

## Reports of Indiscriminate Bombings, Killings, Detentions Should be Investigated

(Juba) – Civilians are bearing the brunt of abuses in Sudan’s simmering border conflict in Blue Nile state, Human Rights Watch said today, based on a research trip in April 2012 into Blue Nile. As in neighboring Southern Kordofan, which Human Rights Watch visited in August 2011, civilians in Blue Nile continue to endure Sudan’s indiscriminate bombing and other abuses, even as new conflict between Sudan and South Sudan threatens to engulf the wider border area.

Witnesses interviewed by Human Rights Watch in Blue Nile, which the government has largely shut off from the outside world, described indiscriminate bombings in civilian areas, killings, and other serious abuses by Sudanese armed forces since armed conflict broke out there in September 2011. The testimony indicates potential war crimes may have occurred, Human Rights Watch said.

The United Nations (UN) and African Union should insist that Sudan end indiscriminate bombing in civilian areas, and immediately allow aid into the state. The Security Council should urge the Sudanese Government to allow a full and impartial investigation by the Office of the High Commissioner for Human Rights into events in both Southern Kordofan and Blue Nile, said Human Rights Watch.

“The fighting in Blue Nile has turned its people into refugees, forcing them to abandon their homes and livelihoods,” said Daniel Bekele, Africa director at Human Rights Watch. “The horrific accounts of extra-judicial killings, arbitrary arrests, and mass looting and destruction of property need to be investigated, and those responsible held to account.”

Little information has emerged about events in Blue Nile. Sudan has not granted journalists, independent monitors, or aid groups access to Blue Nile state or to neighboring Southern Kordofan, where conflict erupted last June. Since the United Nations mandate for a peacekeeping operation in the region expired in July 2011, there have been no UN monitors on the ground to document the initial impact of the fighting on civilians in Blue Nile, where conflict spread in September.

The research in Blue Nile indicates that Sudan’s bombing campaign has killed, maimed, and injured scores of civilians since September and destroyed civilian property including markets, homes, schools, farms, and aid group offices.

Refugees in South Sudan as well as internally displaced civilians inside Sudan told Human Rights Watch that aerial bombing since September in their residential areas forced them to flee their homes. Most of those interviewed had abandoned their villages and farms between September and November and were on the move inside Blue Nile for several months with limited access to food or water. More than 100,000 people are refugees in South Sudan and Ethiopia, and another 100,000 are still displaced in Blue Nile, including groups of potentially several thousand who are stranded in remote areas.

The states of Blue Nile and Southern Kordofan, where violence began three months earlier, lie north of the border with South Sudan, and have populations who were aligned with the southern Sudan People's Liberation Movement/Army (SPLM/A) during Sudan's long civil war.

In both Southern Kordofan and Blue Nile, conflict broke out amid increased tensions between Sudan's ruling National Congress Party and the northern sector of the Sudan People's Liberation Movement (SPLM) over security arrangements in the 2005 Comprehensive Peace Agreement (CPA). President Omar al-Bashir of Sudan, who is wanted by the International Criminal Court on charges of war crimes, crimes against humanity, and genocide in Darfur, set a June 1, 2011 deadline for all SPLA forces to leave Sudan.

The northern sector of the SPLM, now known as SPLM-North, contended that the peace agreement gives the parties six months to withdraw after completing popular consultations, which had not yet occurred when violence broke out. The consultations are mandated under the peace agreement so that people in both states can decide on their system of governance while remaining part of Sudan.

On the night of September 1, fighting started in Damazin, the capital of Blue Nile, between the Sudanese armed forces and SPLA remnants who were there under the terms of the peace agreement. Witnesses from Damazin told Human Rights Watch that government soldiers used tanks and heavy weapons to destroy civilian property, including residential homes and the Malik Agar cultural center. Soldiers and national security forces then rounded up suspected members of SPLM-North, arresting people in their homes and in the streets, and looted extensively.

On September 2, President al-Bashir announced a state of emergency in Blue Nile and dismissed the state's SPLM-North governor, Malik Agar, replacing him with a military commander. The next day authorities announced that SPLM-North was banned, seized their offices, and arrested party leaders and members across Sudan.

Shukri Ahmed Ali, the local administrator in charge of Roseris, a town neighboring Damazin, and an SPLM-North member who had fled the town with other party leaders, told Human Rights Watch that on September 3 soldiers at a checkpoint between Roseris and Damazin shot dead two of his family members and his driver, and seriously injured a third relative, as they were entering Damazin, apparently believing the commissioner himself was in the car.

"Sudanese authorities clearly targeted known opposition party members and civilians they perceived to be opposition supporters, in total disregard for basic human rights," Bekele said. "Sudan needs to hold abusive forces accountable, and release all illegally held detainees."

In the following days, hundreds of men in Damazin, Roseris, and other towns were taken to military barracks, national security offices, and other places of detention. Many were held for weeks or months without charge. Former detainees told Human Rights Watch

they were beaten, made to sleep in crowded rooms, deprived of sleep, food and water, and witnessed executions of other detainees while in detention.

Lawyers following the detentions estimate that more than 200 people are still being detained or are missing. The Sudan attorney general's office announced in March that it had completed investigations of 132 detainees and accused them of crimes against the state and espionage. Authorities have refused to provide information to the lawyers about prosecutions, access to the detainees, a full list of their names and whereabouts, or the exact charges against all of them.

Sudan has refused to sign an agreement with SPLM-North granting access for humanitarian aid for Southern Kordofan and Blue Nile, as proposed by the United Nations, African Union, and League of Arab states.

"By shutting out the world, including human rights monitors, Sudan is only reinforcing concern that it is trying to hide heinous crimes," Bekele said.

For witness accounts of the attacks in Blue Nile state, see below:

### **Indiscriminate Bombing of Civilian Areas**

Human Rights Watch visited 12 bomb sites and interviewed witnesses and victims of several attacks. In one example, at around 2 p.m. on November 10, an aircraft described by witnesses as an Antonov plane dropped at least 9 bombs on the village of Balatoma, killing 11 people – 9 of them instantly – including at least 2 young children, and injuring 21 others.

Kirge Koja Doto, a 28-year-old mother who was pregnant at the time, was sitting in the market in Balatoma when a bomb fell nearby.

"We heard the sound of the plane and looked up and saw it and heard the explosion," she recalled. "I lay on the ground. The people near me were crying. I tried to get up and walk but could not. I realized my leg was hit," Doto's left leg was blown off. She now lives confined to a small grass hut in Doro refugee camp, in South Sudan.

Reports of witnesses in Blue Nile indicated several other apparently indiscriminate bomb attacks on towns and villages in Kormuk county at the end of 2011 in which civilians were killed. In one early October 2011 attack on Mayar village, west of Kormuk, bombs reportedly fell on a home killing seven civilians. Human Rights Watch observed destruction to aid group offices in the Yabus area.

Refugees crossing into South Sudan have been hit by indiscriminate bombing at Guffa and Alfuj border crossings. On March 26, 8 bombs were dropped on Alfuj, where a group of several hundred refugees had gathered before crossing into refugee camps in South Sudan. The bombs injured four civilians and killed livestock. Human Rights Watch saw one crater at Alfuj and witnesses described several others in the bush where the refugees were staying, some distance from the town.

Sudan uses unguided munitions, often rolled out manually from Antonov cargo planes in a manner that does not allow for accurate delivery. Use of weapons in a civilian area that cannot accurately be directed at a military objective makes such strikes inherently indiscriminate, in violation of international humanitarian law, Human Rights Watch said.

International humanitarian law obliges both parties to the armed conflict to take all feasible precautions to minimize harm to the civilian population. SPLA-North fighters should not operate or initiate attacks from residential areas and to the extent feasible should avoid operating in populated civilian areas where their presence is likely to have a harmful impact on civilians, said Human Rights Watch.

### **Impact of the Bombing**

The indiscriminate bombing spread palpable fear among the civilian population in Blue Nile. In all areas visited in Sudan and South Sudan, including refugee camps in South Sudan, residents had dug foxholes for shelter in the event of a bomb attack.

Displaced people living in Blue Nile told Human Rights Watch they had limited access to food, water, and medicine and were surviving on wild fruits and plants. Their children have no access to school.

Thousands of people are reportedly stranded in remote areas, needing help to leave, or in places to which Sudanese government forces have blocked access, particularly at Maghaja, in Bau locality. The approaching rainy season is expected to make access from Blue Nile to refugee camps in Southern Sudan or Ethiopia impossible within weeks.

Sudan has a clear obligation to allow aid groups to access all parts of the state, Human Rights Watch said. The laws of war require all parties to the conflict to allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need, conducted without any adverse distinction.

### **Attacks on Civilians, Killings**

After fighting broke out in September in Damazin, Sudan's forces moved south, advancing on Kormuk, a rebel-stronghold they captured in November. Community leaders who fled to South Sudan told Human Rights Watch that Sudan government forces clashed with SPLA-North forces and conducted military operations in dozens of villages along the main road to Kormuk.

Following the government's takeover of Kormuk, forces also conducted military operations in villages around the Ingessana mountains. Clashes have continued in that area, with unconfirmed reports that on April 15 shelling by government forces killed 11 displaced civilians in Khor Maksa.

A teacher from Bau, a strategic town in the foothills of the Ingessana mountains, told researchers that in December he saw soldiers enter the town from three directions and fire on civilians. He estimated that they killed 10 men and boys, including the guard of his school and a 14-year-old shepherd boy. He said that neither was a combatant or was

carrying weapons. Human Rights Watch was unable to verify the deaths of the other eight people.

Witnesses told Human Rights Watch that SPLM-North party members were executed. In el-Silek village, southwest of Bau, the dead bodies of six civilian members of SPLM-North were found with feet and hands bound, their throats slit, and with gunshot wounds in the head, following a battle between Sudanese government forces and SPLA-North in mid-September, an SPLM-North official who found the bodies hours after the executions told Human Rights Watch. He said all six were unarmed civilian members of the party. It was not possible for Human Rights Watch to independently verify the circumstances of their killing.

In line with international law, both Sudan forces and SPLA-North are required to take all feasible precautions to minimize civilian casualties during military operations, and deliberate targeting of civilians and extra judicial killings are always strictly prohibited, and constitute a war crime.

In many locations, including Damazin, witnesses saw Popular Defense Forces (PDF), an auxiliary force drawn from Fellata and other nomadic ethnic groups whose members Sudan is actively recruiting, leaders who were interviewed told Human Rights Watch. Sudan has long used PDF in its regional conflicts and their participation has exacerbated local conflicts in Darfur and elsewhere in Sudan for decades. The rules of international humanitarian law apply equally to these forces and the Sudanese army, Human Rights Watch said.

### **Arbitrary Arrests, Extrajudicial Executions**

As fighting broke out in Damazin and other towns where SPLA-North forces were present, witnesses told Human Rights Watch, government forces rounded up, detained, verbally and physically abused, and killed civilians based on their presumed ties to SPLM-North and its armed wing, SPLA-North. Scores of detainees were released only after being forced to renounce their political affiliation, local groups reported and former detainees told Human Rights Watch.

A 23-year-old man from Roseris, now living in South Sudan, told Human Rights Watch that national security officers arrested and removed him from his house, accusing him and his 36-year-old brother of being SPLA-North soldiers, and detained them in a crowded cell for more than 3 weeks.

"They tied our hands and put us in the land cruiser and beat us with belts, feet, hands and said, 'We are going to use you,' and, 'You will see many things,'" he recalled. "If you complained that people are sick [the commander] would say, 'Let them die, they are kufar [infidels]."

During his detention, he saw other inmates badly beaten and, on one occasion, he saw a military official shoot two men in the head at close range outside the cell, killing them instantly. Upon his release, the national security officials pressured him to work with them and ordered him to check in every day.

Issa Daffala Sobahi, a 33-year-old guard for a state minister who is a known SPLM-North member in Damazin, told Human Rights Watch that soldiers arrested him on the morning of September 2 at the minister's home, beat and shackled him, and insulted him by calling him "kufar" [infidel] and saying, "You don't know Allah." He said they detained him in their military compound with other civilians arrested that morning.

"They took people to the river and shot them," he told Human Rights Watch. "I myself was taken to the river with three others on the second day. They killed two of us." Soldiers threatened to kill him, but did not.

"They said, 'You are all with Malik [the governor], we are going to kill you,'" he recalled. Later the same day, he saw the soldiers shoot a woman who was carrying a baby as she resisted arrest. He managed to escape from the prison compound that night.

The lawyers following the detention cases believe that the more than 200 people still detained are held in detention centers in Blue Nile or in prison in Sennar and Sinja, in neighboring Sennar state.

Abdelmonim Rahama, a well-known poet and adviser to the former governor of Blue Nile who was arrested on September 2, has been held without access to lawyers or family in various locations.

Human Rights Watch and other organizations have repeatedly called on Sudan to make known the names of all those in detention, their whereabouts, and charge or release all political detainees.