

Call for Evidence

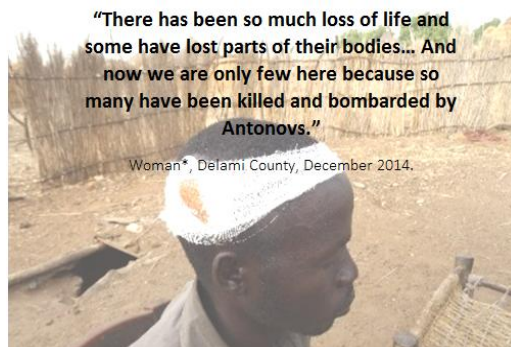
All-Party Parliamentary Group inquiry into UK-Sudan relations

A submission prepared by the International Refugee Rights Initiative¹

1. This submission focuses on the conflict in Sudan's Southern Kordofan and Blue Nile states (also known as the "Two Areas") between the government and the Sudan People's Liberation Army-North (SPLA-N). It details attacks against civilians in the Two Areas and is based on information compiled by the Sudan Consortium² and the National Human Rights Monitors Organisation (NHRMO).³ The submission intends to inform the UK government of Sudan's human rights record and urge the government to not, directly or indirectly, contribute to the violations.

Conflict in Southern Kordofan and Blue Nile

2. The conflict in Sudan's Southern Kordofan (SK) State started in June 2011 and just three months later in Blue Nile (BN). The Comprehensive Peace Agreement (CPA) signed in 2005 (which brought an end to the Sudan civil war) held that SK and BN would be given special status and the decision on whether it would join the south would be made through popular consultations.⁴ However the issue was never resolved leading to the outbreak of war in the Two Areas.



3. Although both sides of the conflict have been responsible for attacks against civilians, the evidence collected⁵ by the Sudan Consortium and NHRMO show that the government has been

¹ The International Refugee Rights Initiative (IRRI) is a Uganda-based non-governmental, non-profit organisation that promotes human rights in situations of conflict and displacement.

² IRRI is the secretariat of the Sudan Consortium, a coalition of more than 50 Africa-based and Africa-focused NGOs dedicated to working together to promote a just, peaceful and sustainable end to the ongoing and interrelated humanitarian and human rights crises in Sudan. The Consortium came together as the Darfur Consortium in September 2004 and in 2012, was re-named the Sudan Consortium to reflect the need for a holistic response to the interrelated conflicts in Darfur, Southern Kordofan, Blue Nile and elsewhere. For more information see www.sudanconsortium.org

³ NHRMO is an organisation that has been monitoring human rights violations committed against the civilian population in Southern Kordofan and Blue Nile since the current conflict began in 2011.

⁴ IRRI, "We just want a rest from war: Civilian perspectives on the conflict in South Kordofan State," April 2015, available at <http://www.refugee-rights.org/Publications/Papers/2015/TiredofWar.pdf> (accessed 25 August 2016)

⁵ NHRMO has monitors based in Southern Kordofan and Blue Nile's SPLA-N controlled areas. The information collected does not include violations committed in government controlled areas. Monthly reports are available at http://www.sudanconsortium.org/darfur_crisis/SKBNUupdates.html (accessed 31 August 2016)

responsible for the significant majority of violations.⁶ International law requires that civilians and civilian objects are protected at all times however, to date, Sudan has not taken adequate measures to protect civilians, and has on numerous occasions, targeted civilian areas including hospitals⁷ and schools.⁸ Information gathered by NHRMO monitors shows that the government of Sudan may have committed acts constituting war crimes.

CASE STUDY



An unexploded parachute bomb Elrifi Hospital, Kauda

In May 2014,⁹ five bombs were dropped on the compound of the Mother of Mercy Hospital in Gidel. Fortunately no casualties were reported by the monitors but many civilians fled the area to seek safety.

This incident received widespread condemnation from diplomats including the US Special Envoy to Sudan and South Sudan who accused the Sudanese government

of “unconscionable violence.”¹⁰ However the Sudanese government denied responsibility and continued their aerial bombardments on civilian areas a few days later.

In a subsequent attack, a Sukhoi jet dropped three parachute bombs on Elrifi hospital. The hospital had anticipated an attack so no one was present at the time of the incident.

On the same day, three schools were also damaged and two school children were injured. Such attacks have impacted the education of children and forced large numbers of qualified teachers to seek refuge across the border in South Sudan.¹¹

⁶ See footnote 4

⁷ See annex 1 for photographs. Also see Sudan Consortium and NHRMO, “Human Rights Update: June 2014,” available at http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/SudanConsortiumSK-BNUpdateJune_2014_FINAL.pdf (accessed 25 August 2016)

⁸ Sudan Consortium and NHRMO, “Human Rights Update: April 2016,” available at http://sudanconsortium.org/darfur_consortium_actions/reports/2016/Sudan%20Narrative%20Report%20April%202016.pdf (accessed 25 August 2016)

⁹ Sudan Consortium and NHRMO, “Human Rights Update: Concern over Protection of Civilians in Southern Kordofan,” May 2014, available at http://www.sudanconsortium.org/darfur_consortium_actions/reports/2014/sudanconsortiumupdatemay_%202014_final.pdf (accessed 25 August 2016)

¹⁰ US Embassy in Khartoum, “Excerpts of Remarks made by U.S. Special Envoy for Sudan and South Sudan Ambassador Donald Booth,” 26 May 2014, available at http://photos.state.gov/libraries/sudan/709062/press_releases/excerpts_of_remarks-by-ambassadorbooth_5222014.pdf (accessed 25 August 2016)

¹¹ Sudan Consortium and NHRMO, “Human Rights Update: April 2014,” available at http://sudanconsortium.org/darfur_consortium_actions/reports/2014/Sudan%20Consortium%20SK-BN%20Update%20Apr_%202014%20FINAL.pdf (accessed 25 August 2016)

4. Over the past 6 years a total of 1282 incidents against civilians were reported resulting in at least 286 deaths and 740 injuries.¹²
5. The monitors have documented numerous different types of weapons used against civilians,¹³ including evidence of the government's use of cluster bombs despite their prohibition by the Convention on Cluster Munitions (CCM).¹⁴ For example, on 27 May 2015, four cluster bombs fell on Kauda, in Heiban County, SK, resulting in the death of a two year old child.¹⁵ A further 12 cluster bombs were dropped by the government in SK in 2015. There is also a significant problem with unexploded ordnance (UXO), particularly bomblets from the cluster bombs, which will continue to pose an ongoing and severe threat to the civilian population for years to come.
6. There are unverified allegations that the government has used chemical weapons against civilians. For example, in 2015, the monitors reported witnesses saying "these bombs had a very bad smell. It remains for about one week after the bombing and it has skin effects on the children."¹⁶
7. Similar attacks by the Sudanese government continue to be reported to date with civilians – in particular children – being affected by the military campaign. This April,¹⁷ in SK, five children were killed and 22 injured, marking a significant increase in the number of children killed and injured. Then in May, six children were killed in a single incident in SK.¹⁸ The UK government, via the Troika, did release a statement condemning the aerial bombardment of civilians in SK (including the bombing of an elementary school) on 25 May reminding the Sudanese government of its responsibility to protect all its citizens.¹⁹ Regrettably, such statements have been few and far between since the conflict began.
8. In addition to the apparent targeting of civilian infrastructure, the data has shown that the bombardments have often coincided with planting and harvesting seasons leading to massive food insecurity. At the same time, the government is preventing those in need of assistance from accessing humanitarian aid. The humanitarian situation on the ground is increasingly

¹² See annex 3 and see Sudan Consortium and NHRMO, "Human Rights Update: May 2016," available at http://sudanconsortium.org/darfur_consortium_actions/reports/2016/May%202016%20HR%20report.pdf (accessed 25 August 2016)

¹³ See annex 2 for photographs

¹⁴ Sudan is not a party to the convention and so is not bound by this prohibition but there is growing international consensus that the use of these weapons is unacceptable.

¹⁵ Sudan Consortium and NHRMO, "Human Rights Update: May 2015," available at http://sudanconsortium.org/darfur_consortium_actions/reports/2015/SK-BNUupdateMay15FINAL.pdf (accessed 25 August 2016)

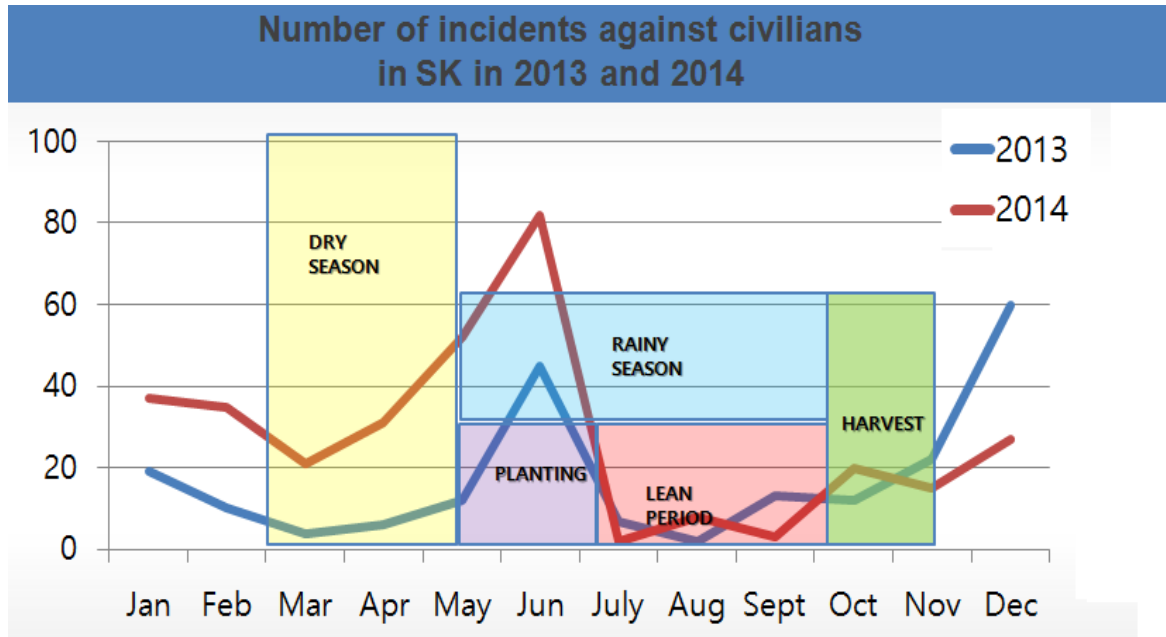
¹⁶ Sudan Consortium and NHRMO, "Human Rights Violations in Southern Kordofan and Blue Nile: 2015 in Review," 20 April 2016, available at http://www.sudanconsortium.org/darfur_consortium_actions/reports/2016/2015ARFINAL.pdf (accessed 25 August 2016).

¹⁷ Sudan Consortium and NHRMO, "Human Rights Update: April 2016," available at http://sudanconsortium.org/darfur_consortium_actions/reports/2016/Sudan%20Narrative%20Report%20April%202016.pdf (accessed 25 August 2016).

¹⁸ Sudan Consortium and NHRMO, "Human Rights Update: May 2016," available at http://sudanconsortium.org/darfur_consortium_actions/reports/2016/May%202016%20HR%20report.pdf (accessed 25 August 2016).

¹⁹ Joint Statement on Aerial Bombardment in South Kordofan and De Facto Expulsion of OCHA Head, 27 May 2016, available at <https://www.gov.uk/government/news/troika-statement-on-current-situation-in-sudan> (accessed 31 August 2016)

severe²⁰ with the Famine Early Warning Systems Network predicting food security will reach



emergency levels by September 2016.²¹

9. Whilst the recent ceasefire called by the government of Sudan is welcome, it is important to be wary as to its actual impact given that it coincides with the rainy season in the Two Areas, when, in previous years there has been a *de facto* ceasefire as military operations are almost impossible. Only time will tell if this is a genuine act by the government or was a cynical ploy to curry favour with the international community, in advance of the peace talks in Ethiopia.
10. One of the strongest messages that has come through all our research is that the civilians of the Two Areas do not want pity: they want solidarity. They want the international community to acknowledge what is taking place and work with them to end the conflict. In the shorter term, the civilian population has repeatedly requested the international community to intervene and to declare no fly zones.²² The lack of decisive action by the international community is proving disastrous.

Conclusion

11. Over the last five years, the Sudanese government has increased its attacks on the civilians of SK and BN resulting in the killing and injury of hundreds. Over 1.7 million people – almost half the population of the Two Areas - have been displaced. The damage to civilian's physical and mental health, the lack of education and access to even basic healthcare, not to mention the depletion of household reserves and increased food insecurity, are already taking a massive toll and this will only increase as the conflict continues. In addition it will also have a negative impact on any attempts to rebuild the society, whenever that may become possible.

²⁰ For more information on the humanitarian situation please refer to the monthly reports by the SKBNCU available at http://sudanconsortium.org/darfur_crisis/SKBNUUpdates.html (accessed on 25 August 2016).

²¹ Famine Early Warning Systems Network, "Conflict, poor harvests to result in a deterioration of food security in South Kordofan by March," December 2015, available at <http://www.fews.net/east-africa/sudan/key-message-update/march-2016> (accessed 25 August 2016).

²² Radio Dabanga, Mayors in Sudan's South Kordofan demand no-fly zone, 25 February 2014, available at <https://www.dabangasudan.org/en/all-news/article/mayors-in-sudan-s-south-kordofan-demand-no-fly-zone> (accessed 31 August 2016)

12. It is within this context, with ICC arrest warrants against three government officials including the President, still outstanding and with no let up in the attacks against civilians, that the UK government has changed its approach towards the government of Sudan.²³
13. This position shift by the UK government has had a devastating impact on the morale of those who do not support the current regime. In addition, it risks emboldening the government of Sudan to take further actions against civilians. Any UK support, therefore, must be made contingent on concrete improvements in the government of Sudan's respect for human rights. However events in the last three months, including the imposition of capital charges against civil society activists,²⁴ the recent detention of Darfuris,²⁵ the use of the Rapid Support Force militia (a reinvention of the infamous *janjaweed* now under the control of the state security - NISS) on the borders of Egypt and Libya,²⁶ the forcible repatriation of Eritrean refugees which could amount to *refoulement* in contravention of the 1951 Convention on the Status of Refugees,²⁷ and the continued use of excessive use of force to disperse peaceful demonstrators,²⁸ do not inspire confidence.

Recommendations

14. If the UK government decides to continue to build its relationship with Sudan, it must ensure it does not compromise its own human rights standards in the process. In this regard the UK government must:

- *consistently and publicly remind the government of Sudan of its responsibility to protect and to adhere to international and national laws and norms.* Unfortunately, the government of Sudan's ability to protect its own civilians has not only been shown to be lacking but it has shown itself to be the cause of many of the abuses committed. Although the UK government has, on occasion, condemned attacks, these statements are infrequent and in addition the UK government needs to do more to ensure its recommendations are implemented.
- *provide more leadership at the UN to ensure that UN Resolution 1591 is expanded to cover the whole of Sudan, in accordance with the recommendations of the UN Panel of Experts.* If this is not possible, the embargo should, at a minimum be expanded to cover the Two Areas. In addition, the Security Council should expand the framework for naming individuals for travel bans and asset freezes to include those impeding peace in the Two Areas.



²³ Reliefweb, "UK-Sudan Relations – Consequences of Engagement," 1 August 2016, <http://reliefweb.int/job/1629571/uk-sudan-relations-consequences-engagement> (accessed 31 August 2016)

²⁴ Sudan Consortium, Press Statement Detainees from TRACKS Charged with Capital Crimes, 16 August 2016, http://www.sudanconsortium.org/darfur_consortium_actions/pressreleases/2016/08.16.press_releases.html (accessed 25 August 2016)

²⁵ US Department of State, Concerns Regarding Detention of Darfuris by Government of Sudan Authorities, 12 August 2016, <http://www.state.gov/r/pa/prs/ps/2016/08/261050.htm> (accessed 25 August 2016)

²⁶ Sudan Tribune, Sudan's RSF militia arrests 600 illegal migrants near Libyan and Egyptian border, 30 July 2016, <http://www.sudantribune.com/spip.php?article59779> (accessed 25 August 2016)

²⁷ Joint Civil Society Statement on Push Factors in Sudan and the Khartoum Process, 20 June 2016, <http://www.refugee-rights.org/Publications/PR/2016/Civil%20Society%20Statement%20on%20Push%20Factors%20in%20Sudan%20and%20the%20Khartoum%20Process%20final.pdf> (accessed 25 August 2016)

²⁸ Open Letter concerning excessive use of force by Sudanese authorities, 3 May 2016, <http://www.refugee-rights.org/Publications/PR/2016/3%20May%202016%20Letter%20concerning%20excessive%20use%20of%20force.pdf> (accessed 25 August 2016)

- *condemn any and all attacks against civilians in the Two Areas and push Sudan to allow unrestricted access to aid with humanitarian organisations conducting cross border operations.*
- *work with the international community to push for a commission of inquiry to investigate the allegations that international crimes and other human rights abuses have been committed in Southern Kordofan and Blue Nile since 2011.*
- *recognise the complexity of the issues that have resulted in the current round of conflict in the Two Areas. While an immediate end to the hostilities is a critical first step, additional measures will be need to ensure a comprehensive peace. In particular, the need to end the feeling of marginalisation in the Two Areas and ensure democratic representation will be critical. It will also be necessary to ensure rebuilding and development.*
- *support civil society from the Two Areas to enable them to better articulate and argue for their own positions and situations to help ensure that any solution to the ongoing conflict is sustainable.*

Annex 1: Photographs of attacks on civilian areas

Aftermath of bombing of Tadugli medical clinic – 9 July 2013



Bomb damage caused to the MSF hospital in Farandalla, Southern Kordofan – 16 June 2014



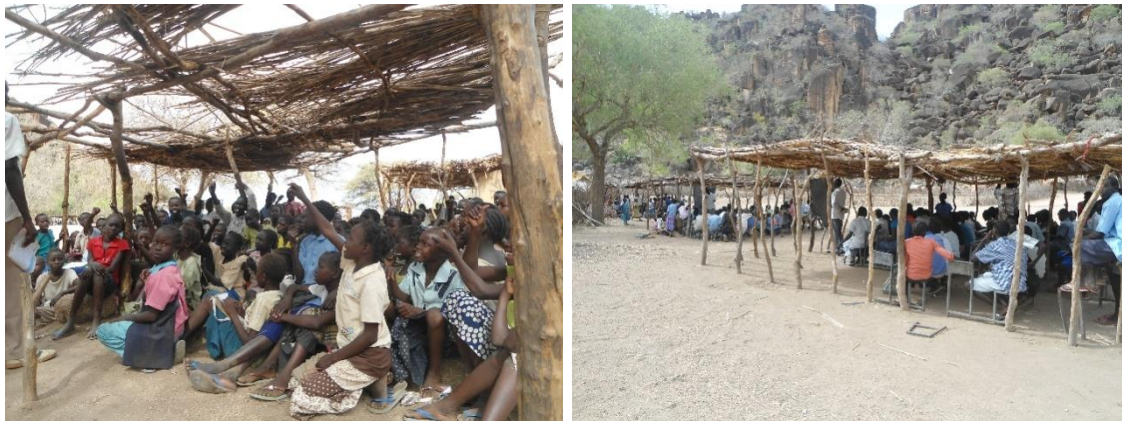
AlBuram Secondary School – 26 February 2014



The classroom of Uruma Model Primary School, Delami County, after being hit by rockets fired from a Sudanese fast attack jet aircraft - February 2014



Of the 825 pupils attending classes at Tunguli Model Primary school, more than 200 are orphans. The temporary class-rooms have been set-up next to a cliff face, in order to allow the pupils to seek shelter in caves during bombing or shelling attacks.



Bombed Quranic Study Centre and bombed classroom of Dabakaya Primary School - March 2016



Annex 2: Examples of bombs, mines and unexploded ordnance

Fragment of an S-8KO air-to-surface rocket launched against Andulu village, Um Dorein, 12/02/13



Unexploded FAB 500 (Parachute Bomb) dropped on Ekpol village, Southern Kordofan, 13/02/2014



- Parachute-retarded bomb (FAB 500)

Unexploded ordnance in Aberi village, Delami County, Southern Kordofan - June 2014



Anti-personnel mines captured from Sudan government forces in Blue Nile – February 2014



T 72A anti-personnel landmines. (Chinese made)



Metal casings for POMZ-2 stake-mounted anti-personnel mines. (Russian-made)



M14 anti-personnel land-mines (US-made)



No 4 anti-personnel land-mines (Israeli-made)

Cluster bomb dropped in UmDorein County - June 2015



UXO cluster bomblets – July 2015



Fragments of a bomb in UmDorein County - September 2015



Remnants of bomb and damage – February 2015



UXO cluster bomb next to a village - July 2015



UXO Shell in Tunguli village - March 2016

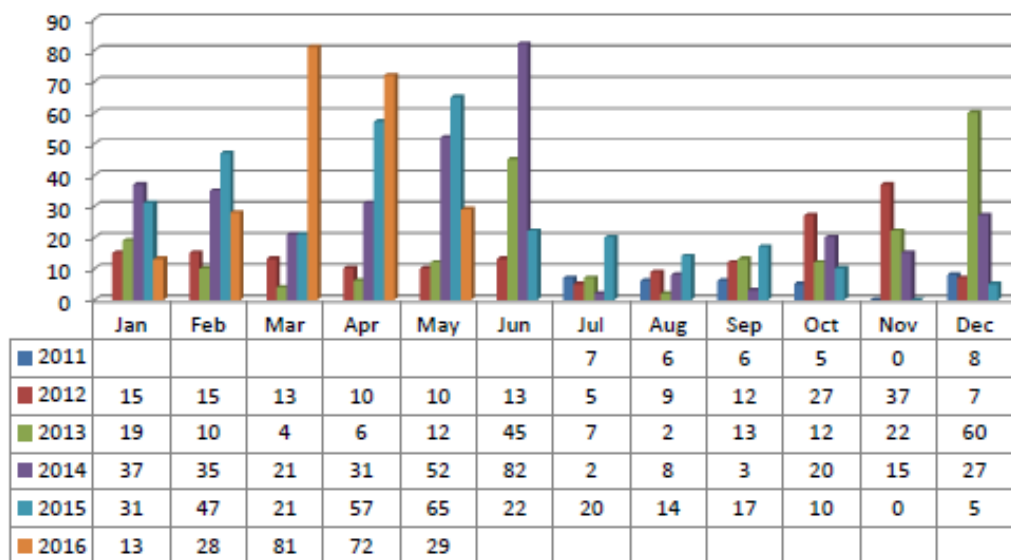


Bomb and shell fragment – April 2016

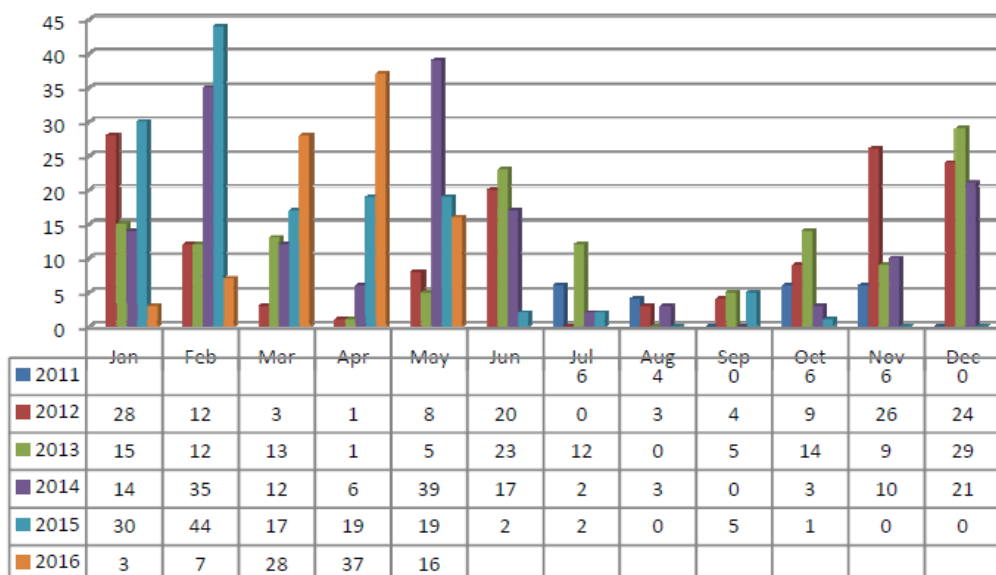


Annex 3: Graphs showing number of attacks, deaths and injuries to civilians 2011-2016

Number of incidents in SK - June 2011- May 2016



Number of civilians injured in SKBN - June 2011- May 2016



Number of civilians killed SK - June 2011- May 2016

