounded and approximately 100 arrested in clashes with police.⁷⁴

Doctors

In early September 1989, the RCC announced plans to fire 90 doctors perceived as anti-government. The Sudanese Medical Association responded with a pledge that if any doctors were dismissed, all members would go on an indefinite strike. The Doctors' Union began its strike on November 26, 1989. At a minimum, 22 doctors were detained. At least several were physically abused in prison, and one died in detention. Many were held for over 18 months. In addition, the Sudanese government dismissed three senior officials of the Ministry of Health, 15 consultants,

⁷³"Suppression of Information," pp. 2, 23. Denying "The Honor of Living", p. 52.

⁷⁴"Suppression of Information," p. 23. "Al-Bashir `To Retire Soon' for Health Reasons," London, Sawt Al-Kuwayt, 15 August 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 22 August 1991, p. 15). "Khartoum Student Dies in Clash With Police," Cairo, Al-Sharq Al-Awsat, 18 July 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 23 July 1991), p. 27.

and a number of other doctors. Four doctors were tried before a military tribunal. One of these received a death sentence which has not yet been carried out.⁷⁵

Engineers

Engineers, as one of the primary groups involved in the non-violent uprising against the Nimeiri government in 1985, were among those detained and tortured from the first days of the el-Bashir government. Their association, the Engineering Association, was among those banned immediately following the el-Bashir coup. Because engineers have been involved in repeated railway strikes, they continue to be a target for detention and torture. An April 1992 Africa Watch publication, for instance, lists several engineers among those in detention and subject to torture.⁷⁶

Military Officers

According to Roger Winter of the U.S. Committee for Refugees, the Sudanese government "has purged the military of many of its more politically and religiously moderate officers."⁷⁷ Sudan's opposition forces claimed in an August 1991 radio interview that over 2,000 Sudanese military officers have been fired or forcibly retired since the 1989 coup. In early August

⁷⁵Denying "The Honor of Living", pp. 50, 52. United States Department of State, Country Reports on Human Rights Practices for 1990, p. 379. Amnesty International (USA), Urgent Action, Sudan, "Fear of Torture/Legal Concern," 18 October 1991, "UA345/91."

⁷⁶Jonathan C. Randal, "Sudanese Leader Deposed in Coup; Takeover Sparked By Civilian Elite," Washington Post, 7 April 1985, p. A1." Africa Watch, "Sudan: The Ghosts Remain" (New York: The Africa Watch Committee, 27 April 1992), Volume 4, Issue 6, pp. 1, 3.

⁷⁷Roger Winter, "Refugees, War and Famine in the Sudan," Issue: A Journal of Opinion, African Studies Association, Volume XIX/2, Summer 1991, p. 56.

1991, 368 military officers were "retired," including both lieutenants who were just recently graduated from military academy as well as brigadier generals.⁷⁸

In April 1992, the Sudanese government announced that it had arrested 11 more officers and a number of staff officers on charges of attempting a coup. Most of the alleged coup leaders reportedly belonged to the Nuba ethnic group, which has been targeted by the government for suspected sympathy with the SPLA.⁷⁹

Of the 33 confirmed executions since the 1989 coup, 28 were of army officers alleged to have participated in a coup plot. The officers were not permitted appeals or adequate legal representation. In April 1991, an Egyptian newspaper, Al-Wafd, reported that the RCC foiled a coup bid and executed 20 military officers without a public trial. The Sudanese government denied both the attempt and the executions.⁸⁰

Approximately 20 active service military officers, retired officers and civilians were arrested following an alleged coup attempt in August 1991. Opposition groups claim that no coup attempt occurred, that the government itself organized the sham coup as a pretext for arresting perceived enemies, and that the dismissals are part of a systematic replacement of politically neutral military officers with supporters of the National Islamic Front. At least 15 of those arrested were reported to have been tried in camera by a military tribunal in late September

⁷⁸"Opposition denies coup plot," London, BBC World Service, 22 July 1991 (as reported in **FBIS**, 23 August 1991, p. 5). "Cairo Paper Claims Officers Being Retired," Cairo, Al-Wafd, 28 July 1991 (as reported in **FBIS**, 2 August 1991, p. 21).

⁷⁹"Authorities Arrest 11 Officers for Coup Plot," Cairo, MENA, 22 April 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 22 April 1992, p. 16).

⁸⁰Amnesty International (USA), Urgent Action, Sudan, "Possible Death Penalty for Prisoner of Conscience," 12 July 1991, "TLX45/91." Amnesty International Annual Report: 1991, p. 214. "Egyptian Paper Reports Foiled Coup Attempt," 20 April 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 22 April 1991, p. 12).

1991, accused of attempting to overthrow the government. There is no information available on whether they were allowed legal representation or given a fair trial. In December 1991, the Sudanese government announced that 10 officers were to be executed, approximately 35 were to receive prison sentences ranging from 22 years to six months, and 5 were acquitted. The executions were later commuted to life imprisonment, and some of the sentences reduced, by el-Bashir.⁸¹

POPULATIONS AT RISK IN SUDAN: VICTIMS OF WAR AND FAMINE

Popular Defense Force Militias

Formation of Ethnic Militias

As a tactic to weaken political and military opposition, particularly from the SPLA, successive Sudanese governments have created ethnic militias, some Arab and some black African, comprised of groups with long histories of conflicts with African groups perceived as hostile to the government. The Dinka and Nuer (who together form the majority of the SPLA) are the primary target of militias. However, as opposition to the government has spread, other groups, including the Nuers in southern Sudan, the Nuba and Daju in southeastern Sudan and the Fur in western Sudan, have become targets of ethnic militias as well.⁸²

⁸¹"Opposition denies coup plot," London, BBC World Service, 22 August 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 23 August 1991, p. 5). "Coup Reportedly Planned to Eliminate Opponents," Cairo, Al-Wafd, 25 August 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 29 August 1991, p. 6). "Worse Massacre of Army Officers Feared," **Sudan Government Gazette**, September 1991. "Armed forces statement on foiled 'coup attempt'," Sudan, Omdurman Sudan Broadcasting Service Network, 23 August 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 28 August 1991, p. 9). Amnesty International (USA), **Urgent Action**, Sudan, "Death Penalty," 30 September 1991, "WR 30/91." "Sudan: Bashir on Reduced Sentences Against Coup Plotter," British Broadcasting Corporation, 6 December 1991 (as reported in NEXIS).

⁸²Robert M. Press, "...As War Heightens Sudan's Refugee Crisis," **Christian Science Monitor**, 25 June 1991, p. 5.

There are three types of militias. The first is the paramilitary Anyanya Two, composed of former guerrillas from Sudan's first civil war (1956 - 1972) who are now co-operating with the government. Most of the original members of Anyanya Two were Nuer from southern Sudan. Anyanya Two was seriously depleted in 1987, when most members, including many of the Nuer, defected to the SPLA.⁸³

The second type of ethnic militia is comprised of primarily Arab ethnic groups in northern Sudan that border on the southern region, including the Rizeigat, Misiriya, and Rufaa groups. Arab militias in western and southeastern Sudan have attacked and looted neighboring non-Arab villages. Attacks on black Africans by the ethnic militias have led to thousands of deaths, primarily among the Fur group, but also Nuba, Daju and other groups. Attacks against the Nuba appear to be escalating, with several thousand killed in raids and massacres. In turn, groups attacked by militias often form their own militias in self-defense.⁸⁴

The third is southern tribal militias comprised of black African ethnic groups, including the Fertit, Toposa and Acholi. The most common targets of these groups are Dinka and other black African groups, including the Nuers, Burun, and Shilluk, perceived as hostile to the government.⁸⁵

The violence in Sudan can only be understood within Sudan's political context.

Throughout Sudan's history, there have been conflicts between and within Sudan's various ethnic

⁸³Denying "The Honor of Living", p. 153.

⁸⁴John Prendergast, "The Political Economy of Famine in Sudan and the Horn of Africa," Issue: A Journal of Opinion, African Studies Association, Volume XIX/2, Summer 1991, p. 49. Africa Watch and Survival International, "Press Release: Africa Watch and Survival International Call Attention to the Secret War Against the Nuba People of Sudan," (London: The Africa Watch Committee, 10 December 1991).

⁸⁵Denying "The Honor of Living", p. 66.

groups, both black African and Arab, over territory and cattle. These conflicts traditionally have been resolved by conferences between the elders of the groups in conflict, who meet to redraw boundaries, reapportion cattle, or extract payments, in order to restore peace.

Attacks by ethnic militias represent a different phenomenon entirely from these traditional disputes. Ethnic militias are armed and controlled by the Sudanese government: during 1989 most were incorporated officially into the Sudanese military structure as part of the Popular Defense Force (PDF). They are not obedient to or even cooperative with traditional governing structures of their ethnic groups: attempts by community elders to restore peace through traditional negotiations fail unless the Sudanese government favors ending the conflict. Despite the notoriety gained by ethnic militias within the PDF, militias comprised of National Islamic Front members still comprise the largest and most active part of the PDF fighting the SPLA and various populations perceived as hostile to the current government.⁸⁶

Human Rights Abuses by the Militias

Militias are armed with sophisticated military equipment but are poorly trained and disciplined. They have earned a reputation for brutal abuses of human rights: killing captured civilians, rape, forced servitude or slavery, mutilation and torture of civilians, destroying food and preventing food from reaching famine stricken areas, and driving people out of villages on the border between northern and southern Sudan to create a depopulated zone.⁸⁷

Human Rights Abuses by the Sudanese Military

⁸⁶Critique, p. 264. Denying "The Honor of Living", p. 96.

⁸⁷Critique, pp. 264, 267. Amnesty International Report: 1991, p. 214.

Extra-Judicial Executions

The most serious abuse by the Sudanese military is the use of massive extra-judicial executions. According to Africa Watch, the Sudanese military appears to have established a policy of killing rather than taking prisoners in war situations.⁸⁸ The Sudanese military and ethnic militias have killed at least 500,000 civilian non-combatants since 1986, and displaced one-third of the south's civilian population. In addition to direct attacks on groups of civilians, the government has, as recently as May 1991, used aerial bombardment of civilian targets. Most of the civilians killed belong to groups perceived as opposing the government, such as the Dinka and Fur.⁸⁹

Starvation as a War Tactic

Starvation is also used as a weapon by both the government and the SPLA, who have prevented food shipments from getting through, burned food supplies, prevented famished populations from moving around the countryside to scavenge for food, and destroyed crops. John Prendergast of Center of Concern estimates that over 300,000 Sudanese civilians have died of starvation since 1988, while as many as 10 million currently face malnutrition or starvation.⁹⁰

The Sudanese government and the ethnic militias appear to be attempting to depopulate the internal border between northern and southern Sudan. Using food as a weapon violates Article 3 of the Geneva Conventions of 1949, and Additional Protocol II of the Conventions, adopted in 1977. According to Africa Watch, there are approximately 3 million internal refugees held in camps which are undersupplied and insanitary, with high levels of malnutrition. There are

⁸⁸Denying "The Honor of Living", p. 75.

⁸⁹Denying "The Honor of Living", p. 2. "Sudanese Refugees are Pressed by Restive Rebels and Government," Christian Science Monitor, 11 June 1991.

⁹⁰John Prendergast, "The Political Economy of Famine," p. 49.

about 500,000 Sudanese external refugees, primarily in Ethiopia, but also in Uganda, Zaire, and the Central African Republic. The former government of Ethiopia, which was sympathetic to the SPLA, allowed many southerners refuge in Ethiopia. With the May 1991 change in Ethiopia's government, many of these refugees are returning to Sudan, where they face starvation.⁹¹

Other Human Rights Abuses by the Military

In addition to mass killings, both the Sudanese military and the militias have been responsible for severe human rights abuses against civilians, primarily the Dinka and related groups in the south, but also the Fur, Nuba, and other northern groups perceived as hostile to the government. Among the forms of abuse are abduction of children, rape of women and young girls, theft of cattle, disappearances, forced labor and slavery.⁹²

The Sudanese military and ethnic militias also engage in various forms of severe physical abuse, many of which result in death. Some examples cited by Africa Watch include:

sexual abuses including genital mutilation, dismemberment and castration of men, cutting open the abdomens of pregnant women, rape and sexual humiliation of women and young girls, carbon monoxide poisoning by shutting people in a closed cell and directing the exhaust pipe of a military vehicle into the cell, throwing people down wells, severe beatings, tying people up in contorted positions and leaving them for hours in Sudan's desert heat, suffocation, and burning houses with people in them and shooting anyone who tries to escape.⁹³

Government Attacks On "Hostile" Ethnic Groups

⁹¹"Sudan's Famine: Please Don't Help," p. 36. Roger P. Winter, "Refugees, War and Famine," p. 56. Holly Burkhalter, "Human Rights in Sudan." Press, "...As War Heightens Sudan's Refugee Crisis," p. 5.

⁹²Holly Burkhalter, "Human Rights in Sudan." United States Department of State, Country Reports on Human Rights Practices for 1990, pp. 381, 396.

⁹³Denying "The Honor of Living", Chapter Three: "The Conduct of the War: The Army and Pro-Government Forces," passim.

Some of the ethnic militias created or supported by former Sudanese Prime Minister Sadiq el-Mahdi in his war against the SPLA, such as that of the Zaghawa in the Darfur province in western Sudan, are perceived as hostile to the current military government. The RCC has attacked these groups, attempting to confiscate or destroy their substantial arsenals.⁹⁴

SPLA Abuses

The SPLA is also guilty of human rights abuses, both against Arabs and against black Africans who are perceived as uncooperative. Human rights abuses by the Garang faction of the SPLA, as well as Garang's autocratic leadership, were cited as a major reason for the split within the SPLA. The Upper Nile/Nasir faction of the SPLA accused the Garang faction of holding 15,000 children hostage, summarily executing political rivals without due process, killing military officers opposed to him, torturing prisoners, and detaining five of the founding members of the SPLA. In turn, the Garang faction of the SPLA alleges that Riak Machar ordered the execution of fifteen officers. The State Department and Africa Watch maintain that both factions of the SPLA have committed serious human rights abuses.⁹⁵

A December 1991 Africa Watch press release reports SPLA abuses against Nuba in the Nuba mountains, including assassination of community leaders, stealing food, and forcible recruitment for military service. According to the Sudanese Catholic Bishops Conference, the SPLA has responded to attacks on priests and churches with attacks on imams and mosques. As

⁹⁴"Troops Reportedly Massacre Zaghawas in Darfur," London, BBC World Service, 19 August 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 20 August 1991, pp. 12-13).

⁹⁵"Lam Akol Says Dialogue With Garang at `Deadlock,'" Khartoum, SUNA, 14 April 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 15 April 1992, p. 22). "SPLM/SPLA UPDATE," Issue No. 8, 5 May 1992. Country Reports on Human Rights Practices for 1991, p. 377, 381. Human Rights Watch, Human Rights Watch World Report 1992: Events of 1991 (New York: Human Rights Watch Committee, December 1991), pp. 122-126.

mentioned previously, the SPLA has also destroyed relief supplies, denied food to civilians in war zones, and held government-controlled towns under siege. The SPLA has killed civilian non-combatants, killed prisoners of war, used land mines which have killed and maimed civilians, taken hostages, and engaged in forced labor practices and slavery.⁹⁶ Africa Watch has documented abuses committed by the SPLA inside Ethiopia, including engaging in slavery, forced labor and forced concubinage, and killing civilians in the local population.⁹⁷

Negotiations to End Civil War

Sudan's serious debt crisis, its desperately poor economy, and the fall of the Mengistu regime in neighboring Ethiopia may all have been contributing factors to an agreement by the el-Bashir government and both factions of the SPLA to participate in peace talks in Abuja, Nigeria, on May 24, 1992. The international community has been unwilling to lend economic support to Sudan until it restructures its economy and improves its human rights record, while the fall of Mengistu served as a reminder of past Sudanese regimes that have been removed by popular uprisings.

⁹⁶Holly Burkhalter, "Human Rights in Sudan." "Sudanese Refugees," Christian Science Monitor. Denying "The Honor of Living", p. 6. "Press Release: Africa Watch and Survival International Call Attention to the Secret War Against the Nuba People of Sudan." United States Department of State, Country Reports on Human Rights Practices for 1990, pp. 154-156, 159, 380. Critique, pp. 265-6

⁹⁷Africa Watch, Evil Days: 30 Years of War and Famine in Ethiopia (New York: The Africa Watch Committee, September 1991), pp. 222-224, 325-237.

On April 30, 1991, the RCC announced a month-long general amnesty for all Sudanese rebels. The amnesty was later extended. Although the government claimed a positive response, there is no separate confirmation that SPLA members responded to the amnesty.⁹⁸ In early 1992, the Sudanese military and Popular Defense Force launched an offensive against southern Sudan which is reportedly recapturing towns and other territory under rebel control. Neither the two factions of the SPLA nor the Sudanese government believes that the status of southern Sudan can be resolved militarily, but the Sudanese government may be attempting to enter the May 24, 1992 negotiations in a stronger position.⁹⁹

The SPLA lost a major avenue of funding, external military bases, and civilian refugee camps with the fall of Mengistu's government. There have been reports that up to 400,000 of the southern Sudanese refugees living in SPLA-controlled camps in Ethiopia, which Africa Watch reports also operated as military camps, returned to southern Sudan with the fall of the Mengistu government. Mengistu had supported the SPLA because successive Sudanese governments had supported anti-government groups in Ethiopia. Although both factions of the SPLA have indicated that they are willing to negotiate a political solution to the civil war, neither faction is

⁹⁸"Al-Bashir Extends Amnesty," Paris, AFP, 8 June 1991 (as reported in **FBIS**, Daily Report: Near East & South Asia, 10 June 1991, p. 17).

⁹⁹"Armed Forces Spokesman Details Situation in South," Cairo, MENA, 29 April 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 30 April 1992, p. 22). "Islamic Front's al-Turabi Views Peace Talks, War," London, British Broadcasting Corporation World Service, 27 April 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 28 April 1992, p. 15). "Armed Forces Win Victories in Mabyor Area," Khartoum, SUNA, 28 April 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 27 April 1992, p. 13). "Government Begins Southern Offensive," London, Al-SHARQ AL-AWSAT, 29 February 1992 (as reported in the Foreign Broadcast Information Service [**FBIS**] Daily Report: Near East & South Asia, 1 April 1992, p. 34). Bona Malwal, "This Elephant Is Not Yet Dead," Sudan Democratic Gazette, No. 24, May 1992.

likely to agree to any arrangement that does not include a secular constitution, or that would allow el-Bashir to remain in power.¹⁰⁰

Sporadic arrests of military officers and the August 1991 and March 1992 coup-plot allegations made by the el-Bashir government indicate that he continues to fear opposition from within his own military. The future of the SPLA is also in serious question. The split within the SPLA will make it more difficult to negotiate a peace agreement. According to Africa Watch, the coalition of black African ethnic groups and moderate Arab opposition groups which the SPLA has been attempting to build is shaky. While it would be unrealistic for the Sudanese government to attempt to win the South militarily, a peace settlement is unlikely to succeed if there is no coherent force in the south with which to negotiate.¹⁰¹

¹⁰⁰"Al-Bashir Begins Preparing for Talks with Rebels," Khartoum, SUNA, 19 June 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 21 June 1991, p. 9). "Foreign minister confirms contacts with Garang," Jordan, Jordan Air, 16 June 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 21 June 1991, p. 9). "Sudanese rebel leader Garang interviewed," London, Al-Haya, 22 June 1991 (as reported in **FBIS, Daily Report: Near East & South Asia**, 28 June 1991). "New Islamic Penal Code," p. 4. "Sudan Ready to Open Talks with Rebels to End Fighting," The New York Times, 10 October 1991, p. A5. Africa Watch, Evil Days: 30 Years of War and Famine in Ethiopia (New York: The Africa Watch Committee, September 1991), pp. 336.

¹⁰¹Neil Henry, "Sudanese Rebel Leaders Says Overthrow Try Unsuccessful," Washington Post, 6 September 1991. "Sudan: Twilight," The Economist, 14 September 1991, p. 45.

MAP OF SUDAN¹⁰²

¹⁰²Map from Sudan: A Country Study, p. 46.

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