

COMPROMISING WITH EVIL

AN ARCHIVAL HISTORY OF GREATER SUDAN, 2007 – 2012

Annex II: “They Bombed Everything That Moved”: Aerial Military Attacks on Civilians and Humanitarians in Sudan 1999—2011

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Figure 1: Village in Darfur destroyed during aerial and ground attack by Khartoum's Sudan Armed Forces and militia allies (2006) (Photograph by Mia Farrow, used with permission)

This report grows out of my belief that the almost complete anonymity and invisibility of Sudanese civilian victims of targeted aerial military assaults is morally intolerable. So, too, are such attacks on humanitarian aid workers and operations, including hospitals and feeding centers. There have been many casualties among relief personnel.

For more than twelve years, these assaults have been standard counter-insurgency strategy on the part of the National Islamic Front/National Congress Party regime in Khartoum. As I argue and as the facts demonstrate, such a strategy—obscenely destructive in its consequences—has no historical precedent anywhere in the world.

It would be presumptuous to dedicate such a document to so many thousands of victims; it must stand simply *in memoriam*.

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Executive summary

At various moments during the past two decades, partially in response to the Rwandan genocide and other large-scale atrocity crimes, the international community has expressed its collective commitment to the idea of a “responsibility to protect” civilians—civilians who cannot be protected by their government, or indeed are being attacked by their government. Yet despite this professed commitment to universal human rights and to the principles of humanitarian law, for more than a decade the Government of Sudan (the National Islamic Front/National Congress Party regime) has engaged in a relentless campaign of deliberate aerial assaults on its own civilians and international humanitarian relief efforts.

This military campaign is unique, presently and historically: never has a recognized government and member of the United Nations, over many years, deliberately and extensively bombed, strafed, and rocketed its own citizens—with almost complete impunity. These attacks continue today in Darfur on a large scale, and occasionally are reported in South Sudan, which was the primary target through 2002.

This report attempts to provide context for a large archive of data representing aerial attacks on civilian and humanitarian targets that have been reported and confirmed over the past twelve years. It offers a substantial framing introduction that discusses the nature, motives, and consequences of such attacks, as well as a schematic history, organized by year from 1999 to 2011. More than 1,400 incidents have been sufficiently confirmed to be included in the Excel data spreadsheet that represents the heart of these research efforts. Although numbers of casualties for particular attacks are provided where they are known, in the vast majority of cases—even when the fact of civilian casualties is explicitly noted by the source—there is no figure available, and I have been obliged to indicate simply “unknown.” It is thus not possible to quantify with any precision the numbers of casualties in the attacks, except to say that they are many, many thousands.

The methodology for data collection and use (from a great many data sets and reports) is included in a separate section. There I discuss, among other issues, efforts to eliminate redundancy, establish precise geographic location, and provide evidence of the intent to attack civilian noncombatants and humanitarian operations. This preface also offers a bibliography with a wide range of individual sources, data sets, reports, research tools (including maps), and basic bibliographic information for contemporaneous news wire reports.

Without an end to the climate of impunity that reigns in Darfur—an ongoing catastrophe largely ignored as international attention has swung to North/South

issues—these barbaric attacks will continue and the chances of bringing perpetrators to justice will diminish.

This report is an ongoing project, and as such corrections and additions are to be expected. They will periodically be incorporated into the report and the data spreadsheet. Please email suggestions to the author: ereeves@smith.edu.

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The courageous people of Darfur have themselves become the primary source for the most recent reports on aerial attacks directed against civilians, particularly through the medium of Radio Dabanga.

Some humanitarian sources remain too endangered to be acknowledged by name, but their courage in reporting what they have seen is extraordinary.

It is impossible to imagine perfection in the creation of a data archive so large and complex, with so many sources, and so many ways events might be misreported. Despite the help of my colleagues, there are surely errors and I take full responsibility for them, and indeed look forward to correcting and adding to the data presented here.

Acronyms

ACJPS	African Centre for Justice and Peace Studies
ACLED	Armed Conflict Location and Events Dataset
AFP	Agence France-Presse
AMIS	African Union Mission in Darfur
AP	Associated Press
AI	Amnesty International
AU	African Union
CPA	Comprehensive Peace Agreement
DPA	Darfur Peace Agreement
GoS	Government of Sudan
GoSS	Government of South Sudan
HRW	Human Rights Watch
ICID	International Commission of Enquiry on Darfur
ICRC	International Committee of the Red Cross (Confederation of European NGOs)
INTERSOS	International Rescue Committee
IRC	(UN) Integrated Regional Information Networks
IRIN	Justice and Equality Movement
JEM	Liberation and Justice Movement
LJM	Médecins Sans Frontières (Doctors Without Borders)
MSF	National Islamic Front / National Congress Party
NIF/NCP	Norwegian People's Aid
NPA	(UN) Office for the Coordination of Humanitarian Affairs
OCHA	Operation Lifeline Sudan
OLS	(UN) Panel of Experts for Darfur
PoE	Sudan Armed Forces
SAF	Sudan Liberation Army
SLA	Sudan Media Center
SMC	Sudan Peoples' Liberation Movement / Army
SPLM/A	United Nations / African Union Mission in Darfur
UNAMID	United Nations High Commissioner for Refugees
UNHCR	United Nations Mission in Sudan
UNMIS	Waging Peace
WP	While We Wait
WWW	

I. Introduction: Unparalleled Atrocity Crimes

For well over a decade the Government of Sudan—the National Islamic Front/National Congress Party (NIF/NCP) regime in Khartoum—has engaged in a sustained campaign of deliberate aerial military attacks on civilian and humanitarian targets in both South and North Sudan. These attacks have been only fitfully condemned by the international community, and no effective action has been taken to halt them. This silence has endured even when the attacks have been authoritatively documented—in South Sudan, in the Nuba Mountains, in southern Blue Nile, and most recently in Darfur. Such barbarism occurs nowhere else in the world: nowhere else has a nominally sovereign government, represented at the United Nations and within various international organizations, engaged for years in deliberate, systematic, and immensely destructive aerial attacks on its own civilians and on humanitarians as part of a counter-insurgency strategy.

Recent events in Libya should remind us that it is not unprecedented for governments to engage in aerial attacks on their own civilians. The regimes in Nicaragua (1979) and El Salvador (early 1980s) used military aircraft to drop U.S.-supplied ordnance on civilians. There were also aerial attacks on civilians during the Biafran secession effort in the late 1960s. Aerial attacks associated with the Anfal in Iraq (1987-88) offer a telling point of comparison and are discussed below. Certainly it must also be observed that deliberate aerial attacks on civilians of other nations have occurred in many previous conflicts, indeed as long as military air power has existed.

But never have we seen what currently occurs in Sudan.

The consequences of these unrebuked atrocity crimes are many. Not only have the attacks produced many thousands of deaths and injuries, but large-scale displacement is frequently the consequence of sustained bombing attacks. Here the numbers are many hundreds of thousands. Humanitarian relief efforts are also often targeted and in many cases personnel and operations have been forced to relocate; over time, the human costs of curtailing urgently needed assistance are immense. Beyond this, civilian populations subject to repeated, random—or ethnically-targeted—assaults become profoundly demoralized. This has been one of the enduring goals in Khartoum's counter-insurgency efforts. Agriculture in particular suffers as a consequence; this has been true in South Sudan, the Nuba, Blue Nile, and is currently the case in Darfur.

A Climate of Impunity

There are other consequences, less obvious but no less destructive. Because there has been no meaningful international response to Khartoum's aerial attacks on civilians and humanitarians in the past, the NIF/NCP regime has inevitably inferred that it will incur no future judgment or face significant consequences. It is not surprising that even as aerial bombing and strafing attacks on civilian targets in Darfur have sharply escalated since fall 2010, the regime has demanded (February 2011) that the remaining international human rights scrutiny in the country—including Darfur—be removed. The ineffective Mohamed Chande Othman, appointed by the UN Human Rights Council (UNHRC) as an “independent” investigator for Sudan, will see his term end in May 2011, possibly without renewal from the Council. His powers and voice are much less significant than the former UN Special Rapporteurs on the Situation of Human Rights in Sudan; even so, the bizarrely constituted and morally corrupt UNHRC will likely accede to the [demand made by Khartoum's Minister of Justice, Mohamed Bushara Dousa](#), that Othman's function be terminated. This will likely further encourage the regime to believe that it may continue—with impunity—to attack civilians using military aircraft.

The regime has also been encouraged to believe that it may remain diplomatically intransigent while counter-insurgency warfare again escalates in Darfur. Indeed, Khartoum is constantly assessing the willingness of the international community to respond to its actions in Darfur—noting carefully what diplomatic resources have been committed to the peace process; what consequences are credibly threatened for violations of agreements and UN Security Council resolutions; what material support for the UN-African Union peacekeeping mission in Darfur (UNAMID) has been provided. Unsurprisingly, Khartoum's assessment of international commitment has led to an even greater sense of impunity, especially as the regime enjoys unstinting support from the Arab League and the African Union. This impunity is the dominant fact on the ground in Darfur, and explains many of Khartoum's actions, including military offensives that target civilians by means of various aerial military assets (“bombers,” fighter jets, and helicopter gunships). Other actions include obstructing, harassing, and assaulting UNAMID during its efforts to investigate reports of such aerial attacks. At the same time, Khartoum is waging an ongoing war of attrition against the immense humanitarian operation in Darfur.

Here it is important to note that Khartoum has consistently and contemptuously flouted several UN Security Council resolutions passed over the past seven years. Resolution 1556 (July 2004) “demands” that,

the Government of Sudan fulfill its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out human rights and international humanitarian law violations and other atrocities.

The resolution also “expresses its intention to consider ‘further actions,’ including measures as provided for in Article 41 of the Charter of the United Nations on the Government of Sudan, in the event of non-compliance” (Paragraph 6).

There have been no significant “further actions” by the UN in the many years since the resolution was passed: the *Janjaweed* continue their predations or have been recycled into other deployed paramilitary forces largely under Khartoum’s control (the Central Reserve Police, the Border Intelligence Service, and the Popular Defense Forces) as well as into the regular Sudan Armed Forces (SAF). No *Janjaweed* leader has been brought to justice, although one leader—Ali Kushayb, the notorious “colonel of colonels” among the *Janjaweed*—has been indicted by the International Criminal Court for war crimes and crimes against humanity. Khartoum refuses to extradite him to The Hague.

These demands of Resolution 1556 have been regularly reiterated in subsequent Security Council resolutions, including Resolution 1591 (March 2005), which “demands,” under Chapter 7 authority of the UN Charter, that “the Government of Sudan immediately cease conducting offensive military flights in and over the Darfur region” (Paragraph 7). The virtually daily flights currently undertaken by Khartoum’s military, as well as the many hundreds of offensive flights subsequent to March 2005, have produced neither consequential criticism nor meaningful sanctions against the regime. And yet all these flights stand in continuous violation of Resolution 1591. This basic fact has been repeatedly confirmed by the UN Panel of Experts on Darfur, created as a monitoring mechanism by the same resolution.

A Singularity

The perverse singularity of sustained, deliberate, and unconstrained aerial attacks on civilian and humanitarian targets over many years has motivated the present analysis, schematic history, and archival project, as has the conviction that the profound anonymity of the victims of these attacks is morally intolerable: they deserve some reckoning, some accounting, some identifiable part in this unspeakably grim history of incidents that together constitute crimes against humanity.

The early response of many Western governments to reports of aerial attacks on civilians was denial, or assertion that these reports were simply part of wartime

propaganda. Civilian victims were “collateral damage” in the counter-insurgency war, it was claimed, but not targets in themselves. For this reason and others, a range of sources in South Sudan, the Nuba Mountains, and Blue Nile began to collect and verify reported bombings in 1999 ([earlier data on mortality had come from research sponsored by the US Committee for Refugees](#), and made clear the vast scale of human destruction in the war, and that victims were overwhelmingly noncombatants). It soon became evident from these reports that Khartoum was in fact engaged in deliberate civilian attacks from the air, and that these attacks were defining of military strategy—and had been for years. International denial was no longer possible after reports were brought to the world’s attention, and yet no action or response ensued, nothing that would bring the attacks to an end. Some of the most horrific bombing and aerial strafing attacks occurred in 2002, in the months before a “cessation of offensive hostilities agreement” was signed by the Khartoum regime and the Sudan People’s Liberation Movement/Army (SPLM/A) (October 15, 2002).

One notable point of comparison here is Iraq during Saddam Hussein’s *Anfal* campaign of 1987-88, in which military air assets were used against Kurdish civilians in highly destructive fashion. More than 100,000 Kurds—overwhelming civilians—were exterminated by aerial and ground poison gas attacks, large-scale executions, disease and malnutrition. More than 4,000 villages were destroyed, many by comprehensive dynamiting of all buildings. Aircraft were most notoriously deployed in the March 1988 massacre at Halabja, a poison gas attack that killed some 5,000 Kurds and injured many thousands more. The international response to this genocidal assault was disgraceful, and has been witheringly chronicled by Samantha Power in *“A Problem from Hell”: America and the Age of Genocide* (New York, 2002).

Despite its terrible destructiveness and genocidal character, the Anfal campaign was not of sufficient duration to permit the kind of extensive chronicling of aerial destruction that is possible for the past twelve years in Sudan. Nor did the Anfal target relief workers and humanitarian operations, as Khartoum has repeatedly done over many years. Sudan is unique for the sheer scale and duration of deliberate aerial attacks on civilians and humanitarians, and by virtue of the world community’s failure to change the political and military calculus that governs NIF/NCP thinking in continuing with these attacks.

Conspicuous, sustained, and consequential violations of international human rights and humanitarian law in Sudan reveal the profound failure of the “responsibility to protect,” a supposedly “emerging legal norm” that was unanimously endorsed by General Assembly members at the UN World Summit of September 2005. As the present historical analysis and archive demonstrate, more than five years after

this “endorsement” there has been no change in military tactics by the Khartoum regime in Darfur despite international attention and putative endorsement of the “responsibility to protect.” Aerial military assaults on civilians that defined war in the South, the Nuba Mountains, and Blue Nile continue relentlessly and systematically in Darfur, if with modifications to comport with the broader genocidal counter-insurgency strategy that has emerged since mid-2003.

To be sure, there have been temporary cessations of bombing and strafing attacks when it has seemed diplomatically expedient. There is even some evidence that attacks in the South declined when international actors were occasionally compelled by evidence to accept publicly that this was not merely “collateral” civilian destruction, but military policy (there was little bombing toward the end of 1999).¹ But we must also note in this connection Khartoum’s behavior prior to serious talks in the Naivasha negotiations to reach a North/South peace agreement. US special envoy John Danforth had made the halting of aerial attacks one of his four “confidence-building” measures for judging the willingness of the Northern and Southern leaderships to make peace. But although Danforth presented the proposal to the regime during a November 2001 mission, Khartoum refused to cease bombing civilians (with the exception of December 2001).

Indeed, half a year after Danforth’s proposal the aerial assaults on civilian and humanitarian targets continued with unconstrained savagery. On May 22, 2002 Khartoum’s bombers struck Rier town in Mayom County in what was then Western Upper Nile, now Unity State (specific reported bombing targets noted in this and the following section are highlighted in bold on first mention). Reports by the Sudan People’s Liberation Movement/Army (SPLM/A) were quickly confirmed in wire reports as well as in a report from the ground by an operational humanitarian organization at Rier (Norwegian People’s Aid). This attack is particularly notable, both for its date in relation to the Danforth proposal and for what it shows of Khartoum’s contempt for international opinion; it also illustrates the nature and consequences of aerial assaults on civilians. The attack on Rier occurred at 2am in the morning:

People were sleeping and therefore taken unawares. The Antonov dropped sixteen bombs in total—eight in one location and eight nearby. Eleven people were killed on the spot and 35 seriously wounded. The situation is described as carnage, with bodies lying everywhere—legs and arms blown off. Most of those wounded were young boys aged 10 and 11 years. The number of those killed is rising—reported now to be 15 killed. NPA [Norwegian People’s Aid] was there eleven hours after the attack to treat and evacuate the wounded. 24 people were evacuated yesterday. More wounded (79) have been evacuated today.

The most serious cases have been taken to NPA in Equatoria. The extent of the carnage has made it difficult to cope. Even the ICRC [International Committee of the Red Cross] hospital in Lokichoggio has been overwhelmed by the number of casualties.

Independent witnesses around the spot to verify the accuracy of the report are two journalists; one French photographer and an East African reporter were there after the attack. A senior U.S. aid official witnessed the evacuation and has seen for the first time the extent of the damage. It is important to note that these attacks were behind the frontlines and also the timings were particularly brutal, catching people (unawares) while they were sleeping. NPA staff on ground described (the bombing) as brutal with bodies littered everywhere. Staff and journalists were totally shocked at what they saw. Reports and pictures will follow. (Report by Norwegian People's Aid, May 23, 2002)

In addition to the bombing of Rier, nearby Tam was bombed on May 23, 2002 and relief workers in Lokichoggio (Kenya) reported that Khartoum had also bombed the village of Lil (a few miles from Touc, also in what was then Western Upper Nile) on May 21, 2002, killing another 17 people (Reuters [Nairobi], May 24, 2002).

Khartoum eventually acceded to Danforth's demands, but not until the October 15, 2002 "cessation of offensive hostilities agreement" was signed—almost a year after Danforth first proposed an end to aerial attacks on civilians as a benchmark for continued U.S. diplomatic engagement. The agreement has as diplomatic context the Machakos Protocol of July 2002, a breakthrough in negotiations that guaranteed a self-determination referendum for South Sudan. Here we should also recall that Danforth had unwisely attempted to persuade the Southern leadership to give up on its demand for such a referendum earlier in 2002; he was rebuffed decisively by SPLM leader John Garang—perhaps the only Southern Sudanese leader possessed of sufficient courage and stature to deny the U.S. on this key issue. The referendum was, of course, always the essential element of any peace agreement.

The Instruments of Aerial Destruction

One notable feature of the attack on Rier in May 2002 is that it was carried out by Antonov "bombers" at 2am in the morning, when visibility would have been minimal, making any distinction between civilian and military targets impossible. Moreover, it is crucial here to understand what an Antonov "bomber" is: the Antonov is a Russian-made cargo plane, and in no way designed for use as an attack aircraft. There are no bomb sighting mechanisms; there are no bomb racks or bays;

crude (and cheap) barrel “bombs” are filled with scrap metal, unusable ordnance, and other shrapnel-producing materials, as well as an explosive medium—and are simply rolled out the back cargo bay. These bombs explode not with a large blast capability, but with enough force to generate a hail of deadly shrapnel in all directions. Moreover, for protection against ground fire and anti-aircraft fire, the SAF Antonovs typically fly at altitudes of about 5,000 meters—far too high to permit any kind of militarily purposeful targeting. They are not by nature a military weapon, but a tool for civilian destruction and terror. Most bombs do not hit their targets, but when they are successful, the results are of a sort that was witnessed at Rier.

Aircraft were often sent to fly over civilian populations simply in order to instill fear. They were in effect, as longtime Sudan expert John Ashworth has noted, tools for “psychological warfare, not bombing but just circulating during the night or the morning, thus terrorising people and chasing them into the bomb shelters, ensuring that no sleep was had that night, or no work or education could proceed that day.”²

Other particularly notable aerial attacks include the bombing of Yei market in Central Equatoria on November 20, 2000: 14 bombs landed in the very midst of the market, killing and wounding more than 70; there were 9 casualties in the March 2000 bombing of the Lui hospital (the hospital is perhaps the most important in South Sudan); and the bombing of the Comboni school in Kauda (Nuba Mountains) in January 2000—fourteen children and several teachers were killed, and many more were wounded, when an Antonov barrel bomb exploded at 9am in the morning, in the midst of outdoor classes that were just beginning. The Norwegian People’s Aid hospital in Yei—with a large Red Cross painted on its roof—was also a notorious target. But while these relatively well-reported attacks are illustrative of the kind of civilian destruction wrought, they cannot represent the scale and geographic dispersion of bombing attacks, and the profoundly debilitating effect on the lives of civilians living throughout the South. Serious recording and reporting of aerial attacks did not begin until 1999, and thus the number of unreported (and of course unconfirmed) attacks that preceded can never be known, even as they are likely the majority in the South.

Not all aerial attacks on civilians in the South, the Nuba Mountains, and Blue Nile were by Antonov bombers. As has been extensively the case in Darfur, helicopter gunships (Russian-made Mi-17s and Mi-24s) have been implicated in many attacks on civilians, particularly in the oil regions of what is now Unity State. These were attacks designed to create a *cordon sanitaire* for oil development infrastructure, including the elevated, all-weather road leading from Bentiu southward to the town of Adok on the Nile River (crossing [concession Blocks 5a and 5b](#)). Control of this corridor was of great strategic significance at the time, as was control of a town on the Nile River. In any resumed war between Khartoum’s Sudan Armed Forces

(SAF) and the SPLA, this road could be crucial for the projection of mechanized military power into the South and for re-supply from the Nile.

Khartoum also deployed military jet aircraft. Among the most notorious attacks in the South was a military jet aircraft strafing of a Dinka cattle camp in Mundri, Western Equatoria, in September 2002; 13 civilians were killed and a great number of cattle lost, all shortly before the cessation of hostilities agreement. In Darfur, all forms of military aircraft—Antonovs, helicopter gunships, and military jet aircraft (including advanced MiG-29s)—have been deployed regularly by the SAF since the beginning of counter-insurgency warfare in 2003. Moreover, these attacks have been just as deliberate as those in South Sudan. In some cases the intentions of SAF attackers have been documented, as in the recording made by Phil Cox of Native Voice Films, who in February 2004 captured a conversation between an army commander and an Antonov pilot:

Commander: We've found people still in the village.

Pilot: Are they with us or against us?

Commander: They say they will work with us.

Pilot: They're liars. Don't trust them. Get rid of them.

In a similar example,

Villagers fleeing a Janjaweed attack on the Um Berro area of North Darfur had in January 2004 intercepted, on FM, a radio conversation between an Antonov pilot and a man called Morad, a well-known military intelligence officer. "Morad, Morad," the pilot said, "burn everything! Destroy everything!" (Flint and de Waal [2008], pp. 131-32).

There is a great deal of other evidence of intent to kill civilians—including civilians of particular ethnicities. In some cases SAF document documents speak explicitly to the question of intent. Within a [widely circulated directive](#), a key leader of Khartoum's Arab militia allies (the *Janjaweed*) spoke bluntly: "Change the demography of Darfur and empty it of African tribes," declared Musa Hilal from his Khartoum-supplied headquarters in North Darfur. Hilal is not only a key *Janjaweed* leader, coordinating with Khartoum's regular ground and air forces, he is also leader of an Arab supremacist organization "called the Tajamu al-Arabi, variously translated as the 'Arab Gathering,' 'Arab Alliance,' 'Arab Congregation' and 'Arab Congress'" (Flint and de Waal [2005], p. 36). Ironically, this Arab

supremacism had its origin in Muammar Gaddafi's Libya, where aerial attacks against mainly Arab civilians were much noted prior to Western military intervention.

But of course the most conspicuous evidence is the much-photographed aftermath and narrative accounts of civilians who were targeted. In turn, of course, the very Antonov crews dropping bombs would surely have seen the massive civilian destruction that had preceded—including of hospitals, schools, and feeding centers—and known that further such destruction would almost surely ensue if they went on to drop their bombs. They understood full well what they were doing. Yet further evidence of intent derives from the clear geographic patterns—including patterns of ethnic habitation—governing attacks on civilians and humanitarians.

The Congruence of Military Ambitions and Civilian Destruction

While many aerial assaults on civilians are apparently random exercises in sustaining terror among a demoralized population, there is also frequently a military or economic purpose in the attacks. During the fighting in the oil regions of Western Upper Nile (primarily 1998 to 2002), scorched-earth military clearances of civilians were designed to create security for foreign national oil companies and their workers (including Talisman Energy of Canada). These attacks were some of the most brutal in the long history of aerial assaults on civilians in the South.

On February 20, 2002 the village of Bieh (in the middle of Concession Block 5a), just to the east of road construction, endured an especially cruel and destructive aerial attack. Two SAF Mi-24 helicopter gunships were deployed, both of which had flown over Bieh twice earlier in the day. On the final pass, in broad daylight, one gunship hovered overhead and conducted precautionary reconnaissance. The other helicopter gunship moved to a low hover position and then directed machine-gun fire and numerous rockets into a crowd of mainly women and children who had gathered for a UN World Food Program food distribution. Twenty-four civilians were killed (including children), scores were injured, and many fled into the bush without food. A former high-level Western official who was camped near Bieh on an assessment mission at the time of the attack reported that even more casualties were discovered burned to death in the village tukuls that had been attacked with rockets.

Humanitarian sources confirmed that there was no military presence in or near Bieh. Moreover, the faces of the pilot and gunner could be clearly seen from the ground by WFP workers; the gunner and pilot, in turn, could clearly see that they were firing on noncombatants. This was made explicit at the time by Laura Melo, WFP spokeswoman in Nairobi:

“The helicopter was flying low enough that our staff could see inside the helicopter and a man inside firing a machine gun. How could they not see that there was food being distributed, that women and children were receiving food?” Melo said. (Associated Press [Nairobi], February 28, 2002)

Moreover, as Melo also pointed out, WFP had informed Khartoum officials of the food distribution (“All [humanitarian] interventions are cleared ahead of time and this one was also cleared”); the UN compound in Bieh was also well-marked and well-known. The facts are simply indisputable (a photographic record was made by relief workers at the time), and it is all too clear that the SAF intention was to kill civilians gathered for food aid and disrupt humanitarian relief in Bieh (there was of course an immediate withdrawal of all humanitarian personnel).

The response of the world community was typical, which is to say it was left for powerless UN humanitarian officials to condemn such attacks and declare them “unacceptable”—even as they continued to be accepted. Catherine Bertini, head of the UN World Food Program, declared: “Such attacks, deliberately targeting civilians about to receive humanitarian aid, are absolutely and utterly unacceptable. This attack—the second of this kind in less than two weeks—is an intolerable affront to human life and humanitarian work.” The earlier attack Bertini was referring to occurred in the village of Akuem on February 10, 2002. Two children were killed and about a dozen people injured in this SAF attack, in which an Antonov dropped six bombs on residents who were collecting food. The food had been airdropped into the village by the WFP three hours before the bombing, and Khartoum officials had been notified.

Despite the WFP notification of food delivery, the regime apologized for the Akuem bombing by describing it as a “regrettable accident.” A senior NIF/NCP official, Ghazi Salah el-Din Attabani, declared of the later Bieh attack that it was an “accident of war,” and that the desperately hungry people of Bieh were “unintended victims” (Ghazi now has primary responsibilities for the regime’s Darfur policy, and his contempt for the truth about Khartoum’s military attacks on civilians is undiminished). Khartoum’s embassy in Spain would later go further, issuing a statement declaring that the attack on Bieh was the “government forces’ defensive response” (Agence France-Presse [Madrid] March 1, 2002).

Following the attack Khartoum moved to restrict almost completely humanitarian access to the desperate civilians of this oil-rich region. An Associated Press dispatch of March 1, 2002 reported in its headline: “Sudanese government bans aid flights to hardest-hit areas in southern Sudan” (Nairobi). The Khartoum regime had at this point almost doubled the number of areas in Western Upper Nile to which it

was denying all humanitarian aid flights (permission for the UN-sponsored consortium of aid groups had to be secured on a monthly basis). The concentration of aid flight denials was greatest around Bentiu, epicenter of the oil regions:

The government has placed most of the area around Bentiu, 800 kilometers (500 miles) south of Khartoum, off-limits to aid workers. The newly banned areas include the region where the government and Western oil companies have tapped into a large oil field. (Associated Press [Nairobi], March 1, 2002)

The response of humanitarian aid organizations to these restrictions confirmed the congruence of civilian destruction at Bieh and the larger ambitions of the regime for the region:

[UN World Food Program spokeswoman Laura] Melo said with the new restrictions, about 345,000 people would be denied food aid during what is known as the ‘hungry season,’ the months before the next harvest when food supplies run low. Ariam Hehenkamp, the director of operations in southern Sudan for the aid group Médecins Sans Frontières [Doctors Without Borders, or MSF], said the area now under the flight ban is one of the neediest in Sudan. (Associated Press, March 1, 2002)

Two years earlier MSF-Switzerland (which operated a medical facility in Kajo Keji, Central Equatoria), had conducted a survey of bombing attacks against civilians in South Sudan and reached unambiguous conclusions. In 1999, the year MSF won the Nobel Peace Prize, the organization found that SAF aircraft bombed the Kajo Keji hospital 10 times, dropping a total of 66 bombs. After experiencing repeated attacks on its hospital, MSF began an investigation of several reported bombing sites in Equatoria. Even though its investigation covered only 15 of the sites where civilian bombings allegedly occurred, MSF documented 60 separate raids on civilian and humanitarian targets during 1999 alone. The authors concluded that Khartoum’s military dropped almost 400 bombs on these targets. MSF’s investigation found that (a) “the bombings are aimed at the civilian population and civilian targets, in particular hospitals and schools”; (b) the Khartoum regime appeared to be using chemical weapons and cluster bombs on civilian populations; (c) the bombing campaign was part of a “policy of terror which provokes new displacements of the population and increases the precariousness of the civilian population” (Médecins Sans Frontières, *Living under aerial bombardments: Report of an investigation in the Province of Equatoria, Southern Sudan*, [February 20, 2000](#)),

Assaults on civilians were early on associated with attacks on humanitarians; evidence that the attacks on humanitarians were deliberate is explicit in MSF's conclusion that hospitals were particular targets. In 2000 there was a sharp increase in reports of these attacks, including on the scrupulously neutral International Committee of the Red Cross (ICRC). Its clinic at Chelkou, in one of the most distressed regions of southern Sudan, was deliberately bombed on July 14, 2000. Reliable sources confirmed at the time that there was no military presence in or near Chelkou. Moreover, as part of its standard protocol, the ICRC had fully apprised the Khartoum regime of its presence in Chelkou and had secured permission. Then on July 25, 2000—more than 300 kilometers to the southeast in the village of Billing—Khartoum's aircraft again bombed a clearly marked ICRC clinic.

Implications

The response of the SPLM/A to the Bieh attack of February 2002 was consistent with those it had offered for years:

Yesterday's helicopter assault proves that the regime's leadership cannot be trusted. They are determined to derail the peace efforts of the Government of the U.S.A. We again appeal to the international community to stand by its obligations and charge the Khartoum regime with crimes against humanity and genocide. (SPLM statement by spokesman Samson Kwaje, February 21, 2002)

These appeals to the "international community" did not register. Khartoum outwaited whatever condemnations ensued, and then resumed attacks. This international diffidence and weakness had further implications for the integrity of various agreements the regime committed to in the Comprehensive Peace Agreement (2005), and in particular for Khartoum's continuing ambitions in the oil regions and the highly contested and extremely volatile Abyei region. Despite the success and overwhelming sentiment for secession reflected in the South Sudan self-determination referendum of January 2011, Kwaje's words—"the regime's leadership cannot be trusted"—stand as appropriately cautionary, both for Darfur and for the South itself. Events in Abyei before, during, and after the referendum voting reveal an [extraordinary recklessness on the part of Khartoum](#), deliberately escalating military tensions in the very region most likely to spark renewed conflict.

More broadly, those presuming to assess the regime's current ambitions in Darfur need to consider what is represented by its past willingness to bomb and strafe

civilians and humanitarians in the South. This sustained barbarism is singularly revealing of the NIF/NCP leadership's attitudes towards the marginalized peoples—particularly the non-Arab peoples—of all the peripheral areas of Sudan.

As if to underscore its character, Khartoum's SAF provocatively bombed and strafed civilian and military targets in Northern and Western Bahr el Ghazal during the two months before the January 2011 referendum, using both Antonovs and advanced military jet aircraft. While Juba remained calm and refused to be drawn into military retaliation, the larger implications of Khartoum's provocations were not lost on the Southern leadership. Certainly there can be no doubt that orders for the aerial attacks came from the most senior leaders within the NIF/NCP regime.

These attacks highlight the consequences of international refusal to do more than condemn the regime's aerial attacks on civilians, often in the tepid language of "regret" "dismay," "disturbed." Even when "condemnation" is declared or "demands" are made, they have never been accompanied by any credible threat of meaningful consequences for continuing intransigence.

The same is true for Darfur, where a continuing pattern of deliberate aerial assaults on civilians is now eight years old, and shows no signs of abating. Here again, humanitarian operations are caught up in violent insecurity, much of it orchestrated or sanctioned by Khartoum. Even the UN-authorized peace support operation in Darfur (UNAMID) has been [targeted by aerial bombardment as a means of deterring investigations of war crimes](#). The failure of the international community in South Sudan provided the context in which the regime decided that it would incur no significant costs for the bombing of Darfuri civilian targets, or directing assaults against the facilities and personnel of humanitarian organizations working to provide relief to the more than 4 million people in need.

The unambiguous and extensive findings of the UN Panel of Experts for Darfur, documenting in authoritative detail a great many Darfur aerial attacks, again highlight international weakness. The Panel of Experts was created by UN Security Council Resolution 1591 (March 2005), which specified two mandates for the Panel: to advise the Darfur Sanctions Committee of the Security Council concerning violations of the arms embargo on Darfur and—crucially—to monitor an "immediate" ban on all "offensive military flights in and over Darfur" (Paragraph 7).

As reports from the Panel from 2006 onward make clear, the arms embargo has been violated with impunity by all parties—though more extensively and consequentially by Khartoum. Especially prominent in these reports are the details of not just continuing SAF "offensive military flights over Darfur," but the targeting of civilians, including civilian villages with no military presence, and the display of

reckless disregard for relief operations—a recklessness that is designed to restrict access to humanitarian organizations. Attacks have often been directed at water sources, including wells and hafir (traditional reservoirs holding water from one rainy season to the next). Thus the Panel has found:

On 3 February 2009, aerial bombardment started at 5:55am and a number of international observers counted a total of 30 bomb explosions throughout the day. [The Justice and Equality Movement rebel group] alleged that Government of the Sudan planes had targeted the water points near the villages of Shawa and Umsosuna, killing a 57-year-old woman, three children and many donkeys. [p. 12]

The frequency of the attacks is variable, but the 2007 report from the Panel of Experts notes:

From September 2006 to June 2007, the Government of the Sudan conducted offensive military overflights in Darfur, which included aerial bombardments by Antonov aircraft, aerial attacks by Mi-24 attack helicopters and the use of air assets for military surveillance. Sixty-six such aerial attacks were reported during that period, of which 24 were confirmed definitively. [p. 15]³

The nature of the attacks on civilians is captured in a detailed account by the Panel in its 2008 report to the Security Council, specifically the bombing of Umu (West Darfur):

104. According to local reports the bombing killed six people and injured four (one of these a four-year-old girl), all as a result of shrapnel and the haphazard yet deadly flight of metal pieces placed inside the ordnance. Secondary effects described by villagers included respiratory problems immediately following the bombing and illness resulting from villagers using the metal bomb fragments to construct eating utensils.

105. The bombing resulted in damage to several dwellings, the local clinic and the village water pump, thus depriving the community of its sole source of potable water. The nearest water source for the village is now the village of Daya, some 10 to 20 km away. Humanitarian aid from United Nations and other agencies has disappeared since the

bombing and at the time of the Panel's visit, the community was suffering from shortages of food and medicine. According to residents of Umu, Antonovs continue to fly regularly over the village, most often during the morning hours, terrifying the population.⁴

In addition to the reports of the Panel of Experts, noted in the schematic history of Part II, there are also hundreds of reports of aerial attacks coming from human rights organizations, humanitarian organizations, journalists, and Darfuris who continue to maintain contact with the outside world, especially via Radio Dabanga, an invaluable clearinghouse of all such reports. A great many of these accounts have a numbing familiarity: early morning Antonov bombings of defenseless villages, followed by ground assaults by regular SAF forces and *Janjaweed* (Arab militias). Helicopter gunships have also been a notorious part of these attacks, often killing civilians at virtually point-blank range.

Khartoum's aerial arsenal and its command structure

The aircraft of the Sudan Armed Forces have always been fully under the control of the Khartoum regime and its most senior military officials. This was true in South Sudan, the Nuba Mountains, and southern Blue Nile, and it has been equally true in Darfur. As Human Rights Watch reported in its key December 2005 study ("[Entrenching Impunity: Government Responsibility for International Crimes in Darfur](#)"):

The Sudanese military structure in Darfur has a fairly straightforward chain of command: the Western Military Command is responsible for the operations of the Sudanese army in Darfur, with the overall commander reporting to Armed Forces Chief of Staff Abbas Arabi. Chief of Staff Arabi reports to Minister of Defence Maj. Gen. Bakri Hassan Salih, who reports to President El Bashir, a Lieutenant General and Commander-in-Chief of the Sudanese Armed Forces. []

The record of the Sudanese military in Darfur demonstrates that the crimes against civilians were part of a policy that can only have been created by the Sudanese political and military leadership in Khartoum.

Human Rights Watch notes in particular, with respect to command of aerial assets:

The air force is apparently directed from a command and control center in Khartoum. Air crews of helicopter gunships are rotated from state to state. Aerial movements and support are closely coordinated with the army forces on the ground during attacks; according to Major General [Mohamed] Fazey, only he and the force commander of the entire operation in Darfur can order or authorize the deployment of helicopters. []

Ultimately, the responsibility for the crimes committed by the Sudanese military lies with President El Bashir as the commander-in-chief, Chief of Staff Abbas Arabi, former Minister of Defence Maj. Gen. Bakri Hassan Salih, and other key military staff. [p.35]

There is broad consensus about the military aircraft in the arsenal of the SAF and under the command of senior leadership, but also several notable disparities. For example, IHS Jane's (Englewood Colorado) is [reported to have found evidence of 12 Antonov aircraft](#). US government officials estimate the number at about six, and the highly authoritative Small Arms Survey also estimates six. Additionally, the Small Arms Survey reported in December 2009 that SAF military aircraft included:⁵

- 11 Su-25 ground attack aircraft, acquired 2007-08 from Belarus
- 12-20 Fantan (A-5) ground attack aircraft, acquired 2002 from China
- 44 Combat helicopters (armed Mi-17 or Mi-24), acquired over a number of years from Russia
- 12 MiG-29 ground attack aircraft, 2003-2004

Notably all these aircraft are designed or configured for air-to-ground combat; the SAF faces no aerial threat anywhere in Sudan. It has been widely reported that Khartoum acquired a [second consignment of 12 MiG-29 aircraft in 2008](#) and following. The MiG-29 is an extremely advanced Russian military aircraft, even as none of the rebel groups has any offensive military aircraft (the Government of South Sudan recently acquired 10 transport helicopters; these might be retrofitted for military purposes, but pose no threat to fixed-wing aircraft). Many other military aircraft have been reported to be in the SAF arsenal, and have been confirmed in the past; but these reports come from a range of sources, and often without an indication of whether the aircraft are in service or not.

Military aircraft are presently based near Khartoum, at Wadi Sayyidna near Omdurman, at El Obeid (North Kordofan), at el-Fasher (North Darfur), and sometimes at Nyala (South Darfur). Antonov bombers have been recently (January 2011)

sighted at Port Sudan, evidently deployed there to avoid scrutiny by UN observers (this information comes from a Sudanese observer on the ground [email received January 5, 2011] as well as satellite intelligence).

During the North/South civil war, a number of helicopter gunships were based at Bentiu, as well as at the airstrips of oil companies (including Talisman Energy of Canada). There are also forward air bases in Muglad and Kadugli, South Kordofan.

Relevant human rights law

There is a considerable body of international human rights and humanitarian law relevant to an assessment of deliberate, widespread and systematic aerial attacks on civilians and humanitarians. There are moreover a great number of statements of “condemnation”—as well as of “commitment”—from the UN Security Council, the European Union, the U.S., and a number of other international actors. Significantly, no such condemnation—with an appropriate assignment of responsibility—has been rendered explicitly by the Arab League, the Organization of the Islamic Conference, or the African Union Peace and Security Council. There would seem to be a peculiarly temperate concern for non-Arab Muslim civilians who are the victims of targeted, as well as indiscriminate, aerial assault.

A partial list of relevant documents:

[Statute of the International Criminal Court](#), Article 7 (“Crimes Against Humanity”), Paragraph 1 (k)

[Protocol Additional \(I\) to the Geneva Conventions of 12 August 1949](#), and relating to the Protection of Victims of International Armed Conflicts, Articles 50-51 (NB: Article 51, paragraph 5 [a])

[Geneva Convention \(IV\), Relative to the Protection of Civilian Persons in Time of War](#), 12 August 1949, Article 147

[Statute of the International Tribunal for the Former Yugoslavia](#), Article 3 (c), Article 8 (“War Crimes”), paragraph 2 (b) [i, ii, iii, iv, v, ix-xx, xxiv] and 2 (e) [i, ii, iii]

[Charter of the International Military Tribunal](#), Article 6 (c)

[UN Convention of the Prevention and Punishment of the Crime of Genocide](#) (1948), Article 2 (c)

[UN Security Council Resolution 1591](#) (March 2005); acting under Chapter 7 authority of the UN Charter, the Council “Demands that the Government of Sudan, in accordance with its commitments under the 8

April 2004 N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Security Protocol, immediately cease conducting offensive military flights in and over the Darfur region.” (Paragraph 7)

[UN Security Council Resolution 1674](#) (April 2006), “reaffirming the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”

In this report, the term “crimes against humanity” derives from the language of the Statute of the International Criminal Court, which stresses “acts committed as part of a widespread or systematic attack directed against any civilian population” (Article 7.1). At least three of the eleven acts specified (7.1.a/h/k) must be construed as including aerial attacks on civilians and humanitarians. 7.2.a specifies the meaning of a key phrase: “‘attack directed against any civilian populations’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.”

The evidence of the present report leads ineluctably to the conclusion that the NIF/NCP regime and the SAF are guilty of “crimes against humanity.”

Organization of this report, in four parts:

[1] This framing introduction defines the purpose, scope, and nature of Khartoum’s aerial attacks on civilians; the human and humanitarian consequences of such attacks; and the character of the world’s response to egregious violations of international human rights and humanitarian law over twelve years.

[2] Part II is a schematic history of bombing attacks, organized chronologically as well as by significant developments in tactics and targets; it presents some totals for the number of aerial attacks, the amount of ordnance targeting civilians, and the number of known casualties, including wounded. This history traces the overall extent of bombing and strafing attacks, Khartoum’s focus on humanitarian operations, the use of various military aircraft, and the change in focus from the South, the Nuba Mountains, and Blue Nile to Darfur. The character of international responses at various moments during this twelve-year period is discussed in the context of particular attacks and the changing patterns of these attacks.

[3] Part III is a sustained explanation of the methodology and sources for the data spreadsheet of Part IV. It discusses the criteria for distinguishing between “reported” and “confirmed” attacks, the reliability of sources, concerns about dupli-

cate reporting, and geographic issues. The preface again notes and discusses the obvious if often overlooked possibility that many, probably most aerial attacks on civilians have never been reported. There is of course no way to establish this except contextually. But as was grimly [noted in one human rights report](#): “There are reports of frequent bombing in southern Blue Nile, particularly around Geissan and Demsaid, but local people are so accustomed to it that they see no point in keeping records.”

[4] Part IV, the archival section of this report, includes the data available for every aerial attack on civilians that (a) has occurred since 1999 (as well as some earlier representative attacks) and (b) has been reliably reported.

II. A Schematic History of Aerial Assaults on Civilians in Sudan

This schematic history attempts to organize access to and understanding of a data archive of all known aerial military attacks on civilians, civilian targets, and humanitarian workers and operations in Sudan (Part IV of this report). It is organized chronologically by year from 1999 to 2011, and focuses on attacks that are especially revealing, either in their destructiveness, the deliberateness with which humanitarians and civilians were attacked, or the changing tactics in aerial attacks, including the increasing use of helicopter gunships in both the oil regions of the South and in Darfur. As a consequence, this history treats only a very small percentage of the total attacks reported in the archive, which represents the collation and organization of many data sets and specific reports. The account does, however, provide the context necessary for understanding the more than 1,400 entries that have been organized by date, location, number of casualties, type of attacking aircraft, identity of victims if known (age, gender, physical disability, even names if available), our sources of information, and observational notes.

Aerial attacks certainly occurred much earlier than 1999 in the North/South war (1983-2002/5)—indeed, the first recorded attack on civilians in the records appears to be in 1969 under the rule of Jaafer Nimeiri, during the first civil war. But actual data sets for these attacks only began to be assembled systematically in 1999. The task was taken on largely in response to continued international skepticism that attacks on civilians were deliberate (some revealing earlier data have been included in the final data spreadsheet). As war shifted to Darfur, with major counter-insurgency attacks beginning in April 2003, there is a sharp corresponding shift in the focus of this history. The first nine months of 2002 were a period of especially brutal aerial attacks on civilians and humanitarians in the South, but these largely—though not completely—ended with the “cessation of offensive hostilities agreement” of October 2002, signed by Khartoum and the SPLM/A.

Thus there is a partial hiatus of approximately half a year in the twelve years of aerial attacks covered in this history. What this means is that except for the period between October 2002 and April 2003, the National Islamic Front/National Congress Party regime has for more than twelve consecutive years engaged in deliberate, widespread, and immensely destructive attacks on civilians and humanitarians, incurring no significant international rebuke or punishment during that period. And these attacks continue; one of the very last attacks reported prior to this writing comes from Radio Dabanga, an increasingly important news source for Darfur as a whole:

18 women and 9 children killed in air strike in Jebel Marra, Darfur

Twenty-seven people were killed, including 18 women and 9 children, when an Antonov plane dropped several bombs on the areas of Koloberi and Gurlengbang in the southern part of the Jebel Marra region. Six women were also injured in the air attack. A witness told Radio Dabanga that the airstrikes led to the burning of 27 houses and also the death of sheep and cattle. He stated that the bombed areas had been free of any rebel presence. Radio Dabanga could not contact the army for comments. (Jebel Marra, 28 April 2011)

What must be borne in mind in assessing such attacks is the international diplomatic attitude toward Darfur that has come to prevail in the first half of 2011—an attitude that reflects an ugly and unacknowledged *quid pro quo*: the Khartoum regime has accepted a deal in which it will allow the results of the self-determination referendum for South Sudan to be implemented (though excluding Abyei) so long as the international community ceases to interfere with Khartoum's military ambitions in Darfur. [In the words of Foreign Minister Ali Karti](#) (January 26, 2011):

The Sudanese have fulfilled an essential obligation [in allowing the self-determination referendum in the South to go forward]. As far as world expectations go, we have delivered and thus our commitment to peace should never be in question. Normalization of relations should not be held hostage by Darfur.

The expediency on the part of international actors of consequence accepting this deal has signaled to Khartoum that it may resume counter-insurgency warfare of a sort that defined the early years of genocidal destruction. Notably, ethnically-targeted killing of non-Arab/African Darfuri civilians (primarily Zaghawa) is again part of Khartoum's military strategy, as are large-scale ground and air attacks against civilians.

Prior to 1999 there were a number of individual reports about Antonov bombing attacks from highly credible sources. Ted Dagne of the U.S. Congressional Research Service, a frequent visitor to South Sudan, reports that in 1993—when he served as a Congressional aide to Representative Harry Johnston—large numbers of bombs were dropped on Nimule while he was present. Brian D'Silva of the U.S. Agency for International Development was in Yei in 1997 when it was bombed (bombing attacks did major damage to both the hospital and the cathedral in Yei during these years). The UN reported the deaths of 17 civilians in the February

6, 1994 bombing of the marketplace in Kajo Keji (Central Equatoria). These attacks were in many ways typical of those that would occur in later years: Antonov bombers flying at high altitudes dropped crude barrel bombs that had simply been rolled out the back cargo bay, with no possibility of attaining a militarily useful accuracy. All such attacks on populated areas were indiscriminate, and more likely to kill civilians than military personnel. They have been consistently included in the data archive on which this report is based.

Other early bombing events were extraordinarily destructive. [Norwegian People's Aid reported on April 7, 1998](#) that:

Yei Hospital was bombed this morning, between 10:50am and 11:10am, by Government of Sudan airplanes. Thirteen bombs were directed at Yei Hospital—which is supported by the Norwegian People's Aid (NPA). So far eleven (11) people have been found killed as a consequence of the attack. One of the killed was a local employee of the NPA. The recently rehabilitated surgical unit at the hospital was demolished by one bomb. Just afterwards the bomb shelter, in which many had sought shelter, received a direct hit by another bomb.

UN and other sources reported many other bombing attacks before 1999, directed against civilian targets or that were indiscriminate in nature. But these reports reflect very little of what occurred, and are largely a function of happenstance presence (even so, more than 75 incidents are included in this archive—attacks that caused more than 200 known casualties).

As the attacks continued and silence remained the international response, there was growing determination by international humanitarian organizations, Sudanese church groups, and human rights advocates to chronicle these egregious violations of international law. The earliest true data sets represented here come from Doctors Without Borders/Médecins San Frontières (MSF)/Switzerland, the US Committee for Refugees, and John Ashworth of the Sudan Ecumenical Forum, along with much supplementary reporting from UN and other sources.

1999: It was the character of the bombing attacks that finally prompted a determined effort to chronicle them in detail. In its preface to a [February 2000 study](#) (“Living under aerial bombardments: Report of an investigation in the Province of Equatoria, Southern Sudan”), MSF-Switzerland reported that:

Since the beginning of the year 1999 until this very moment, we have been experiencing and witnessing direct aerial bombings of the hospital, while full of patients, and of the living compound of our medical team (10 bombings in 1999, a total of 66 bombs dropped, with

13 hitting the hospital premises). Facing the sharp increase of aerial bombardments in this region during 1999, frequently aimed at civilian structures such as hospitals, in November 1999, we requested an investigation of these events and their consequences for the civilian population in the area.

The elements of this investigation, included in the report herewith, tend to demonstrate that the strategy used by the Sudanese Air Force in this region, is deliberately aimed at targeting civilian structures, causing indiscriminate deaths and injuries, and contributes to a climate of terror among the civilian population. Furthermore, evidence has been found and serious allegations have been made that weapons of internationally prohibited nature are regularly employed against the civilian population such as cluster bombs and bombs with “chemical contents.”

The use of chemical weapons by Khartoum has never been properly investigated by the UN; nor has the international community pushed effectively for such investigation. Despite very strong prima facie evidence that the Sudan Armed Forces (SAF) had engaged in chemical warfare on a number of occasions, a decade after the end of the Iraqi Anfal the international community again showed no interest in investigating:

MSF is particularly worried about the use or alleged use of prohibited weapons (such as cluster bombs and chemical bombs) that have indiscriminate effect. The allegations regarding the use of chemical bombs started on 23 July 1999, when the villages of Lainya and Loka (Yei County) were bombed with chemical products. In a reaction to this event, a group of non-governmental organizations had taken samples on the 30th of July, and on the 7th of August; the United Nations did the same.

Although the Organization for the Prohibition of Chemical Weapons (OPCW) is competent and empowered to carry out such an “investigation of alleged use,” it needs an official request made by another State Party. To date, we deplore that OPCW has not received any official request from any State Party to investigate, and that since the UN samples taking, no public statement has been made concerning these samples nor the results of the laboratory tests.

MSF offers several eyewitness accounts of chemical weapons in bombs, including a grim narrative of events in Yei County (now Central Equatoria):

The increase of the bombings on the civilian population and civilian targets in 1999 was accompanied by the use of cluster bombs and weapons containing chemical products. On 23 July 1999, the towns of Lainya and Loka (Yei County) were bombed with chemical products. At the time of this bombing, the usual subsequent results (i.e. shrapnel, destruction to the immediate environment, impact, etc.) did not take place. [Rather], the aftermath of this bombing resulted in a nauseating, thick cloud of smoke, and later symptoms such as children and adults vomiting blood and pregnant women having miscarriages were reported.

These symptoms of the victims leave no doubt as to the nature of the weapons used. Two field staff of the World Food Program (WFP) who went back to Lainya, three days after the bombing, had to be evacuated on the 27th of July. They were suffering of nausea, vomiting, eye and skin burns, loss of balance and headaches.

After this incident, the WFP interrupted its operations in the area, and most of the humanitarian organizations that are members of the Operation Lifeline Sudan (OLS) had to suspend their activities after the UN had declared the area to be dangerous for its personnel.

There have been repeated reports of chemical weapons use after 1999; not one has been investigated by the Organization for the Prohibition of Chemical Weapons.

In the body of the report, MSF—which had been working in eastern Equatoria since 1997—finds that their teams have:

several times been victims and witnesses of these bombings that are only aimed at the civilian population and civilian targets. Hospitals and schools in particular, are deliberately chosen as targets.

The hospital in Yei town—run by the nongovernmental Norwegian People's Aid and marked with a large and conspicuous red cross on its roof—was also a particular target of Antonov bombing attacks in 1999. Yei was bombed on 15 different occasions during the year, and a total of 138 bombs were dropped. Ten people were known to have been killed, more were wounded, a number of civilian houses were destroyed, the hospital infrastructure was seriously damaged, and the facilities of two other humanitarian organizations were destroyed or damaged (the UN water facility was targeted in one of these attacks). A measure of the inaccuracy of the Antonov bombing is the fact that more than half the attacks did not cause casualties or damage, the bombs fell so wide of their targets.

The quantitative scale of the bombings is reported in Section 4.1 of the MSF report:

According to a non-exhaustive list of bombings, more than sixty bombings took place between January 1999 and January 2000 in town and villages such as Narus, Chukudum, Labone, Kajo Keji, Maridi, Yei, Ikotos, Loka, Lainya, Parajok, Tali Post and Morobo. During the same period, a total of almost 400 bombs had been launched on the civilian population and civilian targets, killing at least 22 persons and wounding 51.

The terrifying effects of these bombing attacks were as consequential as actual physical destruction. One MSF worker reports:

“I have noticed that during periods of heavy bombings people are terrorized,” confesses a medical staff member of the Yei hospital. *“They may be coming to the hospital for treatment, but they do not have time to listen to the health practitioners. They want some medications and they run away.”* [emphasis in original]

The fact of Khartoum’s deliberate targeting of hospitals is revealed in the sheer frequency with which the hospital at Kajo Keji was bombed:

The hospital of Kajo Keji in which MSF works has become a particularly privileged target of the Sudanese Government. The year 1999 started and ended with a bombing of the hospital. On 13 January 1999, five bombs were dropped on the hospital. Three of them destroyed the facilities used for the vaccination campaigns and seriously damaged the operation room and the consultation units. Fortunately, no casualties were reported. At the end of December 1999, another five bombs were dropped on the hospital.

Approximately 100 aerial attacks were confirmed in 1999, causing more than 200 known casualties.

2000: The data for the year was compiled in the main by John Ashworth, the US Committee for Refugees, Vigilance Soudan (France), and Human Rights Watch. Aggregated, the data show that there were in South Sudan approximately 225 different bombing attacks, causing more than 350 known casualties. On the evidence

available, each of these attacks must be considered ipso facto an indiscriminate aerial attack on civilians, and thus a war crime.

The character of the attacks appears to have changed little from 1999. But the geographic coverage in reports, especially from John Ashworth of the Sudan Ecumenical Forum, is considerably expanded from Equatoria. Most of the attacks for July 2000 occurred in Bahr el Ghazal (now Western Bahr el Ghazal and Northern Bahr el Ghazal), greater Upper Nile, Jonglei, Lakes, as well as Equatoria. In addition to those killed and wounded, airstrips used by humanitarians were damaged at Akon and Adet. A humanitarian aircraft was damaged on the ground at Chelkou, and there were several near misses in other locations. In August bombing occurred in Bahr el Ghazal, Upper Nile, and Equatoria. Tonj, which was bombed twice, saw 5-7 killed and 100 injured as bombs fell in a market and near a school. A church compound in Tonj was hit later in the month. Ikotos in Eastern Equatoria also experienced heavy damage and the death of a 7-year-old boy.

Bombing continued in September but became especially heavy in October and November, with many targets throughout Equatoria attacked. These bombings occurred near churches, food distribution points, several polio vaccination sites, a displaced persons camp, and a primary school. On November 11, 2000 one of the most notorious bombing attacks of the war occurred in Yei (now Central Equatoria): 18-19 civilians were killed, 53 were wounded (eleven critically), as six (of fourteen) bombs hit the central market at the busiest time of day. Antonovs would in subsequent days circle Yei without dropping bombs in a concerted effort to terrorize residents. A videotape of the aftermath of the Yei bombing, viewed by the author, is in the possession of U.S. Congressman Frank Wolf. Significant bombing continued through the end of 2000, and included a particularly large number of humanitarian targets.

Videotape was fortuitously made of another extraordinarily destructive bombing, that of the Comboni School in Kauda (Nuba Mountains) (also viewed by the author). On February 8, as outdoor classes were beginning at 9am in the morning, a bomb landed in the middle of a group of students just beginning their English reading text. Fourteen children and a teacher were killed, and seventeen were wounded, many severely. There was no military presence anywhere near the Comboni School; moreover, Khartoum had declared a cease-fire in January. And yet when Dierdiri Ahmed—Khartoum's ambassador to Kenya (and now a central figure in defining the regime's policies in Abyei)—was shown the videotape of the carnage, he declared "the bombs landed where they were supposed to land" (Reuters [Nairobi], February 11, 2000).

In June of 2000 the UN reported that 32 people had been killed during the

bombing of the Catholic mission in Kajo Keji. On August 7 and 8, 2000 a series of bombings in and near Akuem (Northern Bahr el Ghazal) killed eight, wounded 200, and forced a suspension of Operation Lifeline Sudan, the critical humanitarian lifeline to the war-distressed populations of South Sudan.

Human Rights Watch reported that the hospital town of Lui was heavily bombed on March 1, 2000—causing many casualties and partially destroying the hospital, perhaps the most important in South Sudan. Here it should be noted that there were a number of reports of more powerful bombs being used by the SAF, along with indications of some improvement in targeting ability (although not sufficient to make them accurate enough for true military purposes):

Roger Winter, Director of the US Committee for Refugees on a recent visit to Sudan stated that the bomb craters he investigated “are larger and deeper than those previously seen, suggesting that Sudanese planes might be using larger or more sophisticated bombs. Some bomb craters were more than ten feet deep. This is a new development.”⁶

1999—2001 were central years in the period that might be referred to as the “oil war”: heavy fighting between Khartoum’s regular and militia forces and the Sudan People’s Liberation Army (SPLA) was concentrated around Bentiu, in what is now Unity State. The strategy in Khartoum’s bombing in Equatoria and elsewhere was both to destroy civilian morale and to disrupt food production and distribution, making supply for the forward-based SPLA troops as difficult as possible. The same was true for bombings of civilians in Unity State, attacks that began to increase significantly in 2000.

Also of note in 2000 was an increase in attacks on humanitarian sites outside of Equatoria, including on the International Committee of the Red Cross (ICRC). Its clinic at Chelkou, in one of the most distressed regions of South Sudan, was deliberately bombed on July 14, 2000. Reliable sources confirmed at the time that there was no military presence in or near Chelkou. Moreover, as part of its standard protocol, the ICRC had fully apprised the Khartoum regime of its presence in Chelkou and had secured permission. It was bombed anyway. On July 25, 2000—over 300 kilometers to the southeast in the village of Billing—Khartoum’s aircraft again bombed the ICRC. The failure of the international community to respond in any meaningful way to these deliberate assaults on a neutral humanitarian organization emboldened Khartoum in the years that followed.

Altogether, for 2000 there were more than 600 known casualties—perhaps many times this number.

2001: Bombing continued at the same pace in 2001, with even more attacks on the areas north of Equatoria. The data collected by John Ashworth are particularly important for this year, and indicate that aerial attacks are moving northward more frequently. Almost 200 incidents were reported for the year, with Bahr el Ghazal, Blue Nile, and greater Upper Nile heavily bombed. Some of the bombings were especially destructive: 20 civilians were killed fleeing Raja town on October 1. 17 civilians were killed and 22 wounded in a series of attacks in eastern Equatoria from July 22 to July 24. The Nuba Mountains were also heavily bombed. Akuem (Aweil County East) was the target of especially deadly bombings in October and November: 42 were killed and a great many more wounded.

As in previous years, bombing attacks were often immensely destructive to cattle herds, which—because they are large, slow-moving, and unable to take shelter—were often targeted. Given the centrality of cattle to the agricultural livelihoods of Sudan’s Nilotic tribes in particular, this destruction was especially consequential.

2002: 2001 and 2002 are years distinguished in part by the first explicitly reported attacks by helicopter gunships against civilian targets, in Koch and Leer counties (especially January-May 2002). Koch and Leer are both in the oil regions of what is now Unity State, and this made them the target for other new weapons systems; these were acquired by Khartoum with oil revenues that began to accrue in earnest in August 1999 with the first export shipment of crude. Determined to protect its investment and chief source of income, the NIF/NCP regime attempted to create a military *cordon sanitaire* around these oil regions. As part of this effort, villages along the road from Bentiu to Adok on the Nile River were targeted. This was the primary reason that Bieh was attacked on February 20—an attack discussed in detail in the Introduction. 24 were killed and dozens of civilians were wounded as they gathered for a UN food distribution. Yet again, there was no military presence anywhere near Bieh, which was a known humanitarian site and clearly marked as such. Khartoum had been informed of this particular food distribution.

Helicopter gunships attacked civilian targets in Unity State through May, often accompanied by Antonovs. In late May, approximately two dozen attacks were reported in Mayom County alone, killing over 100 people and wounding well over 300 civilians. On June 11, 24 civilians were killed in an Antonov attack on Madier (Wau County, Western Bahr el Ghazal).

Aerial attacks against civilians and humanitarians would remain heavy throughout the summer and into the fall, causing more than 500 known casualties for the year. In September—the month before the “cessation of hostilities agreement” was signed—attacks were nearly continuous, and involved the use of not only Antonovs and helicopter gunships, but Khartoum’s newly acquired MiG-29s, one of the most

advanced fighter aircraft in the Russian arsenal. The first confirmed attack was on a Dinka cattle camp outside Mundri, near Lui on September 21: more than twenty people were killed, many injured, and there was a tremendous loss of cattle (the author has an extensive photographic archive of the aftermath of the attack). A second MiG-29 attack was directed against a church in Yei (Central Equatoria).

The primary targets in the month prior to the “cessation of hostilities” agreement were in Blue Nile and Equatoria. Attacks would continue sporadically into 2003.

2003: Although we know, and have known for some time, that the period 2003 through 2004 and into 2005 were the most violent years of the genocidal counter-insurgency in Darfur—and though there is a good deal of important and well-researched human rights reporting—there is relatively little decisive reporting and confirmation of particular aerial attacks on civilian targets, at least compared with South Sudan. There are 47 confirmed reports for 2003, the first year of full-scale counter-insurgency; these resulted in more than 600 known casualties. In 2004 approximately 120 attacks were confirmed, with more than 400 known casualties. But there were only 19 reported attacks for 2005 (Khartoum had declared a cessation of “hostile military overflights” at a summit in N’Djamena, Chad, February 2005). Aerial attacks would accelerate in subsequent years, and so far in 2011 there have been over 75. These early findings might be thought at odds with the level of violence, but there appear to be a number of factors that account for the unexpectedly low number of reported and confirmed attacks.

Of course much of the civilian destruction had been achieved by early 2005, and there were many fewer “targets of opportunity” following the destruction of thousands of African villages. This said, the fall-off in genocidal violence has been significantly overstated in various quarters, and we must still explain the patterns of increase and decrease in reported attacks.

An especially significant problem is that not all reports on aerial attacks on civilians have been publicly disseminated. The UN Commission of Inquiry issued a report in January 2005 that instances only two examples under the rubric “Killing as a result of air bombardment,” but declares that there were “many such attacks documented by the Commission” (280). This documentation has not been made available. Unsurprisingly, the Commission has been severely criticized for the poor quality of its forensic work and a politicization of the investigation, [including by an experienced member of the team](#).

Even more consequentially, the genocidal nature of Khartoum’s counter-insurgency took a great deal of the humanitarian, human rights, and news-reporting world by surprise. Darfur was quite remote, with no easy access, and had had no previous news profile of note. And even when news and human rights reporters

had gained a sense of what was occurring, Khartoum was determined not to allow the kind of access that had come with Operation Lifeline Sudan (OLS) in South Sudan (in any event, it had been impossible to close off the South from Uganda and Kenya). As early as December 2003 the UN special envoy for humanitarian affairs in Darfur, Tom Vraalsen, was speaking of the “systematic denial” of humanitarian access to civilians in rebel-controlled areas. Since at this point the rebel groups were (as Khartoum well knew) dominated by the Fur, Massalit, and Zaghawa—non-Arab or African ethnic tribal groups in Darfur—this amounted to a denial of humanitarian aid on an ethnic basis, and thus access to the areas where most of the civilian destruction and aerial attacks were occurring.

Without a large, well-organized, and experienced humanitarian presence early in the war—precisely what had finally made possible the kind of reporting on aerial attacks beginning in 1999—there was little chance that the same function could be served by the relatively few humanitarians in Darfur (for perspective, we should recall that the systematic collection of data about aerial assaults on civilian and humanitarian targets in the South began ten years after the inauguration of OLS and sixteen years after civil war resumed in 1983). Moreover, some early misleading reporting on human rights abuses coming from humanitarian organizations—particularly MSF/France—actually obscured Darfur’s realities by refusing to acknowledge the ethnic-targeting that defined human suffering and destruction. Humanitarians were not sufficiently numerous in Darfur, did not have adequate freedom of movement—because this was northern Sudan—and were from the beginning kept under close and intimidating scrutiny by Khartoum’s brutal Military Intelligence, as well as local security officials.

Also, the Darfur rebel groups had yet to establish their authority or credibility as reporters, which the SPLM had done by 1999 (the late Samson Kwaje, official SPLM spokesman, was especially reliable). This left the reporting in the main to Darfuris themselves and to interviewers from human rights organizations with limited access and highly constraining security concerns.

Another major problem was the comprehensiveness with which villages and village populations were destroyed: all men and boys were killed in many attacks; women and girls were raped, abducted, and often killed; many died in flight from destroyed villages. The attacks typically included, in addition to ground assault by SAF regular forces and *Janjaweed* militia, the use of Antonovs and helicopter gunships. So many died, so many fled, so many simply disappeared into eastern Chad or the camps for displaced, that there was often no narrative presence left to explain how a given village was destroyed. [Satellite imagery from Google](#) makes clear that thousands of African villages have been completely destroyed or badly damaged, though the imagery does not often permit inferences about whether the destruction

included use of aerial military assets. But the reports we have are so consistent, and so typically do include accounts of aerial military assaults, that it is impossible not to infer that the numbers represented in our spreadsheet very seriously understate, perhaps by an order of magnitude, the use of bombing and strafing attacks in village destruction in Darfur.

At the same time, the close military cooperation between Khartoum's ground and air forces and the *Janjaweed* militia, in a war of civilian destruction, has been authoritatively established by Human Rights Watch in a number of important reports, most comprehensively in "Entrenching Impunity: Government Responsibility for International Crimes in Darfur" (December 2005). Overall command of this campaign of ethnic killings and displacement clearly belongs to the NIF/NCP regime, as Human Rights Watch rightly insists:

The Sudanese government policy of "ethnic cleansing" was strategic and well-planned. Since early 2003, the leadership in Khartoum has relied on civilian administration, the Sudanese military and Janjaweed militias to implement a counterinsurgency policy that deliberately and systematically targeted civilians in violation of international law. Ultimate responsibility for the creation and coordination of the policy lies in Khartoum, with the highest levels of the Sudanese leadership, including President Omar El Bashir, Vice-President Ali Osman Taha, and key national ministers and security chiefs. (page 58)

The similarity of the international crimes—including those involving military aircraft—throughout Darfur leads Human Rights Watch to the inevitable conclusion:

The widespread and systematic abuses by government and Janjaweed forces against ethnic groups believed to be linked to the rebels amount to an attack on a civil population within the definition of crimes against humanity. The pattern of similar crimes against civilian populations in different areas of Darfur, as well as documentary and eyewitness evidence linking senior government officials with abusive military operations, point to a policy at the highest levels of the Sudanese government. (page 74)

Of course the same could be said of aerial attacks on civilians and humanitarians in South Sudan.

There is now no human rights reporting presence in Darfur with the qualified exceptions of the severely constrained UN Panel of Experts on Darfur, and Mohamed Chande Othman, uselessly appointed as “human rights specialist for Sudan” by a discredited UN Human Rights Council. The Panel of Experts was created per UN Resolution 1591 to monitor the nominal arms embargo on Darfur and the ban on all offensive military flights in Darfur (given their purposes, all flights by SAF aircraft are ipso facto violations of this ban). The UN/African Union “hybrid” force (UNAMID) has a very poor record of reporting human right abuses and confirming aerial attacks on civilians. No independent journalists are allowed into Darfur, certainly not with any freedom of movement.

2003-04: The confirmed aerial attacks on civilians and humanitarian targets in this period are concentrated in West and North Darfur, especially the Kutum and Mukjar “localities” (the name for subdivisions within the three Darfur states; localities are themselves further divided, but I have used only “locality” in specifying a location within a state). Some of the attacks were especially destructive: a November 29, 2003 bombing of el-Geneina, capital of West Darfur, killed 40 people and wounded an estimated 60 civilians. Thirty were killed in a coordinated air attack on Habilah (Habilah Locality, West Darfur) in August 2003. A series of aerial bombardments of villages in the Mukjar area in February and March 2004 displaced the populations of Denow, Forto, Gordouk, Hilat Fattah, Tendy, Dembow Kabdy, Ambara, and Hashberra; 65 civilians were killed in the bombings.

Bombing reports became more frequent in South Darfur beginning in April 2004 (there were 120 for the year). In West Darfur the aerial attacks moved north to Kulbus Locality, and in North Darfur there was a sharp uptick in the number of bombings in el-Fasher Locality. On November 20, 2004, the Sudan Armed Forces bombed the Save the Children feeding center in Tawila (el-Fasher Locality), killing 17 and forcing the evacuation of humanitarian staff. The month before, in Amika Sara (Nyala Locality), 17 were killed in an aerial attack that followed an assault on the village by SAF regular forces and *Janjaweed*.

The character of the aerial attacks came fully into focus by the end of these first years of the genocide. Human Rights Watch reports of the Mornei area of West Darfur:

On February 6 [2004], the bombing started around Mornei. With the arrival of the Janjaweed the burning started. By February 12, there were forty-five thousand displaced and by February 25, there were sixty thousand displaced [in Mornei]. At least one hundred wounded, mainly from bullet wounds, and mainly women and children of varied age, arrived in Mornei. The Sudanese government and Janjaweed militias

started in the north.... During one ten-day period there was bombing every night. We could see the columns of smoke rising outside Mornei. There were special army and police forces in Mornei, from Khartoum. They would go out on mission every day and come back. Helicopters came and took the wounded Janjaweed away from Mornei. [page 28]

Human Rights Watch goes on to report:

During the attacks [of spring 2004] in the Wadi Saleh and Mornei areas many civilians found in the villages were tortured and others were killed. A seventy-five-year old trader from Arwalla told Human Rights Watch that he stayed in his village after everyone else was gone. 'Fleeing is shameful and I am a Muslim who has been in Mecca,' he said. When the Janjaweed militia arrived, they were screaming 'Nuba, abid' [racially derogatory terms frequently used in attacks on non-Arab Darfuris] he said. The Janjaweed mutilated him and left him for dead. (page 28)

The deliberate use of Antonovs to target civilians is clear in a Human Rights Watch account of the December 17, 2004 attack on the town of Labado. Many thousands of civilians from surrounding villages had fled to Labado in the belief that the town's connection to a particular government official would prevent assault. They were wrong:

By December 16, the brigade of the 16th Infantry Division under the command of Brig. Gen. Ahmed Al Hajir Mohamed (the same commander who led the attacks on Marla and Ishma the previous week) had advanced to within eight kilometers of Labado. According to credible sources, the December 17 attack began in a village west of Labado in the early morning. At midday, an Antonov began circling Labado and bombed south of the town, then dropped four bombs east and then north. The bombing all around the town confused the residents, who were uncertain which way to run. Then the Antonov bombed the central marketplace. The government also reportedly used helicopter gunships. According to an international observer who interviewed displaced residents of Labado, there was a small contingent of SLA [rebel] troops living in Labado, in one specific compound, but the SLA troops fled as soon as the attack began.

Displaced people from Labado said that hundreds of Janjaweed militiamen then attacked the town and killed, burned, and looted at will.

Government troops followed the militias, also killing civilians and destroying parts of the town. Some families were reportedly locked in their huts and burned to death. A large number of people were gathered in the school and apparently executed there. At least sixty civilians were reported to have been killed.

2005: Notable attacks in 2005 included a January 26 attack against Shangil Tobaya, which the African Union monitoring force (AMIS) estimated to have killed 100 civilians. There were also two attacks reported on civilians in Red Sea State, in eastern Sudan. Civilian casualties were estimated at approximately 100 and filled the hospitals in Port Sudan.

By 2005 Khartoum has also begun to deploy its aerial military assets against Darfuri and Chadian civilian targets inside Chad, as Human Rights Watch reported in its February 2006 analysis "[Darfur Bleeds: Recent Cross-Border Violence in Chad](#)":

Sudanese government participation and complicity in cross-border attacks: The links between the Sudanese government and the Janjaweed militias in operations in Darfur have been comprehensively documented over the past few years. Human Rights Watch found evidence of apparent Sudanese government involvement in attacks against civilian populations in eastern Chad since early December 2005. Witness accounts and physical evidence indicated that government of Sudan troops and helicopter gunships participated directly in attacks, while many people reported seeing Antonov aircraft approach from Sudan, circle overhead, then return to Sudan in advance of Janjaweed raids; they believe spotters in these aircraft report concentrations of cattle to forces on the ground.

Human Rights Watch documented four attacks by armed forces based in Darfur between December 5 and 11, 2005, in the prefecture of Goun-gour, with more than 8,300 mostly Massalit inhabitants in fifty-one hamlets, located eighty kilometers south of Adr. The first two attacks reportedly involved Janjaweed militias backed by government of Sudan soldiers and vehicles and two attack helicopters, which rocketed several areas over a three-day period. (pages 11-12)

2006: Aerial attacks on civilians in eastern Chad continued in 2006, as Human Rights Watch reported in a follow-up study of January 2007 ("[They Came Here to](#)

[Kill Us': Militia Attacks and Ethnic Targeting of Civilians in Eastern Chad](#)): “Sudanese government aircraft bombed villages in eastern Chad in October 2006, part of a broader pattern of indiscriminate bombing attacks against civilians in Darfur” (page 15, based on HRW interviews and bomb-site assessments).

Overall, there were more than 70 confirmed aerial attacks in 2006, the majority in North Darfur (primarily Kutum and el-Fasher Localities).

Despite the signing of the ill-fated Darfur Peace Agreement (DPA) in May of 2006 (Abuja, Nigeria), no peace would come, but rather a further, disastrous fragmenting of the rebel groups. The split was particularly sharp between the forces of Minni Minawi, the only rebel signatory to the DPA, and non-signatory rebel groups; but other divisions emerged, fueled by ethnicity, political and personal ambitions, and tactical disagreement. Minawi recently abandoned the regime in Khartoum and his forces have been engaged in fierce fighting with SAF and *Janjaweed* forces since early December 2010. Altogether, some 100,000 people have been newly displaced by this fighting, much of it entailing indiscriminate aerial attacks.

The year 2006 saw yet another use for aerial attacks, as Khartoum sought to thwart peace talks with the rebels:

Sudanese forces bombed two rebel locations in Darfur just days after the head of the African Union’s peacekeeping force visited the area to urge the rebels to join a cease-fire agreement, the AU said yesterday [December 30, 2006]. A Sudanese government aircraft on Friday [December 29, 2006] bombed Anka and Um Rai in North Darfur province where Gen. Luke Aprezi had met on Wednesday [December 27, 2006] with rebels, an AU statement said. “When a bombing is made after I have visited an area, my credibility is involved,” Aprezi told The Associated Press by telephone from Khartoum, Sudan’s capital. “To that group, I don’t have any credibility anymore.”

The incident jeopardizes efforts to bring additional groups into the cease-fire that a single rebel faction and the government signed in May 2006, the AU said. [] The AU obtained consent from Sudanese officials in Darfur and the capital ahead of meeting the rebels, it said in the statement. It called Friday’s [December 29, 2006] attack “a seriously disturbing development.” (Associated Press [Khartoum], December 31, 2006)

The trend continued the following year:

Sudan stopped bombing raids at the beginning of the year but on April

19, 21 and 23 [2007], its air force hit three towns in North Darfur and prevented a meeting of rebel commanders [the regime] has encouraged to take place.⁷

This tells us a great deal about Khartoum's notion of "negotiations" with the rebel groups, and works to explain the deep distrust on the part of rebel negotiators.

2007: A grim genocide by attrition had settled over Darfur by 2007, with a profoundly debilitating effect on more than 2 million displaced persons. Insecurity increased rapidly, beginning an extended process of retrenchment by humanitarian organizations and an attenuation of overall capacity.

Approximately 75 aerial attacks on civilians were reliably reported, again the majority in North Darfur, where rebel military resistance was concentrated after the breakdown of the DPA the previous year. There were approximately 400 known casualties. Helicopter gunships were used frequently, and coupled with Antonov bombings, contributed to large-scale human displacement. But we gain a sense of how many aerial attacks have gone individually unreported from the document released by the UN Panel of Experts on Darfur in April 2007—and a sense as well of Khartoum's response when presented with overwhelming evidence of its attacks:

On a map of Darfur, the [UN Panel of Experts for Darfur report] showed over 100 black dots where it said incidents of 'aerial bombardment' had taken place between October [2006] and January [2007]. Asked who else but the government could be responsible for the bombings, [Khartoum's UN ambassador] Abdelhaleem said: "These are big lies, big lies." He accused the [UN Panel of Experts for Darfur] of including the map "to make some people in this area happy...They want to hear this music—that Sudan did that, the government did that, they bombed here, they killed there. This is the music that is very much enjoyed by some people here', ' Abdelhaleem said.⁸

2007 was also the year in which attacks on humanitarians began a sharp increase, with a corresponding decline in the number of humanitarians working in Darfur. Associated Press provided in late September a grim overview ([Nyala, South Darfur], September 27, 2007):

Attacks on humanitarian workers in Darfur rose 150 percent from June 2006 to June 2007, the UN says. This calendar year alone, more than 100 aid workers were kidnapped and 66 assaulted or raped, while over 60 aid convoys were ambushed and 100 vehicles hijacked, the UN says.

The pace of attacks appears to be picking up throughout Darfur. Since last week, a dozen cars carrying aid workers have been ambushed and their passengers robbed, three aid workers were kidnapped, and a half-ton of food was looted in a refugee camp, the United Nations says.

But civilians remained the primary targets of air attacks, as the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in its Darfur Humanitarian Profile No. 28 (representing conditions as of July 1, 2007):

The Government of Sudan military attacks with support from their [Arab militia] proxies against non-signatories of the Darfur Peace Agreement have continued. Of particular concern were the reports of renewed air attacks on villages in the Dar Zaghawa area, North Darfur. The latest bombings have left civilians in the region highly traumatized. Many told the UN that “the biggest threat [to their lives and livelihoods] now comes from the air.” Families have fled their homes and are living in the surrounding hills and wadis, without adequate shelter and water supplies. The risk of air attacks has also caused the closure of health posts and schools. Women collect water only at night, fearing targeted day-time aerial raids on water points.

Amnesty International reported in much the same vein:

Aerial attacks by the Government of Sudan on civilians in Darfur continue, with the UN reporting air attacks in North Darfur at the end of June [2007]. Thousands of displaced villagers have fled the Jebel Moon/Sirba area in West Darfur after renewed attacks on areas under control of armed opposition groups by government of Sudan forces supported by Janjawid. Local people said that helicopters brought in arms to the government and Janjawid forces. In South Darfur a Sudanese government Antonov aircraft carried out bombing raids following a 2 August [2007] attack by the opposition Justice and Equality Movement on the town of Adila, targeting villages and water points. Since then there have been a number of Sudanese government Antonov bombing raids on Ta'alba, near the town of Adila, and on 13 August [2007] the villages of Habib Suleiman and Fataha were bombed.⁹

As was the case in South Sudan, some aerial attacks were egregious in their deliberate targeting of civilians at close range from helicopter gunships. Here the UN High Commissioner for Human Rights reports on several attacks, including the school in Um Rai (Kutum Locality, North Darfur):

On 11 May, [2007] the Office of the High Commissioner for Human Rights (OHCHR) said that it received reports on a series of aerial bombardments in North Darfur, carried out by the Government forces between 19 and 29 April [2007]. According to the OHCHR, the bombardments appear to have been indiscriminate and disproportionate. “Failing to distinguish between military and civilian objectives and the disproportionate use of force constitute violations of international humanitarian and human rights law,” the OHCHR said.

According to OHCHR, the attacks were reportedly carried out with helicopter gunships and Antonov aircraft. They resulted in numerous civilian casualties and destruction of property, school buildings and livestock. In one incident cited by the UN Secretary-General in his statement dated 9 May [2007], the school in the village of Um Rai was struck by rockets fired from a Government helicopter.

2008: January 1, 2008 marked the official deployment of the UN/African Union “hybrid” force (UNAMID), with its UN Chapter 7 authority and explicit mandate to protect civilians and humanitarians. But the dire warnings about UNAMID’s weaknesses and lack of ability to confront Khartoum’s forces were quickly justified. Revealingly, almost as if to signal its contempt for the international community, Khartoum continued throughout 2008 to paint a number of its military aircraft white, the color that is to be used exclusively by UN and humanitarian organizations. This highly dangerous tactic put legitimately white humanitarian and peacekeeping aircraft at risk, and a number of humanitarian and UNAMID aircraft were indeed shot at. This tactic of disguising its military aircraft, in the very midst of a flight area used by humanitarians and peacekeepers, had been going on for years and has been repeatedly reported by the UN Panel of Experts on Darfur. Khartoum also, from the very beginning, obstructed the movements of UNAMID, a practice that continues to the present, despite a Status of Forces Agreement—signed by the regime in early 2008—that guarantees the UN-authorized force complete freedom of movement.

The number of confirmed aerial attacks on civilians and humanitarians also increased significantly in 2008: approximately 90 aerial assaults caused more than 300 known casualties. Attacks were especially intense in the opening months of the year, following an ill-advised offensive by the Justice and Equality Movement (JEM) in West Darfur in late 2007. Extremely heavy bombing was reported north of el-Geneina (in Kulbus Locality) in February, and continued through April. The campaign was of the same character as the worst atrocities from 2003-2004. Human Rights Watch declared at the time:

The government [of Sudan] and allied militias have responded [to JEM

control of these towns] by indiscriminately attacking villages without distinguishing between the civilian population and rebel combatants, in violation of international humanitarian law. []

The attacks were carried out by Janjaweed militia and Sudanese ground troops, supported by attack helicopters and aerial bombardments. “The Sudanese government is once again showing its total disregard for the safety of civilians,” said Georgette Gagnon, Africa director at Human Rights Watch. “This return to large-scale attacks on villages will be catastrophic for Darfur’s civilians, because they’re completely unprotected.” (Human Rights Watch press release [New York], February 10, 2008)

The scale of the human destruction and displacement during this especially brutal campaign was never fully established, and cannot be at this point. But contemporaneous accounts give us guidance in assessing the consequences of extensive, deliberate, and indiscriminate aerial assaults on Silea, Sirba, Abu Suruj, and other towns and villages north of El Genenia. There was no evidence of rebel presence in these towns at the time of attack, and the UN High Commission for Refugees (UNHCR) reported (February 10, 2008):

Up to 12,000 “terrified” refugees from Sudan’s Darfur region have fled across the border to neighboring Chad after the latest air strikes by the Sudanese military and thousands more may be on their way. [] Most of the refugees so far are men, [UNHCR spokeswoman Helene Caux] said. But the arrivals are telling UNHCR that “thousands of women and children are on their way” to Chad, she added.

Caux said UNHCR was looking at ways to assist people still trapped in the three towns bombed by Sudan. “Thousands of households have been directly affected by the bombings and attacks,” she said. (Associated Press [Geneva], February 10, 2008)

The extremely reliable Opheera McDoom of Reuters reported ([el-Fasher], February 10, 2008) that Khartoum’s attacks “forced an estimated 200,000 from their homes.” Humanitarian estimates subsequently put the figure for newly displaced persons in the range of 50,000-60,000, but this was a very conservative estimate.

Eyewitness accounts by civilians are horrific:

A refugee from Sileah told UNHCR that ground attacks by the Janjaweed militia, allegedly supported by Sudanese Antonov aircraft, nearly

destroyed Abu Surouj and reportedly caused heavy damage to four camps for internally displaced people.

UNAMID received preliminary reports, “confirming that an estimated 200 casualties have resulted from the fighting, and the town of Abu Suruj, which is home to thousands of civilians, has been burned to the ground” (Associated Press [UN/New York], February 10, 2008).

Reuters reported on February 10, 2008:

A tribal leader from the area, Ibrahim el-Nur, told Reuters on Sunday he had names of some 44 killed in Sirba town alone. He was still waiting for initial figures from Abu Surouj. Witnesses say they saw nine people killed in Suleia. All three towns are in West Darfur near the border with Chad. Residents say the total death toll could be as high as 200 but they could not yet reach all the bodies. About 200,000 were forced to flee their homes as a result of the attacks. [The Government of] Sudan has banned international aid workers from the area in the past few months so reports are difficult to verify.¹⁰

Heavy bombing attacks continued in Kulbus Locality in 2008, as well as in North Darfur, particularly Kutum and el-Fasher localities. An attack on a water point (a common target because of its obvious attractiveness to civilians and livestock on the ground) near Um Sidir killed at least three and wounded 16. Heavy civilian casualties were reported in an Antonov attack on Jebel Adoula (el-Fasher Locality). But overall, what is striking about the later incidents reported is how little was indicated of the civilian casualties, revealing UNAMID’s general paralysis and lack of investigative leadership. Most incidents in the data spreadsheet for this period simply have “unknown” for number of casualties.

2009: A wave of heavy bombing and aerial attacks occurred in January in the Muhajeriya and Shearia localities. Vast numbers of people from villages in these areas were displaced, many for the second or third time. The context again was an ill-advised Justice and Equality Movement (JEM) military strike, this time against Muhajeriya in South Darfur. The rebels controlled the town briefly, but soon abandoned it in light of highly predictable military retaliation by the SAF. Before JEM left, however, many thousands of those who fled from their villages approached Muhajeriya for the safety nominally provided by the UNAMID force there. There ensued virtually daily indiscriminate aerial assaults on Muhajeriya and the surrounding areas, all confirmed by the UN.

2009 was also the year in which UNAMID attempted to declare premature victory and an end to major fighting. In words that would quickly become controversial, outgoing UNAMID military commander Martin Agwai declared in August 2009 that “as of today, I would not say there is a war going on in Darfur,” but rather “very low intensity” engagements. These words were anticipated by those of the departing UN/AU special representative to UNAMID, Rodolphe Adada: “There is no more fighting proper on the ground.” “Right now there is no high-intensity conflict in Darfur. Call it what you will but this is what is happening in Darfur—a lot of banditry, carjacking, attacks on houses.”

What went unmentioned by Agwai and Adada, who were in effect ignoring a great deal of continuing violence and catastrophic displacement, were the consequences of a powerless UNAMID force. At the time they announced “victory,” Agwai and Adada had presided over the displacement of approximately 450,000 civilians (over 300,000 in 2008 alone, according to the UN Office for the Coordination of Humanitarian Affairs). At present—and UNAMID has almost completely deployed as of April 2011—as many as 900,000 people have been newly displaced since this force officially took up its mandate on January 1, 2008. The notion that UNAMID has worked to fulfill any but the barest security functions is simply not true.

Indeed, the claims about Darfur by Adada and Agwai are more striking for the critical information and news they omit than any accomplishment actually specified. Early in the year, on March 4 and 5, the Khartoum regime had expelled 13 of the world’s most distinguished international humanitarian organizations, as well as closing down three key Sudanese national nongovernmental organizations. This represented roughly half the total humanitarian capacity in Darfur. Despite subsequent claims from U.S. Senator John Kerry and U.S. special envoy Scott Gration that the enormous shortcomings in capacity had largely been filled, this was certainly not what humanitarians or UN aid officials were saying. Publicly and privately officials expressed their deep fears following the expulsions; this was certainly true many months later when it had become clear that humanitarian capacity could not in fact be recovered. But a deep fear settled over the remaining humanitarian community—a fear that had been amply justified by the untenable levels of insecurity that had prevailed even before the expulsions. The hostility of the regime to all humanitarian operations was clear; and there would be subsequent expulsions—notably in summer 2010—that again had nothing to do with the factitious charges made by Khartoum (typically “espionage”).

Humanitarian workers had been reticent before the expulsions; afterwards they were nearly all completely silenced, even in speaking off the record. This ensured that the international eyes and ears that had been such an important reporting pres-

ence since July 2004 were no longer able to communicate adequately. Coupled with the severe curtailing of UNAMID's freedom of movement—in contravention of the Status of Forces Agreement (February 2008)—there was very little reporting presence. Journalists seeking access found that it had become nearly impossible, and certainly no freedom of movement or unobserved conversations with Darfuris were possible.

There were fewer bombing reports in 2009 (75) than in 2008, but the pace of attacks again increased in 2010. Strikingly, there were only a dozen more reports for 2009 following the March expulsions, strongly suggesting greatly increased self-censorship and lack of human rights monitoring.

2010: There were approximately 90 aerial assaults reported in 2010. Notably, Human Rights Watch had re-established a reliable reporting network within Darfur and was again able to chronicle these attacks, even from the embattled and isolated Jebel Marra region in the center of Darfur. The aerial attacks in 2010 were concentrated in Jebel Marra, especially the eastern part of the region, as well as in the geographically adjoining areas of West and South Darfur (e.g., Deribat). Kulbus in West Darfur was also heavily attacked from the air during the year. Jebel Marra is the last stronghold of the rebel forces loyal to Abdel Wahid el Nur, who continues to enjoy significant support among the Fur population. This is so despite his failure to find the diplomatic means to provide the security he demands, paradoxically, as a precondition for negotiations.

In December 2010, the defection of Minni Minawi from his figurehead position within the Khartoum regime set in motion extremely violent military conflict between those rebel forces still loyal to Minawi and the SAF, along with its aerial military allies. Minawi was the only signatory to the Darfur Peace Agreement of May 2006; he is himself Zaghawa, as are most of his forces (Zaghawa are a non-Arab or African tribal group). This fact has sparked renewed ethnic targeting of civilians, especially Zaghawa, in the general area of Khor Abeche (Shearia Locality, South Darfur), Shangil Tobaya (North Darfur), and northward to Tabit; many reports from Radio Dabanga, confidential sources on the ground, and especially recent analyses from the [African Center for Justice and Peace Studies](#) make a strong case that the violence has resumed its genocidal character (see especially ACJPS: “Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process,” February 2011).

Antonovs, helicopter gunships, and jet aircraft have been heavily involved in the fighting—and completely indiscriminate in their attacks. This has produced a vast new population of displaced—32,000 in just three weeks in December 2010, according to UN figures. As the stream of displaced persons continues, some lo-

cations are completely overwhelmed. Radio Dabanga reports that Zam Zam camp outside el-Fasher (and fairly close to the areas affected) now has a population of more than 200,000—far beyond the camp’s humanitarian capacity.

The breakdown in security—engineered by Khartoum over many years, even if by a process not fully under its control—has deeply compromised many humanitarian operations, especially oversight and assessment. There are almost no expatriate workers in the “deep field.” As aerial attacks continue, as populations are deliberately terrorized, the humanitarian situation will become even more desperate. Violence directed against the camps for displaced persons—by Khartoum’s regular and militia forces—has increased dramatically in recent months, and there is an increasing likelihood that there will be disorganized and unsupervised flights from many of the camps, especially if food supplies run low. (In March 2011 Catholic Relief Services—the sole distributor of food rations to distressed populations in West Darfur—was on the brink of withdrawing from the region, with no replacement capacity available; more than 400,000 people depend on CRS for food, and yet the organization, which had been forced to suspend operations and food distributions in January 2011, was within a hair’s breadth of withdrawal because of Khartoum’s harassment, obstruction, and threats.)

2011: Bombing and aerial attacks against civilians have been very heavy so far in 2011, especially in North Darfur. Some 30 attacks were recorded for January alone, and more than 80 through the end of April 2011; the number of known casualties is well over 100. The civilian destruction is being reported by Radio Dabanga, now the primary source of information about all forms of human rights abuses and violations of international law in Darfur. Radio Dabanga remains in touch with many Darfuris through a sophisticated technical and communications network, and draws on the observations of a great many native “reporters.” Training by the Institute for War and Peace Reporting (The Hague) has greatly increased the usefulness, professionalism, and accuracy standards of Radio Dabanga.

The largest effect has been to give a very human reality to numbers and dispatches that too often seem abstract and bloodless:

Air strike in Darfur kills 10, including 5 children

A government aircraft on Sunday conducted an air raid in Darfur that killed 10 people, including at least five children, and wounded many more. The attack occurred in the area of Abu Deimat, south of Khazan Jadeed in South Darfur. A witness told Radio Dabanga that the raid took place at 02:00am in the morning. Among the dead was the farmer Hamada Abdelrahman Dualbeit, 30 years of old, and with his wife and his three sons and Muriam Ismail Abakr, student at the University of

Nyala, in addition to her son, and Nasreddin Ahmed Bushara, and his wife and baby. (Radio Dabanga, Khazan Jadeed, December 28, 2010)

These dispatches also give a sense of how the population as a whole is affected by specific bombing attacks:

Almost daily Antonov flights in Khor Abeche region

Refugees in the area of Khor Abeche, South Darfur, said the region has been relatively calm, but expressed fear of renewed fighting cautious due to the almost daily flights of Antonov aircraft in the region's skies. The displaced persons said they also fear the spread of diseases due to lack of food rations and the deteriorating health environment and crowding of 12,000 people. The refugees further said that the recent events in the area led to the displacement of more than 1,200 pupils from the basic school and the burning of at least 60 houses and property, which resulted in the destruction of all the citizens' savings and food, in addition to 300 head of cattle. (Khor Abeche, January 22, 2011)

Fighting, air strikes in Darfur rebel zone force thousands to flee

Heavy fighting erupted between government forces and the movement of Abdel Wahid on Saturday and Sunday in Rokero Locality, northeast of Jebel Marra. Nimr Abdelrahman, military spokesman of the rebel movement, announced to Radio Dabanga that the government forces bombed the area, which led to the displacement of more than 7,000 citizens of that region. He said that the SLA forces won the battle. The air strikes on areas of northeast of Jebel Marra in Rokero on Saturday led to the abandonment of eight villages. Witnesses said that a number of people were wounded in the air raids on the village. They were taken to the hospital at Kagora. Witnesses told Radio Dabanga that the air strikes began after a large force of infantry from the Sudanese army battled Abdel Wahid's forces in those areas. The government aircraft appeared to be bombing at random in the region from 7:00am until 6:00pm on Saturday. The bombardment targeted the villages Awsajank, Bargu, Gamra, Bola, Kuju, Koja, Tago, and Neiri." (Rokero, January 31, 2011)

Air strikes west of Shangil Tobaya, Darfur cause thousands to flee

Two attacking Antonov bombers and invading ground forces yesterday caused thousands to flee to the hills and valleys around North Darfur

villages. More than 4 thousand people yesterday fled from the region of Abu Hamra, west of Shangil Tobaya in North Darfur. The ground forces consisted of more than 20 vehicles and local militias, according to one villager who fled from the region. He told Radio Dabanga that two Antonovs dropped a number of bombs on the region before the entry of government forces and local militias from the area Um Dereisaya. The source pointed out that a number of shells fell near a school during school hours.” (Shangil Tobaya, February 24, 2011)

And the bombings are simply relentless in their civilian destruction:

Bombing east of Jebel Marra kills 3 women, 2 children

Government warplanes killed three women and two children in central Darfur yesterday and Wednesday, according to an official in a rebel movement present in the area. A large number of cattle also perished in the air strikes in the area of East Jebel. Mohamed Ahmed Yagub, Secretary of Humanitarian Affairs of the Liberation and Justice Movement, told Radio Dabanga that Antonov planes and helicopter gunships bombarded areas of East Jebel including the villages of Tokumarre, Masalit, Hashaba, Wadi Mora and Dali. The attacks killed three women, two children and a large number of livestock and camels, he said. The bombs also destroyed water sources and caused people in these villages to flee. He added that bombardment is still going on west of Shangil Tobaya and near Shaddad Camp. (East Jebel, February 18, 2011)

4 days of airstrikes causes at least 1 death and destruction of school

In areas of North and West Darfur heavy airstrikes were witnessed on Tuesday, Wednesday, Thursday and Saturday. Besides many injuries, one woman was killed, and a school was destroyed. [] In different airstrikes on Saturday a woman was killed and three others were wounded, including a four-year-old female child when an Antonov aircrafts dropped bombs that hit Sebit Market in Hashaba, North of Kutum. Other eyewitnesses told Radio Dabanga that militias loyal to the government backed by air support attacked areas in the vicinity of Shangil Tobayi on Thursday. One of the witnesses confirmed to Radio Dabanga that government forces clashed with the forces of Mini Minawi near Abu Zuriyqa and that the sounds of heavy weapons and explosions along with the continuing airstrikes caused panic amongst many citizens. (el-Fasher, April 4, 2011)

Conclusion: These criminal aerial assaults define daily life for the people of Darfur. The attacks are a key weapon in Khartoum’s attempt to move, manipulate, terrify, and destroy civilian populations—a fact of life for marginalized Sudanese people for more than twelve years now. The total number of confirmed attacks in the following data archive is more than 1,400. Given the criteria for confirmation and inclusion in the database, these attacks are all war crimes—and in aggregate certainly come with the legal ambit of “crimes against humanity.”

Those responsible for these crimes must be held accountable. But we cannot forget that those who have suffered and perished are the victims not just of Khartoum’s brutality but our own indifference and expediency. We have no right to receive forgiveness; they have every right to expect justice.

III. A guide to the data:

The database in this report contains all identifiable, publicly available data, including for incidents referred to in the Introduction to this report and in the preceding schematic history. The data are concentrated in the years 1999 to 2011, although some data from earlier years are included. Sustained and organized collection of data only began in 1999, but it is likely that previous years would show similarly extensive aerial assaults if comparably complete data were available.

It is likely that most attacks, both in South Sudan and Darfur, were not reported. Often there was insufficient or no reporting presence in much of the South, and the same is true of Darfur. Thus the more than 1,400 incidents reflected in the data do not constitute a complete record of the extent of Khartoum’s war crimes. Indeed, in analyzing Khartoum’s campaign of aerial destruction, it is essential to understand that the majority of attacks, both in the South and Darfur, were almost certainly not reported. A reporting presence was too often simply non-existent in much of the South. And a common attitude on the part of civilians was grimly noted in one human rights report previously cited: “There are reports of frequent bombing in southern Blue Nile, particularly around Geissan and Demsaid, but local people are so accustomed to it that they see no point in keeping records.” Thus the more than 1,400 incidents reflected in the data spreadsheet are by no means a full reckoning of the extent of Khartoum’s war crimes. Even so, I have been parsimonious in using the data available, and have always chosen to exclude rather than include reports that seem doubtful, redundant, or contradictory. This has resulted in the exclusion of more than 200 reported incidents originally included in the data spreadsheet.

There have been many challenges in assembling these data: eliminating redun-

dancy of reporting; identifying as specifically as possible the locations of attacks; establishing a threshold for “confirmed” attacks; ascertaining that given attacks are directed against civilian or humanitarian targets. These challenges are sometimes rather different for South Sudan (as well as South Kordofan, including the Nuba Mountains, and southern Blue Nile) and Darfur; this warrants brief discussion.

October 15, 2002 marks a partial *terminus ad quem* for Khartoum’s aerial assault on the South. This was the date on which a “cessation of hostilities agreement” was signed by the regime and the Sudan People’s Liberation Movement. And though violated on a number of occasions—sometimes in highly consequential fashion—reported attacks dropped off dramatically. By the first half of 2003 the scene of military assaults on civilian and humanitarian targets had moved to Darfur, and there was little in the way of international presence that could record the thousands of attacks on non-Arab or African villages that marked the *terminus a quo* for Khartoum’s genocidal counter-insurgency efforts. We are not without reports from this period, but without the presence of international humanitarian organizations, and with only a modest human rights reporting presence, the vast majority of aerial attacks were not reported. At the same time, many reports by survivors continue to accumulate, and this part of the data set will continue to expand in the years to come.

Criteria

Establishing the criteria for a confirmed report of a bombing or strafing attack on a civilian or humanitarian target has been a great challenge, and I have occasionally been guided by context as much as by the specific details of a reported incident. But for the overwhelming number of incidents, the following serve as the basis for confirmation:

- [1] Confirmation by a UN or nongovernmental humanitarian organization;
- [2] Confirmation by a credible human rights organization, including Sudanese national organizations;
- [3] Confirmation by Sudanese church sources;
- [4] Eyewitness accounts by journalists;
- [5] Reports by civilians, if there is more than one witness; for Darfur, this includes reports from Radio Dabanga, which often cites a specific witness, but one who has been determined by Radio Dabanga to be representative of the targeted community;
- [6] Forensic investigation confirming a bombing or strafing attack (for example, in South Sudan the Civilian Protection Monitoring Team that began work in late 2002

reported effectively for over half a year);

[7] Confirmation by UNAMID or its predecessor AMIS in Darfur, or Operation Lifeline Sudan officials in South Sudan;

[8] Attacks reported by the SPLM: these were so consistently confirmed when investigated that it seems unwarranted to exclude the very few cases where the Movement is the only source of information.

I have included only a few reports by the Darfuri rebel groups as confirming evidence, although they have been consistently used when the primary report comes from a humanitarian representative; rebel spokesmen have on occasion exaggerated and misled, and they lack a track record comparable to that of the SPLM. But if an attack is confirmed by sources of the sort indicated above, then rebel military reports seem appropriate in augmenting an account of the attack (precise location and time, number of casualties—though this with skepticism—and kinds of aircraft involved).

Some reported attacks appear to have a military purpose, but are typically mounted with complete disregard for civilian casualties. They are not simply indiscriminate but deliberately so. Yet again, this is conspicuous evidence of the contempt with which the Khartoum regime regards the lives of African tribal groups, whether in the South or Darfur. I have consistently included reports that establish the use of Antonov “bombers” near civilian population concentrations.

Evidence used to ascertain whether an aerial attack was directed against civilians as opposed to military targets includes:

[1] Use of Antonov aircraft (“bombers”) near areas with significant civilian populations. The Antonov is inherently very inaccurate and thus indiscriminate in all its bombing attacks: flying at roughly 5,000 meters to avoid ground fire, lacking a bomb guidance system or a bomb rack or bay, Antonovs used in populous civilian areas are ipso facto attacks on civilians.

[2] Use of helicopter gunships—which fly low, and fire with considerable accuracy—can be judged to be attacks against civilians if they are the primary victims of an assault.

[3] Eyewitness accounts of the purpose of particular missions by Antonovs, helicopter gunships, or military jet aircraft.

[4] Photographic or forensic evidence indicating civilians or humanitarians were the targets of an aerial attack.

Column for Casualty Figures:

Inevitably, for most aerial attacks the number of casualties is simply registered as “unknown”; this is always the case when there are no specific casualty figures. But this doesn’t mean that we know nothing about the civilian casualties after a given aerial attack; indeed, the observations Column H very often refers to “civilian casualties”; sometimes the references are to heavy, but unquantified, mortality and injury, or extensive damage to hospitals and health clinics, or to the interruption of critical humanitarian services. Observations about the destruction of schools, churches, cattle herds, indeed entire villages are frequent. Similarly, the forced flight of hundreds of thousands of civilians by virtue of aerial attacks has caused massive mortality, especially among the young, the old, and the infirm. But because the casualties are not quantified, they do not figure in calculations for Column G.

Even so, the accompanying observational notes often make clear just how many casualties resulted from attacks, and the totals can be shocking—sometimes there are literally hundreds of civilian casualties. Sometimes all casualties in a confirmed report are of civilians “killed,” and are so designated; sometimes all casualties in a confirmed report are “injuries,” and are so designated. A figure for “total casualties” indicates that this represents a combination of killed and injured; it should not suggest that this is a definitive figure, only the one offered in a credible contemporaneous report (many would later succumb to their injuries). In a great many cases, there would have been deaths subsequent to the only report that was made or preserved. A “+” sign indicates that the number is actually greater, or that there is further information on casualties in the adjoining explanatory column.

Casualty figures understate, likely by an order of magnitude, the total casualties for all aerial attacks on civilians and humanitarians. This is especially true for what epidemiologists refer to as “deferred mortality,” i.e., deaths that ensue because of wounds or trauma, but may take months or even years to occur (and may extend to children who lose their mothers, and survive precariously for a period of time before succumbing to malnutrition or disease).

Every effort has been made to eliminate duplicate reporting; this is, however, an extremely difficult—and at times impossible—task. Khartoum has frequently bombed the same site twice or more in the same day; it has attacked the same site on consecutive days; it has attacked in the close vicinity of immediately preceding attacks. And very often Khartoum has attacked a series of villages and towns on the same bombing run, though not all are accounted for in the reports we have. My strategy in eliminating duplication has been to look for obviously identical features in reports—dates, locations, number of bombs, number of casualties—and then to exclude those that seem to have excessive statistical similarity, even if authorita-

tively reported by another source. For this reason, during a given period of frequent bombings I rely as much as possible on a single highly authoritative source (e.g., John Ashworth of the Sudan Ecumenical Council), reasoning that a single source reporting seriatim is less likely to produce redundant reports. But these are imperfect solutions.

While quantitative totals and representation are certainly important, the observations that accompany the data in Part IV are just as important. And in the many cases where only “unknown” appears in the casualties column, the accompanying notes are critical to any real understanding of what these aerial attacks represent: they often point to large, but indefinite losses of life and serious injuries; the destruction of villages; the killing of cattle and livestock; large-scale civilians displacement; the targeting of water sources; and the forcing of humanitarian withdrawal. That so many aerial attacks in Darfur, including very recent ones, have only an “unknown” number of casualties is all too revealing of the international level of concern.

Caveats

Geographic identification has proved enormously challenging, despite working with substantial cartographic assets, and extensive communication with experts on both Darfur and South Sudan, as well as people from these regions. Herewith some examples of what has made identification difficult when geographic location is not tightly specified:

[1] Repetition of names: in both Darfur and South Sudan, there is a tremendous repetition of names, sometimes in close geographic proximity, sometimes widely separated. In Darfur, for example, there are no fewer than 16 iterations of Hashab(a). And sometimes there are no names (a location is indicated on a map as “unidentified,” or an identifying name is described as “not applicable”). Sometimes the name of a location occurs in a neighbouring country (Uganda, Democratic Republic of Congo, Chad).

[2] Sometimes the same location has more than one spelling or even more than one name. For example, a location may have one Arabic name and one Nilotic name in South Sudan (especially Abyei); sometimes cartographers have chosen different names for the same location, evidently on an arbitrary basis. In Darfur the same problem exists: Kuma in North Darfur is also referred to as Khurayt; also in North Darfur, Basao is also referred to as Berediq. Arabic names are transliterated in a wide variety of ways by different sources.

[3] Sometimes coordinates for particular locations vary significantly from one map to another, although the most recent digital maps are largely in agreement on nearly all locations. Very occasionally, especially in South Sudan, certain names cannot be located more specifically than by state, despite many hours of research attempting

to confirm precise location. To a lesser degree the problem also exists for Darfur.

[4] Sometimes, especially in South Sudan, all available evidence puts a given site of attack almost precisely on a county border. If the site itself does not appear on a map, and a location can be inferred only by means of using references to nearby villages or towns, a best estimate has been made as to which side of the county border to designate in the spreadsheet.

The goal for South Sudan has been to identify a town or village location by county and state; since the geographical divisions in South Sudan have changed, this has created reference problems. Some reports speak of “Western Upper Nile”; more current references are to “Unity State” (the present geographic designation). In general, I have decided to use the nomenclature of current cartographic resources, retaining the original only very occasionally for clarity’s sake. One village has been located only by state; one is indicated by “payam” (a sub-county designation); one by only the general designation “Equatoria.”

The goal for Darfur has been to identify in which of the three states an attack has occurred, and then to identify the specific “locality” (roughly the equivalent of “county”) for the village or town. Only a couple of locations do not include “locality” information. (Rural Council boundaries have not been considered.)

Different reports have different degrees of specificity. Many simply list attacks by date, indicating “Antonov bombing.” On the other hand, some—such as the hideous example of Bieh—have detailed eyewitness accounts by multiple UN aid workers. Some attacks have been recorded on videotape (e.g., the bombing of Yei market, and the Comboni school in Kauda, Nuba Mountains). There are quite literally thousands of photographs of the aftermath of aerial attacks on civilian and humanitarian targets.

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Notes

¹ Email interview, John Ashworth, Sudan Ecumenical Forum, February 5, 2011.

² Email interview, John Ashworth, Sudan Ecumenical Forum, February 17, 2011.

³ The Panel of Experts notes that “Aerial attacks identified here as ‘confirmed’ have been verified by at least two independent, reliable sources, or have been verified by the Panel of Experts during the Panel’s missions throughout Darfur.” This is a very high threshold for verification.

- 4 The account concludes with a photograph of the water pump that was made inoperable by bomb shrapnel.
- 5 SAS report No. 15, December 2009; Table 1: Conventional weapons systems transfers to Khartoum.
- 6 “The Human Rights Situation in Sudan,” Sudan Victims of Torture Group, [report covering March 2000 to March 2001](#).
- 7 Reuters [UN/New York], May 25, 2007.
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Photography credit: Airplane pictures

This is an Antonov-26 Russian cargo plane, used by Khartoum’s Sudan Armed Forces as a “bomber.” It has no bomb bay, no sighting mechanism, and typically flies very high (5,000 meters) to avoid ground fire. Shrapnel-loaded barrel bombs are simply rolled out the back cargo bay, with no militarily useful precision. These are not military weapons, they are instruments of civilian terror and destruction. They have proved remarkably effective over the past twenty years. On impact, the bombs explode, sending a vicious hail of shrapnel in all directions, killing civilians, cattle, and destroying any thatched structure in its way. The people of the Nuba and Blue Nile are presently the victims of relentless Antonov attacks, which has largely destroyed the agricultural economy of the two regions and brought hundreds of thousands of people to the verge of starvation.



Photography credit: Tom Catena

The indiscriminate nature of aerial attacks on civilians is brought home again and again by such victims as this young girl



Photography credit: unknown

Death is common in bombing attack, yet there are no global data on the number of civilians killed



Photography credit: Tom Catena

The future is very uncertain for this boy



Photography credit: Tom Catena

Wounds are often not only terrifying but excruciatingly painful—and for children utterly bewildering.



Photography credit: Tom Catena

Losing an arm in an agricultural society is a devastating loss



Photographic credit: withheld upon request

UPPER NILE REFUGEE CAMP (MAY 2012)
Most bombing victims receive nothing in the way of medical treatment



Photography credit: Eyes and Ears of the Nuba

Another victim in the Nuba Mountains, June 2011



Photography credit: unknown

Too common a sight in Darfur



Photography credit: Eyes and Ears of the Nuba

The carnage is unending



Photography credit: Human Rights Watch

**KHARTOUM HAS ADDED TO ITS ARSENAL
OF INDISCRIMINATE AERIAL WEAPONRY,
including long-range missiles and—as demonstrated here—banned “cluster bombs”**



Photography credit: Tom Catena

SEPTEMBER 27, 2012: ANOTHER VICTIM

While the international community celebrates the agreement between Khartoum and Juba on the resumption of oil exports, reached this day in Addis Ababa, Tom Cantena felt obliged to send this photograph, asking why such suffering can be lost amidst such a modest diplomatic achievement. Dr. Catena is the only surgeon working in the Nuba Mountains, and he has been there since the outbreak of hostilities in June 2011. Countless Nuba owe their lives to his surgical skill and extraordinary courage. The equivalent courage is nowhere to be found in the international community as it fails to confront Khartoum over its continuing indiscriminate bombing of civilians, including children.

Such aerial attacks have been occurring for more than two decades (see Annex II).



Photography credit: Eric Reeves, 2003

THIS IS THE SITE OF THE FORMER COMBONI SCHOOL
IN KAUDA IN THE NUBA MOUNTAINS.

On February 8, 2000 as outdoor classes were beginning at 9am in the morning, a bomb landed in the middle of a group of students just beginning their English reading text. Fourteen children and a teacher were killed, and seventeen were wounded, many severely. There was no military presence anywhere near the Comboni School; moreover, Khartoum had declared a cease-fire in January. And yet when Dierdiri Ahmed—Khartoum’s ambassador to Kenya (and now a central figure in defining the regime’s policies in Abyei)—was shown the videotape of the carnage, he declared “the bombs landed where they were supposed to land” (Reuters [Nairobi], February 11, 2000).