

# COMPROMISING WITH EVIL

AN ARCHIVAL HISTORY OF GREATER SUDAN, 2007 – 2012

## SECTION 3

### “The Hour of the Soldiers”

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# Section Three: “The Hour of the Soldiers”

## Preface

This final section surveys events and assessments of the past two years as they bear on Darfur, Abyei, and the conflict in Blue Nile and South Kordofan, where fighting has spilled into the border regions of Sudan and South Sudan, and approached full-scale war in April 2012. The *terminus a quo* for this section is August 2010, when Khartoum introduced its “New Strategy for Darfur” and the U.S. was making its decision to “de-couple” Darfur from its broader Sudan policy, in particular the decision about whether to keep the Khartoum regime on the U.S. State Department list of terrorism-sponsoring nations. These developments coincided with an Obama administration decision to accommodate Khartoum on the issue of Abyei by urging further “compromise” by Juba. This approach to the Abyei question, as promoted by Special envoy Scott Gration, Senator John Kerry (a frequent *ad hoc* Sudan envoy) and Secretary of State Hillary Clinton, ultimately emboldened Khartoum to seize the region militarily in May 2011. As I argue in various excerpts, a shift in regime power toward senior army generals was developing in early 2011, and the [first clear sign of this new power was the decision to seize Abyei](#) in defiance of the Comprehensive Peace Agreement, as well as the ruling on Abyei by the Permanent Court of Arbitration (July 2009).

Khartoum had long delayed in the formation of a commission to oversee the Abyei self-determination referendum, which along with the Southern referendum was scheduled to occur on January 9, 2011. The regime appeared to feel no significant international pressure to create conditions for a fair and legitimate referendum that would abide by the language of the Abyei Protocol of the CPA. As Douglas Johnson, the distinguished historian of Sudan, rightly insisted in early 2011, the international community’s decision to downplay Abyei in an effort to ensure the Southern referendum was a [catastrophic diplomatic calculation](#). Among other things, downplaying Abyei led the U.S. and others to ignore or feign ignorance of the clearly impending military seizure of Abyei on May 21, 2011. Several of the analyses in this section examine the stages by which it became increasingly clear that military action on the part of Khartoum’s SAF and militia forces was inevitable. For an overview of the critical miscalculations that led to this failed international diplomacy, as well as a comprehensive look at the interconnected nature of these decisions and events, see the time-line offered in **Annex I**.

The many serious consequences to these failures of diplomatic miscalculation are still clearly in evidence. The extremely dangerous military events of 2011 and

following have left Sudan perilously close to war; too many flash-points still exist along the North/South border, and too many issues remain outstanding that should have been resolved by the CPA or during the Interim Period (January 9, 2005 to July 9, 2011).

The consequences of Khartoum's assault on the Nuba people of South Kordofan and the African tribal groups of Blue Nile is nothing less than genocidal counter-insurgency warfare. In **Annex XI**, I trace *what* could have been known about the deliberate campaign of ethnically-targeted human destruction, *when* it could be known, and with *what authority*. The skepticism and unforgiveable hesitation on the part of international actors, especially U.S. Special envoy Lyman, are largely responsible for the failure to confront Khartoum's late 2011 decision to deny virtually all humanitarian access to many hundreds of thousands of people displaced and acutely endangered by lack of food, water, and primary health care. At the same time, Khartoum's regular forces and militia allies were systematically destroying foodstocks and the region's agricultural production in ways that have created widespread starvation and may lead to famine.

## **November 12, 2010: The Obama Administration “Decouples” Darfur**

The relationship between Darfur and South Sudan has never been well understood by the Obama administration, largely because of the incompetence of the president’s special envoy to Sudan, retired Air Force Major-General Scott Gration. Gration came to the position in early 2009 without any significant diplomatic experience or familiarity with the extraordinary complexities of Sudan—Africa’s largest and most diverse country. Until recently he has enjoyed the full support of President Obama, making informed, tough-minded engagement with the Khartoum regime impossible.

The consequences of this deeply misplaced confidence are increasingly evident in the proliferating news coverage of the critical, unresolved issues between the Khartoum regime and the southern leadership in Juba. Unsurprisingly, as the scheduled referenda for southern Sudan and Abyei draw nearer, there has been a corresponding proliferation of commentary. In nearly all cases, it comes from sources as belated as the Obama administration in recognizing the dangers looming in Sudan. And what these commentaries most conspicuously lack is any sense of the relationship between events in Darfur and Khartoum’s stalling on the southern electoral process.

The belatedness of U.S. responses to the electoral calendar leading to both southern referenda [has been extraordinarily costly](#). With less than two months until the January 9, 2011 election date, Khartoum has successfully run out the clock and is in a position to extract significant concessions from the U.S. as the Obama administration attempts to persuade Khartoum to allow the referenda to occur as guaranteed by the CPA, which in January 2005 ended more than twenty years of unfathomably destructive civil war. Desperate to avoid the diplomatic catastrophe of a CPA collapse, the Obama team has been significantly expanded in recent weeks and months. However, it is far from clear that there is enough time to prevent the war ended by the CPA from re-igniting. Warnings unheeded for well over a year have only now generated reactions; in turn, the most significant part of the U.S. response has been to offer Khartoum more and more in the way of incentives.

Yet even these concessions to the genocidal regime may not be enough—particularly for securing the Abyei referendum, which Khartoum seems determined to make impossible. There is still no Abyei Referendum Commission or agreement on the contentious issue of residency in the region. The purpose of the delay is clearly to allow Khartoum to retain this referendum as a point of leverage in ongoing negotiations with the U.S. and other international actors.

As the full consequences of CPA failure continue to register, the Obama administration has pushed Gration aside and in his place sent Senator John Kerry to Khartoum to conduct urgent negotiations. The Chair of the Senate Foreign Relations Committee was authorized by the President to offer Khartoum a very large carrot: accelerated removal from the U.S. State department list designating Sudan as a state sponsor of terrorism. For its part, Khartoum was expected to allow the Southern referendum to proceed unimpeded (notably, “referendum” was increasingly used in the singular, thus implicitly excluding Abyei).

This was a large and important incentive to Khartoum, though it may still not be enough to satisfy Khartoum’s *génocidaires* in the longer term. What made the offer particularly significant was that it promised to preclude consideration of the regime’s actions in Darfur, genocidal or otherwise. (Both Senators Kerry and Obama, however, voted in July 2004 to declare genocide to be occurring in Darfur; candidate and President Obama has a number of times reiterated this declaration, on occasion in vigorous language.) Indeed, at a State Department background briefing on November 8, a “senior administration official” declared that in order to secure cooperation from the regime on the referenda, “the US is prepared to accelerate the removal of Sudan from the state sponsor of terrorism list.” Specifically, in its now desperate effort to rescue the referenda, the administration “would also be decoupling the state sponsor of terrorism from Darfur and the Darfur issue.”<sup>1</sup>

The “Darfur issue”—prevaricating language for what had previously been “genocide”; “decoupling” is hardly less of a euphemism. In making its offer to Khartoum, the U.S. lost crucial diplomatic leverage in future attempts both to resolve the intensifying armed conflict in Darfur and to address the deteriorating humanitarian conditions affecting more than 4 million civilians. To be sure, the quoted “senior administration officials” repeatedly emphasized that other sanctions will remain in place until the “Darfur issue” is resolved (although, in fact, some of these sanctions have recently been lifted). Still, the message here has not been lost on the calculating officials in Khartoum: *in extremis*, the U.S. will choose the southern CPA over ending genocidal violence in Darfur. Past history suggests that having surrendered on one key issue, the U.S. will receive pressure from Khartoum to give yet more. Hence the regime’s decision to leave the Abyei referendum unresolved, no matter how conspicuously obstructionist doing so makes it appear. Perversely, by yielding on the issue of state sponsorship of terrorism, the Obama team has incentivized the regime to engage in extended bargaining. Even more importantly, U.S. willingness to allow Khartoum to dictate the pace of events provides additional time for the regime to complete its own resolution of the “Darfur issue.”

So just what are the costs to Darfur of these diplomatic calculations made under pressures of time that are entirely a function of policy incompetence? What might

follow from the U.S. decision to “de-couple” Darfur? What is happening in Darfur right now?

### **“The Perfect Ending”**

“Misk al-Khitam” is an Arabic phrase from the *Qur’an* that has reportedly been used by the Khartoum regime to designate the massive offensive military actions underway in many parts of Darfur and North Kordofan. One rendering of this phrase into English is “the Perfect Ending.” Numerous reports from the region confirm that Khartoum is undertaking a vast movement of arms, men, and material into Darfur, and is again recruiting and deploying the Janjaweed as brutal militia proxies, often in the guise of paramilitary “Border Guards.” The UN/African Union “hybrid” force in Darfur has proved impotent in investigating these reports, but they are too numerous, widespread, and consistent to be construed as anything other than the beginning of “Misk al-Khitam.” One well-informed Darfuri has written to me that “evidence of mobilization in Darfur is everywhere: airports, convoys leaving large cities and towns, heading toward villages in North and West Darfur.”<sup>2</sup> This source continues:

Many tanks, troops were seen in North Darfur near Kutum, Kornoi, and al-Tina. Additionally, Janjaweed gatherings were seen in the West Darfur areas of el-Geneina and Kulbus. [ ] Loads of pro-Government of Sudan volunteers landed in Kutum (North Darfur) airport. When asked who they were and where they were going, one enthusiast replied, “We are mujahideen and the government told us we have to fight the infidels and supporters in Darfur. We came to clean Darfur.”

The same source also reports that a family member in Nyala has observed a sharp uptick in military flights out of Nyala airport.

Much of the weaponry and ammunition used by the regime’s forces in Darfur comes from China, despite a UN arms embargo on the region. At the UN in New York, Beijing is attempting to suppress a current report by the UN Panel of Experts on Darfur (who were charged with monitoring the arms embargo under the terms of UN Security Council Resolution 1591, March 2005). Much of report has been leaked, however, and the findings are damning:

Twelve of these [ammunition] samples bear markings consistent with markings applied by manufacturers in the People’s Republic of China.

Foreign post-embargo produced ammunition was recovered from the positions of the attackers at all three of the sites of attacks on UNAMID (U.N./African Union peacekeepers) personnel—including the attack in which three Rwandan UNAMID peacekeepers were killed near Nertiti in West Darfur in June 2010.

The majority of small arms ammunition cartridges which the Panel encountered in Darfur have markings consistent with those applied by Chinese manufacturers.<sup>3</sup>

For its part, Khartoum has done little to conceal its ongoing violation of the arms embargo—or its use of military aircraft in combat operations, which also violates UN Security Council Resolution 1591. Indeed, so brazen is the regime that even during a recent Security Council visit to el-Fasher

[g]round attack jets of the kind that a UN report says may have been used by Sudan's government in strikes in Darfur in violation of an arms embargo were in plain view of Security Council diplomats during their visit this month to Sudan's conflict-torn region. Sudan has acquired 15 Russian-made Sukhoi Su-25 "Frogfoot" jets from Belarus since 2008.

A Reuters reporter accompanying the delegation took the photograph of the Su-25s in full view of Sudanese and UN security officials and Security Council diplomats. Several envoys in the delegation also noticed the jets and voiced surprise that Sudan's government left them on the tarmac near a UN plane that was taking the envoys to the capital Khartoum.

The jets in the photograph were identified by three experts, including Gareth Jennings, managing editor of Jane's Missiles and Rockets. "They are specifically designed to attack ground targets and are the Russian equivalent of the US Air Force A-10 Warthog," Jennings said in a statement to Reuters.<sup>4</sup>

Air-to-ground combat has been extremely intense and immensely destructive throughout the Darfur conflict, and has also involved helicopter gunships, Antonov bombers, and even MiG-29s. That such attacks have been repeatedly confirmed—not only by Darfuri sources on the ground, but also by the generally incompetent UNAMID—is a show of UN failure that would be difficult to surpass in a peace-keeping context.

Heavy fighting has occurred off and on since January, especially in the populous eastern Jebel Marra region of central Darfur, where since February Khartoum

has imposed a near total humanitarian blockade. *Janjaweed* assaults on non-Arab civilians have also been reported: in early September *Janjaweed* forces attacked the village of Tabarat in North Darfur, executing 58 unarmed African men and boys, and wounding 86, according to the African Centre for Justice and Peace Studies.<sup>5</sup> Over the past two months—and especially the past two weeks—fighting has become increasingly destructive of civilian lives and livelihoods, as Human Rights Watch reports:

[Khartoum's] forces have carried out a series of attacks on civilians since August 2010 in Jebel Marra. Credible accounts from witnesses to the attacks indicate that Sudanese government forces committed serious laws-of-war violations during attacks in August, September, and October on populated areas around Deribat, Jawa, and Soni in the Jebel Marra region of Darfur. The attacks resulted in civilian deaths and injuries, mass displacement, and destruction of property. In the first week of November, government forces continued the attacks, targeting villages to the south of Soni, causing further destruction and displacement.

On September 30, government Antonov airplanes and helicopters dropped bombs and rockets on the town of Jawa, setting fire to the market and killing six civilians, including the imam of the mosque and a woman and her two sons, one a six-month-old baby, witnesses told Human Rights Watch. The same day, government soldiers and militias entered the town and surrounding villages and looted civilian properties.

In the first week of October, government forces bombed numerous villages on the road from Deribat to Soni, and a cluster of villages south of Soni, including Feina, destroying hundreds of homes, witnesses told Human Rights Watch. Government troops in the area have prevented civilians from returning to their farms. The attacks, which continue to date, caused tens of thousands of civilians to flee their homes, mostly to scattered settlements in rebel-controlled areas that the government has made off-limits to UN and humanitarian organizations. Sources on the ground told Human Rights Watch that the health conditions of displaced populations are deteriorating. The total number of casualties in the recent attacks is not known.<sup>6</sup>

In response to similar reports, Khartoum offers lies, declaring through Defense Minister Abdel Rahim Hussein that “Darfur is free of insurgency.”<sup>7</sup> But of course such mendacity changes nothing, whatever its domestic political purposes. And

inevitably it is Darfuri civilians who pay the all-too-real price for any continued "insurgency" fighting. Diplomats such as Gration—who has claimed that there are "only remnants of genocide" in Darfur—should review carefully a number of recent reports on ethnically-targeted violence in the region:

Today November 9th, Government forces and allied militia paid a reprisal visit to the town of Bia Kida near Boba [North Darfur], the site of their last defeat at the hands of JEM. Government of Sudan force committed a multiple rape of three girls, took away 7 men to an unknown destination and tortured 30 citizens of all ages and gender including aged and children. They also killed 120 sheep and drove away with 200 heads of camels.<sup>8</sup>

Intense fighting in the northwest area of North Darfur is also part of a campaign of civilian destruction, directed at non-Arab tribal groups, as a Darfuri in the diaspora with excellent contacts on the ground reported to me (lightly edited for clarity): "Civilians in the area say that the plan of the Government of Sudan is to depopulate specific areas in North Darfur."

It would be difficult to overstate how brazen the regime has become in its present drive to complete its campaign in Darfur. Just hours prior before the arrival of a UN Security Council delegation in el-Fasher (North Darfur), an army spokesman for the regime announced an offensive in eastern Jebel Marra.<sup>9</sup> Following the Council visit to a displaced persons camp near el-Fasher in North Darfur, some of those brave enough to speak with UN ambassadors and staff were arrested and others immediately went into hiding. So far the Security Council has done nothing to secure the release of these individuals or to protect those still at large. For her part, the new top UN humanitarian official, Valerie Amos, declared simply on her own subsequent visit to the same area, "I hope that there is no fear"—this after camp leaders (sheiks) from al-Salam camp refused to meet with her (Agence France-Presse [al-Salam camp, North Darfur], November 7, 2010). "Hope" indeed.

For its part, the U.S. seems to be equally disingenuous: former U.S. special envoy for Sudan, Richard Williamson spoke out recently, declaring:

[When] Khartoum kicked out 13 international humanitarian NGOs from Darfur [March 2009] that were providing badly needed assistance, again the Obama team's response was weak. Days later, the administration praised Khartoum for letting three of the NGOs back into Darfur. *Meanwhile, for more than a year US government reports of inadequate humanitarian aid to Darfur have been covered up in Washington, according to two people familiar with the documents.*<sup>10</sup>

As Radio Dabanga has suggested, because Washington provides the most aid to Darfur “it [has] extensive insider access to unpublished reports by humanitarian groups that have been largely silenced since put under threat of expulsion in March 2009.”<sup>11</sup> And contrary to the Obama administration’s deeply dishonest suggestion about successful NGO returns, the past year has seen a permanent, substantial reduction in humanitarian capacity, leadership experience, and logistical ability. None of the expelled organizations were allowed back. Although several of these NGOs were replaced by another national section of the organization (e.g., Save the Children/Sweden replaced the much larger and regionally more experienced Save the Children/USA), they arrived belatedly and with nowhere near the capacity, experience, or institutional memory of the organizations expelled. We will never know how many lives have been lost because of these unconscionable expulsions—too many to bear contemplating.

But if Williamson’s more charge of a U.S. cover-up is true, it signals a despicable acquiescence in war crimes and crimes against humanity—for that is what Khartoum’s widespread, systematic denial and obstruction of humanitarian assistance over seven years amounts to. Any cover-up or suppression of information, deliberately denying to the broader international community an understanding of the scope of humanitarian distress in Darfur, betrays all that Obama has said as senator, candidate, and president, and has contributed to the loss of innocent lives.

Through incompetence, misprision, and disingenuousness, the Obama administration has created the potential for the collapse of the southern referenda and the Comprehensive Peace Agreement, and thus diplomatic catastrophe. The most urgent of measures are required if Khartoum is to be persuaded to allow a peaceful and fully honored referendum for the South; even more challenging will be efforts to secure the self-determination referendum guaranteed for Abyei. Moreover, at this point there is no clear way to resolve the extraordinary tensions that have been allowed to build between the indigenous Ngok Dinka and nomadic Misseriya Arabs. And the largest task, far behind schedule as well, will be to secure a cease-fire between insufficiently disciplined military forces on both sides of the North/South border. The upshot is that Abyei will indefinitely remain a flashpoint for renewed conflict, especially since the UN peace support operation in the South has proved as feckless and incompetent as its counterpart in Darfur.

## **January 14, 2011: Independence for South Sudan, but a need to remain vigilant on Abyei**

There is overwhelming evidence that Khartoum has substantially increased its military presence along the North/South border. This strengthened military force is especially worrisome in the Abyei region, which remains extraordinarily volatile and a clear flash point for a resumed conflict.<sup>12</sup> A recent news clip from al-Jazeera, on location in South Kordofan, includes telling video photography of arms movements and a [highly revealing interview with Khartoum's chief official in the region](#). Representing the Khartoum regime in this clip is the governor of South Kordofan, Ahmed Haroun, who is wanted by the International Criminal Court for war crimes and crimes against humanity in Darfur. As State Minister for Internal Affairs, Haroun was a key instrument in the larger genocidal counter-insurgency engineered by President Omar al-Bashir (and for which al-Bashir has been charged by the ICC). Haroun's denial in this video of the documentary evidence of military and arms movements in South Kordofan—presented directly to him by an al-Jazeera reporter—is a characteristic example of Khartoum's ability to lie baldly to the international community. His capacity for mendacity and his loyalty to the ambitions of the regime are among the reasons he was moved from Darfur to South Kordofan—which was all too clearly the next potential killing field.

The Abyei crisis must be resolved if peace is to ever survive in South Sudan. More broadly, the UN force in Sudan, UNMIS, must facilitate a separation of the military forces and allies of Khartoum and Juba along the Northern Bahr el-Ghazal/Unity State border with South Kordofan. The Sudan People's Liberation Movement has repeatedly called for such a separation, but Khartoum has refused. In the absence of an intervening force, there has already been substantial violence along the border, including aerial military attacks on Southern military and civilian targets by Khartoum. Moreover, weaponry continues to pour into the region. The international diplomatic community has failed both to mediate the clash over differing visions of Abyei's future and to dampen increasing military tensions along the border.

In the case of Abyei, diplomatic failure derives largely from a broad international refusal to recognize the compromises the Sudan People's Liberation Movement (SPLM) has already made: they accepted the terms of the Abyei Protocol (May 2004), which became part of the Comprehensive Peace Agreement (January 2005); accepted the findings of the Abyei Boundary Commission stipulated in the Protocol (July 2005); and finally accepted the ruling of the Permanent Court of Arbitration (July 2009) on Abyei's boundaries, even as that ruling favored claims made by Khartoum on the basis of shaky reasoning and geography.

And the SPLM has compromised still further on the referendum as Khartoum has recently decided to raise the issue of voting rights for Misseriya Arab groups that migrate into Abyei. Notably, this was an issue of no interest to the regime prior to the ruling by the Permanent Court of Arbitration. The SPLM has proposed many compromises on the issue of residency, but Khartoum has rejected every one. Here we should recall the terms of reference established in the Abyei Protocol's first section:

1.1.2 [Abyei] is defined as the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905;

1.1.3 The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

With this as context, the Abyei Protocol is also quite explicit about residency, and hence voting rights: "The residents of Abyei Area shall be: The members of Ngok Dinka community and other Sudanese residing in the area" (6.1. [a]). The Protocol further stipulates that the "criteria of residence shall be worked out by the Abyei Referendum Commission" (6.1. [b]). Al-Bashir refuses to form precisely this Commission, despite the insistence in the Protocol that there "shall be established by the Presidency an Abyei Referendum Commission to conduct the Abyei referendum simultaneously with the referendum of Southern Sudan" (8.1).

Khartoum's thorough disregard of this key Protocol of the CPA is cause for real concern. No evidence justifies the attempt by former South African president Thabo Mbeki to suggest that worries about Abyei and the border with South Kordofan are somehow the product of those who "do not wish Sudan well":

the more the people of Sudan have communicated these messages [concerning the referendum] in unequivocal terms, those who do not wish Sudan well, have grown ever more strident in their propagation of their scenarios of gloom and doom. We are very happy that their ill-advised expectations will be disappointed as the leaders and people of Sudan honour their solemn undertakings and do what is right for them and the rest of Africa. (Speech in Juba on January 8, 2011, the day before referendum voting began)

Claiming that concern about Abyei—and other remaining border disputes, as well as the pressing and unresolved issues of wealth-sharing, citizenship, Sudan's enormous external debt, and security—is somehow suggestive of a desire to harm Sudan is a fully unsubstantiated assessment. Mbeki has failed to mediate effectively

between the Misseriya and Ngok Dinka of Abyei following the failed diplomatic efforts of the U.S. and envoy Scott Gration. The Ngok neither trust nor respect Mbeki, who is viewed as being too close to Khartoum; this difficult relationship has done much to poison the negotiating atmosphere. As one resident put the matter:

One Ngok Dinka civil society leader told [*Africa Confidential* that] Mbeki was basically telling the Ngok that the Abyei Protocol and Permanent Court of Arbitration boundaries must all be renegotiated because the Misseriya wouldn't budge.<sup>13</sup>

Who is Thabo Mbeki to speak of “what is right for Africa”? Here we must remember that he is the African leader who threw a political lifeline to Robert Mugabe of Zimbabwe, even as Mugabe was leading his country toward unimaginable destruction and suffering. In South Africa, Mbeki's misguided understanding of HIV/AIDS led much of the country into a medical nightmare that cost countless lives, in the process setting the worst possible example for other African leaders.

For its part, the Khartoum regime has clearly decided that its interests lie in maintaining unrest in Abyei and along the disputed border as a means of generating diplomatic leverage. Khartoum has relentlessly misinformed the Misseriya leadership about the meaning of the Abyei referendum and indeed has persuaded many leaders that any yielding to the Ngok or the South will cost them their pastoral and grazing rights. This is a false claim, and has repeatedly been declared as such by the SPLM: the CPA not only guarantees these rights, but has also already been accepted by all parties in the South. On the other hand, neither the Dinka Ngok nor the SPLM will acquiesce in efforts by Khartoum to create an Abyei “residency” for the Misseriya on the basis of their seasonal pastoral migration in the region. Mbeki's failure to recognize this reveals deep ignorance behind his broad characterizations.

At the same time, it is important to recognize that there is good news from Kadugli (South Kordofan) as tribal leaders of both the Ngok and Misseriya have reached a preliminary agreement that addresses some of the misunderstandings about grazing rights and “the sensitive issues of migration, compensation for past violence and the spread of weapons in the disputed border district.”<sup>14</sup> This agreement not only diminishes tensions, but also demonstrates that local leaders have the resources necessary to overcome their differences—when they do not have to contend with Khartoum's machinations. Follow-up on this preliminary agreement will be critical.

There is, to be sure, a long history of contentious relations between the two groups in the general Abyei region, but it is only with Khartoum's decision to

politicize the Abyei crisis for diplomatic advantage that the region became a potential *casus belli*. So far Abyei has not had a dampening effect on Southerners voting for their future. And it is indeed a time for jubilation and celebration both in Juba and throughout South Sudan. A successful referendum is about to conclude with participation much greater than the required quorum of 60 percent, and a vote for secession that will easily exceed 95 percent. The people of the South should be enormously and justifiably proud. The new nation in Southern Sudan is becoming a reality, and the joy among Southerners should be the cause of joy for all who wish for a just peace throughout Sudan.

But it is also a time for vigilance. The enormous news coverage that has descended on Juba and other Southern towns will soon fade, and the struggle to translate this independence vote into the creation of a viable and secure country will then truly begin. It will not be easy. Humanitarian indicators are extremely worrisome, especially for the many tens of thousands who have returned from the North and will continue to return in the coming months. Vigilance is also required to ensure that the serious outstanding issues, especially Abyei, do not occasion renewed violence. Here the [monitoring role of the Satellite Sentinel Program](#) will be a critical complement to UNMIS's presence in the border regions. Khartoum must feel itself continually in the spotlight and must also be pressed hard to accept the additional 2,000 troops for UNMIS as recommended by UN Under-secretary for Peacekeeping Operations Alain Le Roy. Le Roy should also push for higher standards for the troops who make up UNMIS, replace most of the UNMIS civilian leadership in Khartoum, and move new personnel to the South.

Despite Mbeki's inaccurate accusations, the reality is that peace has yet to be achieved, and Khartoum's intentions are anything but clear. The indication of large-scale weapons movements southwards and the general military build-up in South Kordofan not only violate the terms of the CPA but also pose an immediate risk to the border regions. Khartoum has reneged on so many agreements and resorted to military force on so many occasions, that it is impossible to assume, as Mbeki has, that there are no potential "scenarios of gloom and doom."

### **Reports of violence, arms movements, and threats to peace in South Kordofan, Abyei, and along the North/South border**

#### **Sudan Human Security Baseline Assessment (Small Arms Survey), [December 2010](#):**

In the six years since the CPA [Sudan Armed Forces, SAF] troops in South Kordofan have not been downsized. Rather, they have been upsized—including, in the last few months, with tanks that military

observers say are intended to control the North/South border, especially around Abyei and the front-line oilfields of Unity state, in the event that January's self-determination referendum on Southern Sudan leads to hostilities or even, in a worst-case scenario, renewed civil war. According to these observers, the build-up also appears designed to cut supply lines between the forces of the Sudan People's Liberation Army (SPLA) in Southern Sudan and those in South Kordofan, and to threaten the SPLA forces that have been deployed.

**Associated Press (Kiir Adem), December 14, 2010**

Craters and damaged huts mark this town [Kiir Adem] that lies near the divide between north and south Sudan—the result, southern officials say, of repeated bombings by warplanes sent by Khartoum in hopes of scuttling an independence vote. The Associated Press saw the damage during a visit to the site this week. Sudan's government denies it was involved in any aerial attack against the south. Southern officials and commanders reject that claim of innocence. Fearful of more attacks, thousands of civilians have fled the verdant fishing village of Kiir Adem.

***Sudan Tribune*, December 18, 2010:**

A local administration official in the contested oil-producing area of Abyei on Saturday reported that the northern Sudanese army has deployed troops in South Kordofan state, which borders southern Sudan. The daily newspaper Al-Akhbar quoted the press secretary of Abyei administration, Shul Angok, said that the Sudanese Armed Forces (SAF) was continuing to increase military presence in the South Kordofan region. Angok claimed that the 31st Battalion of SAF was currently present in the areas of Nama and Laffat al-Tumsah, adding that the battalion was receiving large reinforcements.

The infamous 31st brigade/battalion—largely Misseriya recruited by Khartoum—was primarily responsible for the violent destruction of Abyei town in May 2008, which killed many dozens of people and displaced as many as 90,000 civilians

***Sudan Tribune*, December 28, 2010:**

Sudan foreign minister Ali Karti warned today that South Sudan support to Darfur rebel groups will lead to war with the new country. If the

South Sudan government wants to start its new era with a war that will be the case if it harbors Darfur movements, said the Sudanese official in a press briefing in Khartoum with the visiting Arab League Secretary General Amr Moussa.

**“Sudanese President Warns of War over Abyei Province,”  
Aljazeera.com, January 8, 2011; Al-Rai Al-'Am (Sudan),  
January 9, 2011:**

Despite his reassuring statements during his visit last week to Southern Sudan, Sudanese President Omar Al-Bashir has warned that war might break out if the tribes in Abyei Province unilaterally declare their province part of the South.

The head of Sudan's National Intelligence and Security Service, Muhammad 'Atta, said that if the authorities in the South did not expel the Darfurian rebels from their territory, this could lead to war.

**Associated Press (Juba) January 9, 2011:**

Col. Philip Aguer, the spokesman for Southern Sudan's army, said that the Misseriya, an Arab tribe that moves its cattle herds through Abyei, attacked the village of Maker-Adhar on Sunday with anti-tank weapons and artillery. Aguer said he believes the attack was planned. “They were not with cattle, they were coming for (an) attack,” Aguer said. Aguer said the Misseriya were accompanied by uniformed militia men known as the Popular Defense Forces, a Khartoum-backed militia whose existence was outlawed by the 2005 peace agreement that ended the 23-year north-south civil war. Aguer said 20 police serving with Abyei's joint integrated police unit were killed. Another 30 were wounded.

**Reuters (Khartoum), January 10, 2011:**

At least 36 people have died in clashes between Arab nomads and southerners near Sudan's north-south border, leaders in the contested Abyei region said on Monday, on the second day of a vote on southern independence. Analysts say the central region of Abyei is the most likely place for north-south tensions to erupt into violence during and after the vote.

***Christian Science Monitor* (Juba), January 11, 2011:**

In Khartoum on Friday [January 7, 2011], [President al-Bashir] had harsher words for Abyei, warning of war if the Ngok Dinka attempted to unilaterally hold their own vote. “We will not accept Abyei to be

part of the south,” Bashir told Al Jazeera television over the weekend. “If any party takes independent action over Abyei, that would be the beginning of a conflict.”

***New York Times* (Juba), January 11, 2011:**

Ten civilians were killed along Sudan’s increasingly tense north-south border, Sudanese officials said on Tuesday [January 11, 2011], as voting continued for a third day in a landmark referendum on southern Sudan’s independence. According to Col. Philip Aguer, a southern Sudan military spokesman, several truckloads of heavily armed nomads ambushed a convoy of 23 vehicles carrying southern Sudanese, who were returning home on Monday to vote in the referendum. Beyond the 10 civilians killed in the attack, 18 civilians were injured and their belongings were looted.

**Reuters (Khartoum), January 11, 2011:**

Leading members of Abyei’s Dinka Ngok tribe, linked to the south, accused Khartoum of arming the area’s Arab Misseriya militias in clashes on Friday [January 7, 2011], Saturday and Sunday and said they were expecting more attacks in days to come. The speaker of the Abyei administration, Charles Abyei, said the Misseriya attacked because they had heard false rumours the Dinka were about to declare themselves part of the south. “A large number of Misseriya attacked Maker village yesterday (Sunday), backed by government militia ...The first day one person died, the second day nine, yesterday 13 ...It will continue,” he said.

**Reuters (Khartoum), January 11, 2011:**

In another sign of tension, southern army spokesman Philip Aguer said two men—a Ugandan and a northern army soldier—were arrested with four boxes holding 700 rounds of AK-47 ammunition in the southern capital Juba on Sunday night [January 9, 2011].

**Deutsche Press Agentur (dpa) (Juba), January 13, 2011:**

At least 76 people have died in three days of clashes between rival tribes in Sudan’s restive Abyei region, an [SPLA] official said Thursday [January 13, 2011] as a landmark referendum on independence for the south passed the 60-per-cent threshold needed to make it valid. “For the Misseriya side, it was above 50 [killed],” Philip Aguer, a spokesman for the southern Sudan People’s Liberation Army (SPLA), told the German

Press Agency dpa. “On the side of the police and youth of Abyei, it was more than 26 killed and 33 wounded.”

**Agence France Presse (Abyei), January 13, 2011:**

“They came in waves, they wore uniforms and tried to surround out village,” said Anord Monwier, a pro-southerner from Maker Abior [Abyei] in the northern part of the flashpoint district which was one of the main focuses of the weekend clashes. “They charged at us, they chased us and when I saw the police arrive I thought that that was only going to complicate matters,” said another witness, Montoc Agok.

**Christian Science Monitor (Juba), February 11, 2011:**

Southern officials say the Misseriya were armed with heavy artillery and supported by Khartoum-backed militias, and that the attacks were planned.

These and a great many other news dispatches make clear the acute dangers posed by Khartoum’s refusal to negotiate the final status of Abyei in good faith. The international community gives no sign of understanding their significance.

### **March 23, 2011: Continued Military Advance by Khartoum’s Forces, Increasing Risk of Major Confrontation**

Though the possibility of a large-scale offensive military action by Khartoum remains dangerously high, the most recent intelligence from the Satellite Sentinel Project (March 23, 2011) suggests another disturbing possibility: a slow-moving military takeover of Abyei, pushing incrementally southward from present positions, some of which are revealed in the [satellite imagery](#) as new or newly expanded. At the same time, substantial numbers of troops and arms remain in South Kordofan.<sup>15</sup>

The title of the new report from SSP gives a sense of what has been most recently discovered: “Satellite Images Reveal Movement of More Forces Backed by Government of Sudan into Contested Abyei Region.” Near the village of Goli (also Golae) on the Abyei/Diffra road, there is a significant new military encampment. The previously identified military encampment at Bongo has been increased by 25 percent, perhaps sufficient to house a battalion-sized unit. Bongo is only 15 miles NNW of Abyei town. The report also includes new photographs of Khartoum’s military forces in Diffra (see [here](#) for a scalable and highly detailed map of Abyei).

Given the current tense relations between the NIF/NCP regime in Khartoum and the SPLM in Juba, this is the worst moment to be heightening military tensions. Yet this is precisely what the NIF/NCP leadership has done:

“Satellite imagery confirms reports of the deployment of large numbers of northern forces as well as newly fortified encampments. This should be sounding alarms about the human security of all civilians in Abyei,” said Dr. Charlie Clements, Director of Human Rights Documentation of the Satellite Sentinel Project, and Executive Director of the Carr Center for Human Rights Policy at Harvard University’s Kennedy School.<sup>16</sup>

We should be alarmed as well by the pretext for renewed war in Abyei that Khartoum put forward 10 days ago:

Al-Dirdiri Mohammed Ahmed, the National Congress Party’s chief negotiator on Abyei, warned of “a lot of skirmishes” unless the southern army withdraws thousands of “irregular” troops from the volatile district by Monday [March 14, 2011]. “If the SPLA is not going to withdraw the police ...the situation in Abyei might deteriorate, and could prove to be very serious within the coming few days,” [Dirdiri] said.<sup>17</sup>

What we are seeing now are preparations for creating precisely the “serious” and “deteriorating” situation that Dirdiri mentions. Moreover, what he refers to as “a lot of skirmishes” will not be localized and confinable fighting but rather the prelude to relentless military encroachment by the regime’s forces and militia allies, which will perhaps lead to large-scale combat, greatly increasing the likelihood of resumed war.

The information provided by Abyei’s Ngok Dinka population confirms a slowly overwhelming military movement of forces that will soon be irresistible. Final seizure of Abyei may be accomplished incrementally or by a swift military offensive. What is unclear is whether the Sudan People’s Liberation Army (SPLA) will decide to halt the continuing encroachment on territory defined by the Permanent Court of Arbitration (July 2009). Associated Press reports:

The top government official in the one region most likely to send north and south Sudan back toward conflict said Wednesday he believes the northern government is massing military forces outside Abyei in order

to occupy the town and claim it permanently. [ ] “Of course the Misseriya are being instigated by the (north’s) National Congress Party,” said Deng Arop Kuol, the chief administrator in Abyei. “The military build up ...has no other explanation other than occupying Abyei.”<sup>18</sup>

Compounding military tensions is the report of [yet more Antonov bombing attacks on Southern territory](#), specifically Raja County in Western Bahr el-Ghazal. In the recent past, Khartoum has either dismissed such attacks as “accidents” or denied them altogether (even when attacks are confirmed by UN investigators and on-site journalists). On this occasion there can be no mistaking the regime’s intent: it is signaling that it has a substantial military air force that it is prepared to use, including:

- 20 MiG-29s, a highly advanced Russian-built fighter aircraft
  - 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 from Russia
- (Source: Small Arms Survey, Report No. 15, December 2009)

Additional acquisitions have likely been made over the past year and a half. Khartoum is making clear that if the SPLA resists the slow move southward by the SAF and its militia forces, the regime will set in motion conflict in which it will employ overwhelming force, including all available military aircraft.

The simple truth, however, is that the SPLM will not and cannot allow a military seizure of Abyei. This should have been abundantly clear to U.S. special envoy Scott Gration and President Obama’s intermediary Senator John Kerry, who foolishly dismissed concerns over a further divided Abyei as a trivial dispute over a “few hundred square miles.” Khartoum understood this gross misrepresentation as a signal that more could be extracted from the U.S. and AU on Abyei; the regime is now acting on this understanding. The misplaced “evenhandedness” which blames Juba as much as Khartoum for this escalating crisis has worked to encourage a major escalation of violence in the region, which will likely precipitate much wider fighting. All-out war may be the final legacy of General Gration’s two-year tenure as President Obama’s special envoy for Sudan.

## **May 3, 2011: Khartoum’s Language on Abyei Becomes More Insistent, More Threatening**

For almost a year, the NIF/NCP regime in Khartoum has been steadily backing away from its formal commitments to resolve the final status of Abyei. With President Omar al-Bashir’s assertion that “Abyei is located in north Sudan and will remain in north Sudan” the NIF/NCP fully disavowed its commitment to accept as “final and binding” the Abyei ruling of the Permanent Court of Arbitration in The Hague (July 2009), making a mockery of its commitment to the Abyei Protocol (2004) of the Comprehensive Peace Agreement (CPA)(2005).<sup>19</sup> Two days later al-Bashir declared that “If they [the Government of South Sudan] put Abyei in the constitution of the new state of south Sudan, we will not recognize the new state.” He was echoed by al-Dierdiri Mohamed Ahmed, the NIF/NCP official with primary responsibility for the Abyei file. In fact, Abyei is referred to in the new Southern constitution as part of the South, which it would surely be if Khartoum honored its formal agreements. Presently there is no agreement on the status of Abyei and this makes the potential for renewed conflict extremely high.

The claims by the NIF/NCP concerning Abyei so clearly violate the terms of the CPA that the regime has felt the need to take effective military control of the region, using this control as a source of negotiating leverage—in the final determination of Abyei’s status as well as in other outstanding North/South issues. This de facto military control already exists (see below) and as long as it does Abyei will remain the most dangerous flash-point for renewed North/South war. Indeed, war has very recently been threatened by Khartoum’s ambassador to the UN:

Sudan’s Ambassador to the UN, Dafallah Al Haj Ali Osman warned of the outbreak of war in the Abyei area—disputed between the north and south—in the case of taking any unilateral move by the South [on Abyei].<sup>20</sup>

Of course it is the Khartoum regime and its Sudan Armed Forces that have acted “unilaterally,” but the point being made here is that the South should not seek to match the regime’s military control of Abyei.

There is no diplomatic progress being recorded anywhere with regard to Abyei. This follows in large part from Scott Gration’s disastrous decision last October to accede to Khartoum’s demand for further compromise on Abyei.<sup>21</sup> Sensing that the U.S. was more interested in a “compromise” than in a just resolution of the Abyei dispute, Khartoum has become increasingly intransigent.

## **Further Diplomatic Failure and Its Consequences**

Gration's failure has been mirrored by that of former South African president Thabo Mbeki, chair of the "African Union High-Level Implementation Panel." "Implementation" in this case originally referred to implementation of the terms defining a so-called Darfur "road map"—a plan of action that Mbeki claims to have drawn up during his initial stint in Sudan as mediator for Darfur. However, there was no "road map," and none of the proposals in Mbeki's report dealt meaningfully with the critical issues of security and justice in the region. Instead, he engaged in nasty in-fighting with the UN/African Union Joint Mediator for Darfur (Djbril Bassolé) and the UN/African Union Joint Representative to UNAMID (Ibrahim Gambari). Reports from Doha (Qatar) on Mbeki make clear that he was unsuccessful in wresting control of the process from his rivals, Bassolé and Gambari.

Having failed badly on Darfur, Mbeki moved on to North/South issues, including Abyei, where he quickly lost the confidence of the Dinka Ngok and Sudan People's Liberation Movement/Army (SPLM/A) by insisting, with Gration, that the South compromise yet further on Abyei, redrawing the region's boundaries yet again. Revealingly, his serial failures as a diplomat in Sudan have not translated into any loss of support from the African Union, which remains as useless as ever in pressuring Khartoum to honor its agreements and commitments.

Given the absence of meaningful support from the African Union and the Arab League, there will be no progress in negotiations unless this massive bad faith on Khartoum's part is challenged, and other international actors involved in negotiations compel a military stand-down in Abyei and bordering South Kordofan. The U.S. in particular needs to signal that the regime's actions and declarations are egregious violations of the CPA and that none of the inducements proffered by former envoy Gration will be forthcoming unless Khartoum withdraws its forces presently positioned within, and within striking distance of, Abyei. Khartoum must also be required to allow UNMIS access to all of Abyei and the relevant regions of South Kordofan, and to cease its support for renegade forces in South Sudan, including former SPLA members Generals George Athor and Peter Gadet.

The language should be tough and explicit: there will be no further lifting of any economic sanctions against Khartoum until these benchmarks are met. The April 28 decision by the U.S. Treasury to lift sanctions on the Bank of Khartoum—Sudan's largest—was a terrible error in judgment, given present circumstances. Khartoum must be told that removal from the State Department list of terrorism-sponsoring nations—an extremely unwise choice as an issue to "negotiate"—will not occur until there is full CPA implementation, including respect for the terms of the Abyei Protocol and the Permanent Court of Arbitration ruling. Beyond this the U.S. should

make clear that debt relief for Khartoum will not progress until these terms are met: the U.S. certainly has the power within the World Bank and IMF to ensure that all progress is frozen pending full implementation of the CPA. The Obama administration should make sure that Khartoum understands U.S. determination on this score.

Norway, Great Britain, other EU countries, Canada, Japan, and Latin American countries should join the U.S. in making unambiguously clear the consequences of continued diplomatic intransigence. The international community should ensure that while CPA implementation is currently first and foremost in negotiations, given the present time-frame for Southern independence, Darfur will not be abandoned. Furthermore, the international community should communicate that the upcoming elections in South Kordofan (May 2) will stand as a measure of the regime's commitment to the CPA provisions for "popular consultations" in South Kordofan (including the Nuba Mountains) and Blue Nile.

It now appears highly likely that Khartoum's candidate for governor of South Kordofan, Ahmed Haroun, will score a tainted victory over the popular and well-known Abdel Aziz el-Hilu (who unlike Haroun is from South Kordofan). As was the case in the April 2010 national "elections," the result will be engineered by means of electoral manipulation and fraud. Registration is already extremely low, despite a massive increase in the population measured by the most recent census. Haroun has been indicted by the ICC for multiple crimes against humanity and war crimes in Darfur; he also has a previous history of leading ethnic warfare in South Kordofan on Khartoum's part.

We have a great deal of evidence that Haroun is again organizing militia groups in South Kordofan—including the Nuba Mountains—in ways that ensure ethnic conflict, perhaps of an extremely destructive nature (see Nuba section below). On April 13 Abdel Aziz el-Hilu's home village of el-Said was burned to the ground by Arab militiamen; 29 people were killed and there can be little doubt that Haroun had a hand in the atrocity. The fate of any "popular consultations" exercise overseen by a Haroun administration in South Kordofan is a grimly foregone conclusion.

The [decision by the Obama administration to "de-emphasize" and "de-couple" Darfur](#)—a region still described by the administration as the site of "genocide"—must be reversed. Princeton Lyman, the new U.S. special envoy, has been very careful in the language he has chosen since his appointment; we must hope that his previous experience in South Africa during the transition from apartheid gives him the requisite experience in negotiating the final stages of CPA implementation. But the signs are far from encouraging, and the hour is late.

At the very least, the Obama administration must immediately make it clear to

Khartoum that debt relief and end to sanctions will come only when CPA implementation is complete, and when full and sustained humanitarian access is credibly guaranteed in Darfur, along with freedom of movement for UNAMID in both its protective and investigative roles. Various senior NIF/NCP officials, including Foreign Minister Ali Karti, have made claims to the effect that “we have done our part by accepting the results of the CPA, and Darfur is not part of the deal.” Khartoum has gone so far as to demand a “total and unconditional” end to all sanctions. This version of the *quid pro quo* negotiated by Gration must be rebuked by the international community. Again, it must be made clear to Khartoum that the regime has not abided by the terms of the CPA, with Abyei as the most obvious example.

The UN should take decisive action to sanction Khartoum, given the regime’s consistent and egregious violations of the total ban on offensive military flights over Darfur (per the terms of UN Security Council Resolution 1591, March 2005). Continuing failure to act, despite repeated reports of such offensive military flights by the UN Panel of Experts on Darfur, signals to Khartoum that the UN has no intention of seriously confronting the regime over attacks that are killing untold numbers of civilians and displacing hundreds of thousands of civilians. Most recently Radio Dabanga reported on (April 29, 2011):

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.

Similar reports have been continuous for months, and indeed have been ongoing during the entire course of Khartoum’s genocidal counter-insurgency war in the region.

The international refusal to take seriously the clear and present threats to Darfur and the CPA is emboldening Khartoum and increases the likelihood of an outbreak or expansion of war in other marginalized regions of greater Sudan. Sudan’s multiple crises demand more than declarations of concern; the world community needs to exert concerted, unrelenting pressure on the Khartoum regime. The alternative is catastrophe on a massive scale.

## **Military Seizure of Abyei**

Nafi'e Ali Nafi'e, increasingly ascendant within Khartoum's security cabal, provided a clear picture of the regime's intransigence earlier this month when he declared "there will be no compromise over Abyei."<sup>22</sup> This is as much a political appeal to the Misseriya Arabs to vote for the regime's war-criminal candidate Haroun as it is a statement of military reality. If the military facts on the ground do not change, Khartoum will indeed see no reason to compromise and will retain indefinite control of at least northern Abyei and certainly the Diffra oil site, the only one that remains in Abyei after the July 2009 ruling by the Permanent Court of Arbitration. The much more productive Bamboo and Heglig sites were not included within Abyei's boundaries as defined by the Court, a disappointing decision for the SPLM given the findings of the Abyei Boundaries Commission (July 2005), but one they fully accepted nonetheless.

The problems embodied in the Abyei crisis will not simply disappear, nor will tensions diminish without a negotiated resolution. Beyond the immediate military threat that Khartoum has created, we must look to next year's Misseriya cattle migration in January, which will likely be the occasion for extremely serious violence as the SAF and PDF provide "escorts" for migrating Misseriya. Presently, there are no Dinka Ngok settlements north of Abyei town, which lies far to the south within Abyei. A number of villages north of Abyei have been razed or partially burned by Misseriya militia, including Todac, Tajalei, Maker Abior, Wungok, Dungop, and Noong. More than 150 civilians have been killed, and according to Doctors Without Borders/Médecins sans Frontières (MSF) and others, tens of thousands have fled south from Abyei town and surrounding villages.

The evidence strongly suggests that the Misseriya had substantial help from the Sudan Armed Forces. Not only did the Misseriya attack with substantial heavy weaponry (12.7 mm machine guns, 60 mm mortars, RPGs, as well as AK-47s), but there are also reports of direct involvement by the SAF. Small Arms Survey, in its April 2011 update on Abyei (April 27, 2011), reports:

Sources in the United Nations Mission in Sudan (UNMIS) confirm that helicopters were used to ferry out the wounded following the 2 March attack on Maker, and civilian witnesses reported seeing militia fighters in SAF uniforms, as well as the uniform of the Central Reserve Police, the combat-trained force that in recent years has been massively expanded in Kordofan [north of Abyei]. Witnesses also report SAF vehicles, disguised with mud, being used in the attack. (page 4)

Moreover, as SAS rightly points out, there is a “strong similarity between the wave of attacks [on the Ngok Dinka] in February-March and militia attacks during the second civil war, which depopulated the northern regions [of Abyei] and made possible the construction of oil installations” (page 4).

Other reports from the SAS, from the Satellite Sentinel Project, and from officials and journalists on the ground in the Abyei region, reveal just how complete Khartoum’s effective military seizure of Abyei has become. Not only has Khartoum supported Popular Defense Force militias in the region, along with irregular militias from the Misseriya Arab population, but it has also introduced significant armor, artillery, advanced helicopter gunships, and other weaponry in places from which they may strike quickly in the event of military confrontation. The situation is fluid, and there are frequent changes in location of troops and equipment, militia strength, levels of camouflage, as well as an accelerating rotation northward of SAF formerly part of the Joint Integrated Units, which include soldiers and tanks that have taken up position near Heglig, just to the east of Abyei.

Some of the key findings from the past month and more:

[1] A series of reports from the Satellite Sentinel Project going back to January 2011 establish unequivocally through satellite imagery a number of significant offensive military developments by the SAF, PDF, and irregular Misseriya militia in the Abyei region, including newly fortified locations inside Abyei at Diffra, Bongo, and Goli. Encampments at both Diffra (the only oil production site in Abyei) and Bongo appear capable of housing at least a company and possibly a battalion; the Bongo encampment had grown some 25 percent between SSP’s reports of March 10 and March 22, 2011. The new compound at Goli is consistent with a military outpost of company size. As SSP points out, “the presence of Northern-aligned forces within 25–75 kilometers of Abyei town” is a measure of how militarily volatile a situation Khartoum has created.<sup>23</sup> These new sites are even closer to the razed Dinka Ngok villages of Maker Abior, Todach, and Tajalei. The military camp at Bongo, for example, is only 15 kilometers from Maker Abior.

Heavy armor and HETs (heavy equipment transport vehicles) were sighted at the Nyama encampment, some 95 kilometers north of Abyei town on March 9. The camp has artillery as well as a mix of light vehicles and heavy trucks. The most recent offensive weapons systems introduced into the region include at least 9 main battle tanks (consistent with T-55s) and two Mi-24 helicopter gunships, based at Muglad, South Kordofan.<sup>24</sup> Altogether Khartoum has deployed at least 13 main battle tanks to within 200 kilometers of Abyei over the past two months. SSP has satellite imagery of four main battle tanks (likely T-55s) in Kharassana, yet another SAF military outpost very close to Abyei; Kharassana lies on the road from

Kadugli, South Kordofan to Abyei town. A number of other tanks were sighted, but quickly moved to other (undetermined) locations.

Militarily significant infrastructure development in South Kordofan includes rapid expansion and development of roads leading to Abyei, and the securing of a new underground fuel depot at the air base in Muglad, where Mi-24 helicopter gunships have been identified by satellite. There is also evidence of an improvement to SAF fortification near Heglig, south of Kharassana and even closer to Abyei town. Violence by Khartoum-aligned forces has already killed more than 150 Abyei civilians and forced tens of thousands to flee southward from Abyei town and nearby villages. There can be little doubt that this forced flight is part of a larger plan: the SAF and its militia allies (including the PDF) have secured positions from which they could sweep down unopposed to Abyei town and secure military control, if the Sudan People's Liberation Army were to attempt to put comparable forces in place. In fact, it appears that the SPLA has withdrawn significant forces from positions south of Abyei, relying on the international community and the UN peacekeeping mission for the region (UNMIS) to monitor increasingly aggressive offensive military deployments. It has not, however, left the people of southern Abyei entirely unprotected, and large-scale conflict is one violent confrontation away. Adding to the threat of miscalculation are the severe limits to SPLA intelligence-gathering: the SPLA learns what it does about the border regions only through publicly available satellite imagery and its own human intelligence in Abyei and South Kordofan. As the Small Arms Survey report on the current situation notes, 40 percent of South Kordofan has been denied UNMIS access.

In the month that remains before the end of the dry season, and the beginning of a rainy season that makes much of Abyei too muddy to be negotiated by vehicles, the pressure grows on both sides: Khartoum to take advantage of its military superiority and forward positioning of a range of sophisticated weaponry; the international community to make clear that the costs to the regime for militarily seizing Abyei will be intolerable.

[2] The Small Arms Survey (Geneva) has made a series of highly informed reports on the military situation in Abyei and South Kordofan, and they comport extremely well with the findings of SSP. Most recently SAS finds that reliable sources report substantial weapons supplies have been sent to South Kordofan, including

1,000 AK-47s, 20 Goryunov machine guns, 20 general-purpose PKM machine guns, and 20 Begtyaryov machine guns concealed in lorries carrying onions transited through the Abu Jebaha area to a militia led by Lam Akol in October 2010. The sources said Arabs from South Kordofan had been recruited to serve in the militia and were receiving

training in White Nile State. (“Armed Entities in South Kordofan,” Small Arms Survey, page 5; [updated June 2011](#))

The fact that Lam Akol is reported to be the recipient of these weapons should be highlighted: although Akol denies any involvement in the activities of renegade forces in the South, few believe him, especially after his defection to Khartoum in 1991 and his subsequent coziness with the regime during his subservient tenure as Foreign Minister (2005-07). However much Khartoum may deny that it is supporting the fighting presently devastating the South, reports such as this make clear that Lam for one is succeeding only very modestly in concealing the blood on his hands. SAS also reports the findings of a senior SPLA representative on the Joint Defense Board, which has a mandate to survey the North/South border forces. The representative claims that

“Khartoum is preparing for war all the way along the border” and has deployed tanks, 40 barrel Katyushka rocket launchers, B-10 anti-tank recoilless rifles, and 120mm mortars. The reported build-up is said to have begun in the final months of 2010. (page 7)

Other findings of the SAS are just as alarming, and reveal the lengths to which Khartoum is going to expand its military forces without necessarily doing so in the form of SAF troops and equipment. The Central Reserve Police are an especially good example:

The Central Reserve Police (CRP), a gendarmerie under the Interior Ministry originally set up for riot control, has expanded hugely in South Kordofan since the CPA was signed, increasing from a few dozen men in Kadugli armed only with pistols and AK-47s to more than 7,000 in 2009, according to a government document dated 21 February 2009. (In 2007 SPLA officers estimated the force’s size at 2,000 men, an apparent underestimate.) SPLA monitors assigned to UNMIS say the CRP receives military training and weapons in SAF barracks. They say the weapons include 82 mm mortars, RPGs, 12.7 mm heavy machine guns, light machine guns, Fagot (also known as Spigot and AT-4) anti-tank guided missiles, and artillery up to and including 120mm. Weapons including 120 mm mortars and 105 mm anti-tank guns can reportedly be obtained from SAF. SPLA officers say key locations are Abbassiya and Khor Dilib. (page 6)

SAS reports a similar increase in the lethality of weapons in the arsenal of the Sudan Police Force, particularly in the Nuba Mountains, which after Abyei is the most likely flashpoint for renewed war:

Before the CPA was signed, the police force in the Nuba Mountains region was armed only with AK-47 assault rifles. Since the CPA, Khartoum's police have acquired a range of weapons, including grenades, 60 mm and 120 mm mortars, and heavy machine guns. Documents issued by the Joint Chiefs of Staff on 3 February 2009 authorized the issue of:

5,000 12.7 mm heavy machine guns and 100,000 boxes of ammunition;

2,000 PKM general-purpose machine guns and 50,000 boxes of ammunition;

500 RPGs and 30,000 boxes of shells;

40,000 AK-47 assault rifles and 100,000 boxes of ammunition;

2,000 G3 automatic rifles and 50,000 boxes of ammunition;

1,000 82 mm mortars and 20,000 boxes of shells;

1,000 60 mm and 75 mm mortars and 20,000 boxes of shells. (page 7)

This is not a police force but a heavily armed military force. And there is yet a greater force that even the SAS cannot account for with precision, the Popular Defense Force:

The size and strength of the PDF in South Kordofan are impossible to ascertain, with much confusion between the paramilitary PDF force formed as a legal entity by decree in November 1989 and pastoralists armed as irregular militias. Force strength figures ranging from 27,000 to 47,000 were cited at a state security meeting in South Kordofan in 2009.

Critically, the PDF, while ethnically mixed during the war years, is today almost exclusively Arab. PDF informants say that the force has "changed tactics" in the Nuba region, with fighters melting into their villages wearing civilian clothes. SPLA officers in the Dilling area say the militia is "changing policy" there and distributing weapons to Hawazma Arabs inside Dilling town, apparently in anticipation of a fight for control of urban centres if the Nuba Mountains ceasefire agreed in 2002 collapses.

What is clear from this evidence, considered in aggregate, is that Khartoum has every intention of retaining the military control of Abyei that it already exerts. The augmentation of offensive military capabilities throughout South Kordofan continues at a rapid pace, and the language from the regime has become correspondingly unyielding and belligerent.

## **Renegade Forces in South Sudan Assisted by Khartoum**

Also clear in all of these accounts is that the massive military build-up in South Kordofan has implications not only for Abyei, but the South's Warrab, Northern Bahr el Ghazal, Unity, and Upper Nile States as well. Furthermore, South Kordofan also lies only about 40 kilometers from northern Jonglei State. Not coincidentally, Unity, Upper Nile, and Jonglei have been the sites of the most brutal fighting by renegade forces that in a number of cases are clearly supported by Khartoum.

Perhaps the most significant of these renegade forces to date is that of General George Athor, who abandoned the SPLM after his unsuccessful run as an independent candidate for governor of Jonglei (April 2010). Violence instigated by Athor and his men has been extensive, and immensely destructive of civilian lives and livelihoods; more than 1,000 civilians have been killed so far this year.<sup>25</sup>

One of the most striking pieces of evidence that Khartoum is supporting Athor and others in the South appears in a [detailed account by Manyak Bubna](#) (of the Enough Project) from the ground in South Sudan. His account appears within an exceedingly well-informed piece on Southern militia movements and comports precisely with that of a well-placed U.S. government official:

Many allege that Khartoum is using oil companies based in the South to aid in the delivery of supplies, knowing that these companies remain out of bounds for southerners. Most of the employees within the oil companies are northerners, and despite a recent government security arrangement, southern security officers have little access to the oil fields. "We don't know exactly what is happening inside the oil companies' areas," said one Upper Nile official. "There could be lots of weapons inside, but we don't have a good idea." A recent incident in Upper Nile illustrates this best.

In September 2010, a Sudanese helicopter carrying arms and supplies landed to refuel in Paloich, Upper Nile, on one of PetroDar's airstrips. The pilot and the captain claimed that they were headed to Pagak, another district. The helicopter was allowed to refuel and take off. In

the interim, SPLA officers in Paloich received intelligence from their counterparts in Khartoum that the helicopter was delivering supplies to Athor's forces. Phone calls made to relevant airport authorities revealed that the helicopter in fact never landed in Pagak, but rather rerouted to Athor's hideout. When the helicopter returned to PetroDar's air base, officers found seven of Athor's men inside, who were being transported to Khartoum. They tried to escape upon being recognized, but were immediately apprehended. The crew, which was comprised of a handful of internationals, was also detained. The foreigners were later released, but Athor's men continue to remain under arrest in Juba.

There are doubtless many such expeditions on Khartoum's part; it is certainly no accident that most of the renegade militia leaders live or have lived in Khartoum. This includes another regime-backed renegade, SAF Brigadier General Bapiny Montuel, "who was rumored to be supplying assistance to the various insurgencies in Unity [State] in the post-April 2010 elections period, declaring that he was joining forces with George [Athor's] SSDM."<sup>26</sup> Bapiny sent 1,000 of his men into Mayom County in Unity State in March 2011, ostensibly to be integrated within the SPLA. It is highly unlikely that this was anything but a cover for his real intention, which he now declares openly: "to launch an attack on Bentiu [the epicenter of oil development in South Sudan], and that his men will remain loyal to George [Athor's] new umbrella movement" ([Small Arms Survey](#)). Khartoum's support for Southern renegades is clear and substantial; the fact that a number of these militia leaders actually reside in Khartoum for much of the year is an indication of their relationship with the regime.

Peter Gadet is among these militia leaders, a notorious commander who has repeatedly switched sides in the North/South war and most recently defected yet again to Khartoum. Gadet has a justifiably fearsome reputation as a military leader, and his recent actions in Upper Nile suggest that he retains his prowess. Moreover, operating in Mayom County in Unity State, he is very close to both Abyei and South Kordofan. Gatuak Tut, an administrative officer in Unity, recently reported, "there was a fighting yesterday in Mankien. It was an attack jointly launched by the Popular Defence Forces in collaboration with armed elements loyal to Peter Gadet."<sup>27</sup> The PDF is armed and controlled by Khartoum, and is responsible for some of the worst predations against Southerners during the civil war. Moreover, there is no evidence that Gadet took SPLA weapons with him on defection; but given the deal he had evidently negotiated with Khartoum, he would not have needed to.

What is notable about Gadet is just as true for other renegade commanders and militia leaders: they have no program for reform of the Government of South Su-

dan and offer only very general and expedient complaints about poor leadership, ethnic bias, and corruption (although much of the latter is sadly warranted). Gadet and others have no meaningful political agenda; their grievances do not rise above vaguely personal. In the words of former spokesman Dok James Puok, who just defected back to the SPLA from George Athor's group, "I have resigned because of lack of strategic planning, lack of clear vision and lack of administrative reform within the movement since it came into existence."<sup>28</sup> These men are nothing more than warlords, and they can be bought—and Khartoum is more than willing to pay handsomely for Southerners to kill other Southerners. This is, after all, the primary fashion in which the regime conducted war from the time it took power by military coup almost 22 years ago.

There are other examples. SAF Major General Gabriel Tang Gatwich Chan was long a willing tool of the regime, and he was twice sent by Khartoum to the town of Malakal in Upper Nile twice following the 2005 CPA. On both occasions (2006 and 2009), the provocation of Tang's presence resulted in large-scale violence with great loss of life—as Khartoum knew it would. Tang recently resumed his militia role for Khartoum, but wire reports indicate that he was taken into SPLM custody a few days ago. If so, we may expect that he will have a great deal of intelligence to provide, which in turn can be made public and go some distance in making clear just what a dangerous game Khartoum has been playing. Certainly there is much Southern blood on Tang's hands. [Recent SAS profiles](#) of the renegade leaders provide a number of telling accounts, including this about Tang:

Considered a hardliner within the [Khartoum-aligned South Sudan Defense Forces], [Tang] was roundly condemned for his commanding role in a brutal campaign in the Shilluk Kingdom on the western bank of the White Nile in 2004. The campaign of ethnic cleansing, which took place after Lam Akol's re-defection from the government to the SPLA in late 2003, was designed to rid the area of remaining SPLA support. Tens of thousands of civilians were displaced in a campaign of burning and looting villages and hundreds killed.

Khartoum's response to growing international awareness of its role in sustaining violence in the South is to accuse Juba of supporting the Darfur rebels. There no evidence of this, and in fact the logistical capabilities of the SPLA allow for the granting of no substantial assistance. Nor are those logistics likely to be drawn away from Abyei, Unity, and the forward border regions; we should recall that 20 percent of the North/South border remains undelineated and without demarcation.

Ironically, some of the evidence of Khartoum's support for Southern renegades comes from the regime itself. Citing recent public comments by senior NIF/NCP

presidential advisor Mustafa Osman Ismail, *Africa Confidential* asserts that Khartoum has “effectively admitted this week that the National Congress Party arms militias in Southern Sudan.” Questioned by Southerners at Chatham House in London, Ismail responded:

“If you continue to support the Darfur rebels from the South, you should expect the same.” “We will not support a single rebel in the South unless the South support rebels in the North.”<sup>29</sup>

Since Khartoum has long regularly accused the Government of South Sudan of providing precisely such support, it is difficult not to see Ismail’s comments as an admission that Southern renegade elements are being supported by the North.

As *Africa Confidential* goes on to point out, Ismail’s argument makes no sense historically:

The problem with this claim is the NCP has armed anti-Sudan People’s Liberation Movement fighters since at least 1991, when Riek Machar Teny Dhurgon and Lam Akol Ajawin broke with the SPLM and the NCP was still the National Islamic Front. Darfuris launched an organized response to government attacks only in 2001.

Moreover, while there is an abundance of evidence supporting the SPLM claims about the NIF/NCP’s assistance to renegade forces in the South, Khartoum has produced no corresponding evidence beyond the presence of several Darfur rebels staying briefly in Juba. Yet even without producing such evidence, Khartoum has engaged in extremely bellicose language in holding the Government of South Sudan responsible. Defense Minister Abdel Rahim Hussein—surely destined to be indicted by the ICC for his role as Interior Minister during the worst years of the Darfur genocide—recently

threatened to take military action against South Sudan in order to stop its alleged support to rebels from the western region of Darfur. In a televised interview with the Sudanese Blue Nile satellite channel on Monday, Lt-General Hussein said that the north was still keen on peace, adding that this was evidenced by the north’s acceptance to let the south secede. However, the veteran figure at the northern government threatened that military intervention in the south remains “a secondary option” if the region’s government does not stop what he alleged was its support to Darfur rebel groups. “Take your hands off Darfur and expel the rebels,” Hussein warned the south.<sup>30</sup>

Whatever internal NIF/NCP documentation of Khartoum's direct support for military instability does or does not exist, the larger patterns of threats, actions, and supply are clear.

## **Leveraging Abyei to Rescue the Economy**

It is disturbing to see reports on Abyei that suggest the SAF and its allied militia forces and the SPLA are somehow equally culpable in heightening military tensions in the region. So far, new U.S. special envoy Princeton Lyman has not demonstrated that he is willing to repudiate this view, so conspicuous in the policies and pronouncements of his predecessor. This attitude not only ignores the concrete evidence and numerous reports establishing that Khartoum's is the aggressive military posture, but it also refuses to acknowledge the SPLM's critical need for peace in Abyei. So long as the Abyei issue remains unsettled it will be a potent source of leverage for Khartoum on a range of issues, including other North/South boundary disputes, the new dispensation for oil revenues, citizenship, and debt sharing.

Certainly as the Northern economy slips further into decline, the issue of external debt will become ever more requiring of action; Khartoum's approximately \$38 billion in external debt cannot be serviced, let alone repaid, without extraordinary international support. For this reason, the regime has tried two ploys: one is to foist as much as possible of this debt off on the South; the other is to accept all the "national" debt but on condition that Khartoum be allowed to participate in the debt relief program for highly indebted nations. International acceptance of such an arrangement would reward the worst possible economic behavior.

There is simply no economic case to be made for debt relief, especially given the profligate military spending by which the NIF/NCP has maintained its grip on power.<sup>31</sup> Nor can the South be expected to bear the burden of these expenditures: Khartoum claims the South was a beneficiary of Khartoum-funded development projects, but this is simply untrue. All the South has seen of the borrowed money has taken the form of weapons of war directed against them.

In fact, the balance owed to creditors is primarily in the forms of penalties and arrears. The NIF/NCP inherited a worrisome but manageable level of external debt in 1989 (approximately US \$13.5 billion); it was the failure to bring peace, however that ensured this debt would eventually grow steeply. External debt moved from about US \$13.5 in 1989 to US \$16 billion in 2000, when military and security spending became increasingly more profligate, resulting in a sharp increase in the national debt. Anticipating oil revenues with a range of expenditures, Khartoum

enjoyed a brief bubble of economic growth, beginning in 1999 with the first export of crude oil.

But the regime made no effort to confront the debt crisis, and their oil-fueled development bubble was inherently unsustainable—particularly once Southern self-determination became inevitable (at least 75 percent of Sudan’s oil reserves are in the South). Current debt will certainly soon rise above \$38 million, for the Northern economy is in trouble on many fronts: it has experienced a sharp increase in inflation (now over 15 percent), dramatically reduced foreign exchange reserves, and a *de facto* devaluation of the Sudanese pound. The North will lose significant income with Southern independence. Agricultural lands in the North are being leased or sold to Arab and Asian interests, benefiting Khartoum’s cronies but stifling democratic agricultural development; future food security is thus also endangered. Economic unrest is growing in Northern Sudan, but so far the regime has cracked down brutally on all protests. It will take extraordinary physical and political courage to end the NIF/NCP’s tyranny.

Khartoum is well aware of the immense drag created by this external debt burden, thus explaining much of its negotiating strategy: bluntly, the regime expects to be bailed out by creating instability and the threat of violence in Abyei, South Sudan, South Kordofan, and Darfur. Its strategy for confronting the external debt crisis and other challenges is to extract as much as it can from Juba; this presumes that the U.S. and other international actors will continue the accommodating policies of former envoy Gration. Princeton Lyman will either sharply change course, or he will become an enabler of General Gration’s misguided attitude toward Khartoum—a regime that the general was convinced could be dealt with on the basis of “smiley faces, gold stars, and cookies.”

## **The Threat from the Nuba**

On April 13 the town of al-Faid in the Nuba Mountains was torched, with some 300 homes destroyed by fires set by Khartoum-aligned Arab militias. Al-Faid is located in the northern part of the Nuba Mountains a long way from the North/South border. It is also the hometown of the SPLM candidate for governor of South Kordofan, Abdel Aziz el-Hilu. Satellite photography from SSP makes clear that the April fires were intentionally set. As it would make no political sense for el-Hilu to set fire to his hometown, this act was intended as a message from Khartoum that the elections scheduled for May 2 have been pre-determined. Khartoum’s candidate—Ahmed Haroun, indicted by the International Criminal Court for war crimes and crimes against humanity—will likely win easily through fraud, intimidation, and

electoral manipulation. This in turn ensures that Haroun will lead South Kordofan's assessment in the CPA-stipulated the process of "popular consultations" for the region—leadership that will make a travesty of this already excessively vague process. The people of the Nuba may refuse to accept this outcome, with war as a possible alternative.

For its part, Khartoum insists that South Kordofan remain fully under its control, the nature of which is reflected in the provisions of the new constitution currently being drafted by the NIF/NCP. President al-Bashir has for months insisted that this new constitution will reflect NIF/NCP ideology:

"If south Sudan secedes, we will change the constitution, and at that time there will be no time to speak of diversity of culture and ethnicity ...shari'a and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language."<sup>32</sup>

Yet the Nuba Mountains and this part of South Kordofan are as ethnically, religiously, and linguistically diverse as any region in Sudan. Khartoum ignores this reality, something not lost on Southerners who remain in the North, especially in the Khartoum area: they are growing increasingly fearful as independence approaches, as their lives will be governed entirely on the basis of a constitution crafted by men who feel deep racial and cultural antagonism, even hatred for Southerners.

The Nuba Mountains are also the site of dramatic increases in Khartoum's military presence and that of its militia allies. Since the SPLA has thousands of troops from and loyal to the Nuba, these military developments have created another flash-point for renewed war. If fighting breaks out, these well-armed SPLA troops will return to their homeland. Many tens of thousands of Nuba were killed in the second civil war. In the early 1990s

army and paramilitary Popular Defense Forces (PDF) killed 60,000 – 70,000 in just seven months. Massive military offensives were dignified in the name of jihad. Humanitarian access was denied. Community leaders, educated people, and intellectuals were detained and killed "to ensure that the Nuba were so primitive that they couldn't speak for themselves."<sup>33</sup>

No one in the Nuba has forgotten these terrible years.

A superbly researched report was issued in January by Pax Christi ("[The Nuba Mountains: Central to Sudan's Stability](#)"). Authored by Julie Flint and based on

recent extensive interviews in the Nuba, it provides not only an excellent history of the Nuba, particularly in the period following the signing of the CPA in January, but also a frightening picture of recent military developments engineered by Khartoum. Most ominously Flint reports:

The failure to implement the Nuba Mountains protocol has deepened feelings of anger, especially in the Nuba SPLA and among youth who feel betrayed by the promises of support made in the aftermath of the CPA. A build-up of government forces in the mountain region in the countdown to the referendum, following the distribution of thousands of weapons to Arab tribes there in 2009, has led many to believe that new fighting is only a matter of time (page 7)

With minimal progress on core grievances, but significant unexplained movements of SAF tanks and troops in recent months and an increase in the number of civilians carrying guns, even in Kadugli, there is a growing conviction that the Nuba will remain marginalized—and physically at risk—without further armed struggle. (page 13)

What is the nature and leadership of this build-up by Khartoum’s SAF and allied militia groups? Although some see the limited cooperation between Ahmed Haroun and Abdel Aziz el-Hilu as potentially hopeful, most Nuba see it as “smoke and mirrors.” Supporting this conviction are the records of several men who have recently taken office in Kadugli (capital of South Kordofan):

The most disturbing of these, in the eyes of the Nuba, is Maj. Gen. Ahmad Khamis, head of Military Intelligence in Kadugli during the war—consistently named as being responsible for detentions, torture and executions—and now commanding the 14th infantry division in Kadugli. His return to Southern Kordofan has strengthened suspicions that Khartoum is planning to use force to pre-empt any move by the Nuba to assert themselves after the South’s referendum. (page 13)

Another worrisome appointment, a man perversely charged with organizing the Reconciliation and Peaceful Co-existence Mechanism (RPCM) set up in June 2009, is headed by

NCP veteran, Osman Gadim, known to have connections with the security services and government-supported militias in Southern Kordofan. In November 2008, Gadim was identified in documents leaked

from the Joint Chiefs of Staff in Khartoum as the “receiving officer” for weapons sent to Hawazma [Arabs] in Southern Kordofan. An NCP official speaking privately admitted the documents were genuine. The arms sent to Gadim included AK-47s, 7.62 mm machine guns, and mortars. (page 14)

Yet another NIF/NCP stalwart has been appointed to a second “reconciliation” body (the “Council of Wise Persons”), which now has as its secretary general

another former PDF leader—Adam al Faki, famed for having participated in the Tullushi offensive of 1992, the biggest of the entire war. “Forces surrounded the mountain. They were fighting the SPLA, but they would shoot anyone who was in front of them...The whole of Tullushi was burned, not a single village escaped.”

The deeply ominous pattern in these appointments, beginning with Haroun, is unmistakable.

And what of actual military hardware and manpower in South Kordofan? UN-MIS, though unable to access 40 percent of South Kordofan because of Khartoum’s restrictions, “has noted increased movement of tanks, vehicles and troops in recent months—especially toward the 1956 [border-line]—but is uncertain of the extent and final destination.” The SPLM construes the CPA as stipulating that the presidency of the Government of National Unity “must agree how many SAF forces were in South Kordofan before the war (1983-85) and issue a decree downsizing them to that level” (one battalion and several companies, according to the SPLM). The NIF/NCP has dismissed GOSS President Salva Kiir from the GNU presidency in peremptory fashion and declared that “it can deploy forces all over Southern Kordofan ‘as it deems fit.’” (page 15)

As a result of the NIF/NCP interpretation of the CPA by the NIF/NCP, there has clearly been a massive buildup in the southern part of South Kordofan:

Today senior SPLA officers in Southern Kordofan claim that SAF is “preparing for war all the way along the border.” They claim SAF divisions recast as brigades in 2009 remain at division strength; four separate brigades that arrived in 2008-09 constitute another, unacknowledged division; and 40-barrel Katyusha rocket launchers, B-10 anti-tank guns and 120 mm mortars have been moved to the border area. Deputy governor el-Hilu says that despite agreement that SAF would move into 15 assembly points, it now has 55,000 troops in more than

100 garrisons—“more than needed to control Southern Kordofan; more even than at the height of the jihad.”

Local authorities have reported that SAF is reactivating old garrisons inside the mountains, billeting troops in schools, and introducing light artillery including 105 mm howitzers in areas that previously were artillery-free. (pages 15–16)

And the military build-up continues:

The Central Reserve Police (CRP), a military force in all but name, has also been beefed up—from a few dozen men to more than 7,000, by its own count.

Among irregular forces, the PDF, a main vehicle of the jihad in the Nuba region and even today described as a force of mujahedeen or holy warriors, continues to have thousands of men under arms in contravention of the CPA, which required that they be incorporated into SAF or disbanded. (page 16) (“Ethnically mixed during the war years, the PDF is today almost exclusively Arab.” Footnote 41, page 25)

Khartoum’s army and security services are also arming and supporting a number of Nuba militias as a means of sowing further division. All this is occurring without action or investigation by the Joint Integrated Units (nominally comprising SAF and SPLA forces), despite their mandate to work together to secure the CPA. Furthermore, we are receiving no meaningful intelligence from the feckless UNMIS in South Kordofan. This dangerous lack of understanding and knowledge inevitably encourages Khartoum in its belief that it can engage in a reprise of the 1990s *jihad*:

“The North will get away with horrors in Nuba again,” a western military observer warned in Tchalian’s time [Karen Tchalian was first UNMIS head of security in Kadugli]. “The UN would probably be able to do little. But right now it knows too little.” (page 20)

Part of this ignorance is deliberate: Tchalian was widely perceived to be strongly biased toward the NIF/NCP, and certainly embodied the worst of what has been a largely failed UN peacekeeping mission.<sup>34</sup>

UNMIS officers in the former SPLM areas complained of a lack of support and interest [on the part of Tchalian], as well as resources,

and said their reports of unauthorized SAF troop movements and arms deliveries to Arab militias were routinely ignored. They said the rules under which they were operating, including giving SAF a week's notice of inspection visits, made it possible for weapons to be hidden and troops to be moved, and limited their ability to predict and prevent. (page 20)

Flint's conclusions seem inescapable:

The root causes of the war in Southern Kordofan have not been addressed in the last six years. Nuba fear that a breakdown in security after the [January 2011] referendum will lead to a resurgence of government militias, with the promise of land as the prize, as it has been in Darfur.

The relative peace established by the Haroun/el-Hilu partnership is built on sand, too little and too late to create genuine confidence between communities and turn the 2002 ceasefire into a sustainable peace before time runs out on the CPA. Amid re-arming and failed disarming, it is hard to see how the partnership can survive a contest for the governorship in April's [now May] state elections. (page 23)

These words were written several months ago, but they have proved all too prescient. The burning of el-Hilu's home village of el-Faid by Arab militia forces is only the most conspicuous evidence amidst a terrifying abundance.

## **Summary**

Various recent military and political actions by the NIF/NCP certainly bespeak a broader vision—if not a national strategy—of how the regime intends to confront remaining challenges to its survival. Key actions include: finalizing the terms of separation for South Sudan, controlling the determination of Abyei's status, minimizing electoral threats in South Kordofan (including the Nuba Mountains), and bringing Darfur under sufficient military control to allow a grim “genocide by attrition” to complete the work begun in 2003-04. The NIF/NCP leaders understand much better than their international interlocutors the ways in which these challenges are related and require a coordinated response. It remains for new U.S. special envoy Princeton Lyman to understand the difficult diplomatic situation he has inherited, and respond accordingly.

The Southern leadership is far from blameless in the ongoing civilian violence; and the ill will generated by the brutal 2008-09 disarmament program remains strong (notably, some of the most brutal episodes in this disarmament program are the responsibility of George Athor). There have been costly political mistakes, chief among these a lack of accountability, insufficient provision of training in the rule of law, as well as international humanitarian and human rights law, and simple respect for people. Corruption has diminished, but remains a significant problem; besides retarding Southern development efforts in a variety of ways, it has become a pretext for violence on the part of renegade militia groups. The South also faces daunting challenges in defending itself, in expanding police training and security, and in achieving a fair diplomatic hearing over Abyei and other outstanding issues. At the same time it faces a major military threat from Khartoum in Abyei and South Kordofan. Development has been fitful, though much of this derives from a fundamental lack of capacity on the ground. Renegade violence in critical areas of Jonglei, Unity, and Upper Nile has hardly helped further development projects.<sup>35</sup>

The regime recently floated the idea of delaying Southern independence (by extending the CPA “Interim Period”). This is completely unacceptable to Southerners, who rightly see this as a move by Khartoum to remove July 9 as a deadline for outstanding issues. As this analysis argues, however, such pressure is essential in changing the regime’s behavior. For as a means of deflecting precisely such pressure, Khartoum has seized on a strategy of maximizing instability in the South during the two months prior to independence.

Despite remaining skepticism on the part of some observers and commentators about the role of the Khartoum regime in supporting renegade militia elements and disaffected members of the SPLA, the evidence is simply overwhelming. In aggregate, it demonstrates beyond reasonable doubt that Khartoum has indeed played a major role in the violence and civilian destruction that have plagued Jonglei, Upper Nile, and Unity States. This instability is intended to weaken the SPLA through multiple internal opponents, create unhappiness within Southern civil society, and make South Sudan look ungovernable. Together, these tactics work to strengthen the NIF/NCP bargaining position on Abyei and other unresolved North/South issues, weaken the ability of Juba to play a role in this week’s elections in South Kordofan, and keep international attention from Darfur, where full-scale atrocity crimes continue to be reported. It is a strategy that will work without a smarter and more robust diplomatic role for the U.S., the Europeans, and others with a stake in a peaceful Sudan.

## June 9, 2011: Khartoum Dramatically Escalates War in Sudan

As in Abyei, Khartoum's military actions in South Kordofan were clearly premeditated. The potential for precisely the conflict we are seeing now has been [repeatedly noted by several observers](#). Yet again, the international community has been caught flat-footed. They appear wholly reliant on the UN Mission in Sudan—a force that has performed poorly, especially in Kadugli where it is widely perceived to have sided with Khartoum. Reports continue to stream in of more tanks moving south from el-Obeid, the main Sudan Armed Forces (SAF) military base outside Khartoum. Military air assets have been rapidly deployed in the conflict, for the Nuba Mountains—where the war will be concentrated—are within range of the jet fighter aircraft based in el-Obeid. Khartoum's most brutal leaders, including President Omar al-Bashir and his chief advisor Nafi'e Ali Nafi'e, have publicly declared that the SAF has been given a “free hand” throughout South Kordofan, and that any southern troops in the North after June 1 would be “legitimate targets”—this despite the fact that tens of thousands of these troops consider South Kordofan and southern Blue Nile their home.<sup>36</sup> Reprisals against civilians thought to be sympathetic to the SPLM/A have been brutal.

Khartoum has explicitly declared its intention to “spread its forces throughout [South Kordofan] state after in gained military control in Kadugli.”<sup>37</sup> Given the central location of the Nuba Mountains in South Kordofan, this is a declaration of all-out war. UNMIS has already reported that the SAF is “shelling SPLA positions in the mountains of South Kordofan.” UNMIS also reports (June 9) that “fighting was ongoing and had spread across the state.”<sup>38</sup>

As was true following the invasion of Abyei, Khartoum's decision to resume war in South Kordofan has very quickly produced tens of thousands of displaced civilians, even as humanitarian organizations have halted operations or withdrawn. The humanitarian situation for the Nuba and non-Arab populations of South Kordofan has immediately become critical. The 10,000 civilians who have sought security at the UNMIS base in Kadugli are [desperately short of water and facing growing security risks](#). Many have already left Kadugli, and the town of Dilling to the north is reportedly deserted. One estimate from a Nuba source is that 75,000 people have already been displaced.

On Sunday, June 5 senior leaders of the SPLM flew to Kadugli to arrange a cease-fire with Khartoum officials, and signed an agreement to this effect. In a signature move of bad faith, an hour after Yasir Arman (head of the SPLM in North Sudan) and Malik Agar (governor of Blue Nile and senior member of the SPLM) flew out of Kadugli, Khartoum's SAF began an assault on the home of Abdel Aziz el-Hilu, SPLM candidate for governor of South Kordofan during the rigged elec-

tions of May. El-Hilu is widely popular among the people of the Nuba and a superb military leader. If he had in fact been killed in the SAF attack, the consequences would have been enormous; as one Nuba put it, “If Aziz goes down the entire Nuba Mountains will erupt.” El-Hilu is now reported to be “fully in military uniform.” That Khartoum was willing to take this risk indicates that the regime has already determined on a course of war. Here, the consequences of the Carter Center’s poorly informed ratification of the South Kordofan gubernatorial election—in which indicted war criminal Ahmed Haroun defeated el-Hilu following a fraudulent vote count—continue to make themselves felt, [contributing to the climate of deep hostility and mistrust](#).

*Sudan Tribune* reports (June 9) that Antonov bombers attacked Jau in South Sudan’s oil-rich Unity State. This attack on a major SPLA base of operations in the South represents a radical escalation in the war that is rapidly unfolding. Predictably, the long-range, high-altitude Antonovs (not “bombers,” but cargo planes from which crude barrel bombs are rolled without sighting mechanisms) dropped their bombs wide of the SPLA headquarters and hit civilian targets instead. Three were reported killed, including a child.

See **Annex II** for an extensive account of Khartoum’s history of bombing civilian and humanitarian targets over the past twelve years.

The threat of much greater military incursion into South Sudan has been dismissed by many observers, but this seems unwise. Indeed, a SPLA spokesman Philip Aguer notes today, “The borders have not been demarcated and SAF plans to take some of these areas now. We have said this is part of a plan by SAF.”<sup>39</sup> Indeed, any inspection of a map of the oil concession areas reveals just how much is concentrated along the 1956 North/South border. In a January 2011 report for Pax Christi, researcher Julie Flint writes in “The Nuba Mountains: Central to Sudan’s Security”:

Today senior SPLA officers in Southern Kordofan claim that SAF is “preparing for war all the way along the border.” They claim SAF divisions recast as brigades in 2009 remain at division strength; four separate brigades that arrived in 2008-09 constitute another, unacknowledged division; and 40-barrel Katyusha rocket launchers, B-10 anti-tank guns and 120 mm mortars have been moved to the border area. Deputy governor el-Hilu says that despite agreement that SAF would move into 15 assembly points, it now has 55,000 troops in more than

100 garrisons—“more than needed to control Southern Kordofan; more even than at the height of the jihad.”<sup>40</sup>

In South Kordofan SAF military aircraft and artillery reportedly attacked five villages south of Kadugli as well as Talodi, Heiban, Kauda, Abdel Aziz el-Hilu’s compound on the outskirts of Kadugli, and many other towns. Civilians are reportedly fleeing from many locations: Kadugli, Talodi, Dilling, Umm Dorein; again, Dilling is reportedly nearly deserted. The SAF spokesman, al-Swarmi Kahled, has refused to take calls from journalists. One source on the ground reports that there have been 100 casualties in Heiban (Nuba Mountains). Khartoum shows no interest in the SPLM offer [June 8] of an immediate cease-fire.

Civilians who fled from Khartoum’s brutal military seizure of Abyei are struggling, as humanitarian organizations increasingly find themselves short of supplies, most critically fuel by which to maintain mobility. The outlook is increasingly grim, according to a news dispatch from Turelei, South Sudan, where Dinka Ngok people are struggling simply to survive. At the same time it is clear that the original UN report on the Abyei invasion found sufficient evidence to claim that Khartoum’s “‘attack and occupation’ of the disputed town of Abyei ‘is tantamount to ethnic cleansing.’”<sup>41</sup> Yet in the final report—leaked to Associated Press on June 3—the language has been changed substantially by the UN bureaucracy: now the report claims only that “the ‘occupation’ of Abyei could lead to ethnic cleansing.” This revision was made with transparently political motives, as UN Secretary General Ban Ki-moon and senior UN officials sought to mollify Khartoum. Ban declared flatly that it is “far too early to claim that ethnic cleansing is taking place.”<sup>42</sup>

The origin of the fighting will be disputed in the absence of any neutral reporting presence, so in this regard, the conflict recalls the military invasion of Abyei, which was precipitated by the disputed events of May 19 that nonetheless served as a *casus belli* for Khartoum. One highly informed source reports that the initial shooting occurred at Umm Dorain when Sudan Armed Forces attempted to disarm SPLA troops at the border stations that delineated the military boundary between the two sides during the civil war; this event has been confirmed by a Western official who closely follows regional developments. Clearly, however, Khartoum was already planning for this war in the Nuba, for many tanks quickly appeared in Kadugli and other offensive military resources were rapidly deployed.

Civilian reprisals are increasing and are likely to accelerate rapidly going forward. A reliable source reports that Khartoum’s fearsome Military Intelligence forced its way into UNMIS headquarters in Kadugli and abducted many suspected SPLM sympathizers. This source also reports that a “disabled man in a wheelchair was found killed outside the UNMIS compound after he sought protection [there].”

This has had an understandably chilling effect on those looking to UNMIS for protection, and many who had originally gathered at the UNMIS base are melting away. A number of those caught and labeled “SPLM sympathizers” have almost certainly been executed.

Many within the SAF ranks are forced recruits from the South or the Nuba; others wish to join the SPLM and have started defecting from the SAF. It is ironically appropriate that Khartoum yesterday [June 8] described the situation as a “mutiny”:

The National Congress Party [National Islamic Front] today declared that situation in South Kordofan is an “armed mutiny” and a breach of the law by the SPLM supported by foreign powers and some internal opposition movements who are working to further ambitions of some SPLM figures.<sup>43</sup>

Defections from the SAF are likely to increase quickly, although for the moment such defections have created a highly dangerous situation in Kadugli. One report from the ground, confirmed by a U.S. government source, puts the matter this way (lightly edited for clarity):

There are many Nuba in the SAF and Kadugli police who are defecting to the SPLM/A, and at times unwittingly [complicating] the situation. For SAF troops and Popular Defense Forces have no qualms about killing and destroying the Nuba people or their homes and businesses, whereas the Nuba must show such restraint because it is their own people in the crossfire. This gives the SAF and PDF an advantage as well as “plausible deniability” by deflecting responsibility to SPLA. In short, SAF soldiers may not only kill such “traitors,” but easily accuse the SPLM/A of the attacks.<sup>44</sup>

Economic warfare has begun in earnest, as Khartoum has virtually shut down the movement of all commercial and other goods to the South. This means that the South has run extremely short of fuel, leaving humanitarian organizations in the highly dangerous situation of having insufficient fuel to evacuate. Prices have skyrocketed, especially for fuel. Earlier this week Juba accused Khartoum of deliberately closing all commercial routes to the south. In the words of Stephen Dhieu Dau, minister of trade and industry in the Government of South Sudan:

The government in Khartoum is not happy to see people of south Sudan living in peace. It says one thing and does another. It is not sleeping.

It is working day and night to sabotage peace and development in the area. It has adopted detrimental policies<sup>45</sup>

UN IRIN today reported on the threats felt by Southerners living in the North following the secession of South Sudan in a month. They have good reason to fear, as do the people of the Nuba. As one prescient military observer has put it,

“The North will get away with horrors in Nuba again,” a western military observer warned in Tchaljian’s time [Karen Tchaljian was first UN-MIS head of security in Kadugli]. “The UN would probably be able to do little. But right now it knows too little.”<sup>46</sup>

### **June 13, 2011: Obama’s Second “Rwanda Moment”**

Recalling President Bill Clinton’s massive moral failure in the face of the Rwandan genocide of spring 1994, many have spoken of Darfur as President Obama’s “Rwanda moment”—the moment in which he was obliged to choose whether or not to commit truly substantial American diplomatic and political resources to halt the ethnically-targeted human destruction that has raged for more than eight years. As I have noted, candidate Obama virtually invited such a framing of his actions, declaring:

The government of Sudan has pursued a policy of genocide in Darfur. Hundreds of thousands of men, women, and children have been killed in Darfur, and the killing continues to this very day. (April 2008) (This statement was removed from the Obama website in 2011.)

But more than three years later the situation has not improved in Darfur; rather, a grim genocide by attrition continues, and Obama’s inept special envoy, former Air Force General Scott Gration, has made no progress on the key issues. He failed to secure a peace agreement (or even the trust of Darfuris), and he produced no improvement in access for humanitarians or freedom of movement for the UN/African Union peacekeeping force. Conditions are if anything worse than when candidate Obama spoke, and his “Rwanda moment” has passed. He has failed.

The consequences of General Gration’s incompetence extend to critical issues that remain unresolved between Khartoum and Juba, the capital of what will in less than a month be the independent Republic of South Sudan. Most pressing is the genocidal violence that has exploded in South Kordofan over the past week

and threatens to return Sudan to civil war. There are increasingly ominous reports of mass executions and the ethnic targeting of civilians, especially those with origins in the Nuba Mountains—including women and children. Arab militias armed by and allied with the Khartoum regime are going house-to-house, searching out “SPLM (Southern) sympathizers,” who are either summarily executed or detained. The fate of a great many of these people is unknown. Numerous reliable accounts from the ground make clear that Khartoum’s military aircraft are again engaged in the indiscriminate bombing of civilian targets throughout the Nuba. Churches have been burned in Kadugli (the capital of South Kordofan) and church staff murdered. Most terrifyingly, a humanitarian situation that is already desperate is deteriorating rapidly: Khartoum has engineered a security crisis that has produced mass evacuations of humanitarian personnel from South Kordofan, and if this is not very quickly reversed, vulnerable populations that have fled into the mountains will die from exposure, malnutrition, and dehydration.

General Gration came to his position without significant diplomatic experience or knowledge of Sudan; his conviction, evident from his first pronouncements, was that the U.S. should befriend the leaders of the NIF/NCP, and that they in turn would become reasonable and accommodating. Gration’s notorious policy of appeasement was most conspicuously on display when during an early trip to Khartoum he declared diplomatic success was more likely if the U.S. offered the regime’s *génocidaires* “cookies,” as well as “gold stars” and “smiley faces.”<sup>47</sup> Out of such foolishness are genocides sustained.

Following his failure in Darfur, Gration compounded his disastrous Sudan policy by failing to deal effectively with the two most obvious flashpoints for renewed civil war: the contested Abyei region and the Nuba Mountains of South Kordofan (immediately to the north of the border with the South). Indeed, many blame Gration for Khartoum’s intransigence on Abyei, and [ultimately its decision to seize the region militarily](#). In mid-May 2011 Khartoum responded to Gration’s various offers, including yet further compromises on delineation of the contested border area, by taking full military control of Abyei—a move that many analysts predicted, and [indeed had taken \*de facto\* form by March 2011](#).

[Humanitarian conditions are poor for those who fled Abyei](#) and for many there is no assistance at all. Khartoum has thrown up an economic blockade on goods moving from North to South Sudan, including fuel. As a result, many relief organizations have been left without mobility. A large number of the displaced are dehydrated and badly weakened. In the voice of the survivors we hear a despair that will only deepen:

[L]ife for the [human] bargaining chips [in negotiations over Abyei in the wake of Khartoum’s military seizure of the region], meanwhile, has been miserable. For Mary Achol, it has meant eating leaves. On a recent morning in the border town of Agok, Ms. Achol slumped in the meager shade of a thorn tree, her belly rumbling from the nearly toxic mix of wild plants she ingested, a baby sweating profusely in her arms. During the chaotic exodus out of Abyei, Ms. Achol lost two other children. “Maybe they died of thirst, maybe they were eaten by lions,” she said. “I don’t have a lot of hope.”<sup>48</sup>

All this has set the stage for the much greater violence rapidly unfolding in South Kordofan State, which abuts Abyei and lies immediately north of oil-rich Unity State in the South. For the past week events long warned of have exploded into violent ethnic slaughter and widespread military violence, including repeated cross-border bombing attacks just south of South Kordofan, in South Sudan’s oil-rich Unity State. It is not at all clear whether the Obama administration appreciates the enormous differences between South Kordofan and Abyei, in particular the potential for large-scale genocidal destruction.

Certainly the administration’s response to the seizure of Abyei was far too muted and lacked a clear articulation of specific consequences if Khartoum failed to abide by a UN Security Council “demand” that the regime withdraw militarily. This U.S. equivocation only encouraged Khartoum to believe that there would be an even less forceful response to military action in South Kordofan, which is geographically clearly in the north. Gration, who had no diplomatic skills or instincts, has been replaced by Princeton Lyman, a seasoned and widely respected career diplomat with much experience in Africa. But even Lyman seems out of his depth in dealing with the men in Khartoum, and there are signs that he only now realizes how dangerous the situation in South Kordofan has become in recent months.

The local events that led to the rapid escalation of violence in South Kordofan are not fully clear, but the premeditation that defined Khartoum’s seizure of Abyei—which the Obama team now acknowledges—is again clearly in evidence. Indeed, reports from assessments groups like the [Small Arms Survey \(Geneva\) going back to October 2010](#) have made clear that the military build-up of regular military forces and particularly ethnic militias has been massive, and was undertaken with brutal ambitions. Tanks had rolled into Kadugli, the capital of South Kordofan, within hours of the first shots. El-Obeid, the primary military base outside Khartoum, lies just north of South Kordofan, but connects to Kadugli by road, putting the regime’s advanced military jet aircraft—including MiG-29s—within easy fly-

ing distance of the Nuba Mountains, a region the size of Austria in the middle of South Kordofan where fighting will be concentrated.

Significantly, the Nuba Mountains are nowhere contiguous with South Sudan. The ethnically, linguistically, and religiously diverse people of the Nuba sided militarily and politically with the South during the civil war, and feel deeply threatened by Khartoum's ideological Islamism and Arabism. A gathering of Nuba civil society and military leaders made this point emphatically when I traveled to the region in 2003. Commander Ismail Khamis, the senior military officer at the time, declared with both anger and resolve: "Khartoum does not consider us to be human beings." There is much justification for this view; indeed, immediately before the self-determination in South Sudan (January 9, 2011) President Omar al-Bashir declared:

If south Sudan secedes, we will change the constitution, and at that time there will be no time to speak of diversity of culture and ethnicity ...shari'a and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language.<sup>49</sup>

That leaves little room for the Nuba in the north, even as they were vaguely promised "popular consultations" by the 2005 peace agreement. These promises have proved meaningless in the wake of [Khartoum's rigging of the May gubernatorial election](#), which brought to the post an indicted war criminal and a primary executioner of the Darfur genocide, Ahmed Haroun. Haroun, who has been acting governor of South Kordofan, was clearly brought in to undertake some very nasty business; consistently, news of the past week reports ethnically-targeted executions, destruction of churches, the killing of church officials, and widespread bombing in the Nuba Mountains themselves. We have no way of knowing how many have fled in South Kordofan, but the estimates are growing with terrifying speed: the UN estimate for Kadugli now exceeds 50,000, and people continue to flee, desperate to escape the ethnic killings.<sup>50</sup>

Human Rights Watch reports "tens of thousands of people" fleeing toward el-Obeid;<sup>51</sup> the town of Dilling to the north is reportedly completely deserted; virtually all civilians have fled from el-Fayd; and there are almost hourly reports from Nuba on the ground and in the diaspora that the number of women and children fleeing to the bush is growing rapidly. The World Council of Churches, which has close ties to the people of the Nuba, reports that as many as 300,000 civilians are besieged and cut off from relief assistance.<sup>52</sup> Humanitarian conditions have deteriorated precipitously, with critical shortages of water and food already reported that will only grow worse, and more deadly. Khartoum's forces have permitted the looting

of UN World Health Organization warehouses in Kadugli, which contained critical medical and other humanitarian supplies. Roadblocks have been put in place in some areas, “preventing medical and humanitarian access,” according to the UN High Commission for Human Rights.<sup>53</sup>

Ominously, we also know that President al-Bashir and his top advisor, Nafi’e Ali Nafi’e, have given a “free hand” to military forces in South Kordofan, providing a license for the slaughter of highly distressed civilian populations, overwhelmingly non-Arab and conveniently labeled “SPLA sympathizers.”<sup>54</sup> The nature of the violence is all too familiar from Darfur and from the previous *genocide* in the Nuba Mountains in the 1990s (few, if any, dissent from such characterization of the ruthless killing and displacement during this grim period, accompanied as it was by a total humanitarian embargo). Human Rights Watch reports receiving credible reports that

[Sudan Armed Forces, or SAF] soldiers and Popular Defense Forces, a militia force, deployed in large numbers in Kadugli and other towns, targeted a number of civilians they suspected to be SPLM members. The forces carried out house-to-house searches and set up checkpoints, where they stopped civilians trying to flee the violence and killed some of them, according to witnesses. Reports from the ground indicate that military personnel arrested people who had sought refuge inside the UN Mission in Sudan (UNMIS) compound, in violation of international humanitarian law. One of those arrested was later found dead.

SAF forces carried out house-to-house searches and set up checkpoints, where they stopped civilians trying to flee the violence.

The echoes of Rwanda become louder, and at present we are seeing only what is occurring in Kadugli, which lies west of the Nuba Mountains, Khartoum’s real target. The Sudan Ecumenical Forum has declared in outrage that “[other civilians] have fled to the Nuba Mountains, where they are being hunted down like animals by helicopter gunships.”<sup>55</sup> Reports of indiscriminate air and artillery attacks are too numerous to catalog, as the ethnically-targeted destruction of non-Arab people in the region gathers pace. There are also a number of reports that Nuba civilians have been collected in cattle trucks—as witnessed in one instance by a security office of the UN High Commission for Refugees. That these human round-ups are being conducted by Arab paramilitary and militia forces, including the notorious Popular Defense Forces (PDF), is extremely ominous. Most chilling are the repeated reports, from various quarters, of mass graves in the Kadugli area.

The militia and paramilitary forces are in one sense the Interahamwe of South Kordofan, and once loosed, once blood lust is in the air, violence (including reprisal attacks) will be extremely difficult to restrain. The fact that Sudan People's Liberation Army (SPLA) forces—and those fighting in the SPLA are themselves nearly all from the Nuba Mountains—are defeating Khartoum's regular forces on the ground in a number of locations may not prevent Khartoum from achieving its largest goal. Just as it was in Abyei and in Darfur, this goal is to “change the demography” of South Kordofan. Here we should recall the ominous words of Musa Hilal, the primary *Janjaweed* leader in Darfur:

The ultimate objective in Darfur is spelled out in an August 2004 directive from [Janjaweed paramount leader Musa] Hilal's headquarters: “Change the demography of Darfur and empty it of African tribes.” Confirming the control of [Khartoum's] Military Intelligence over the Darfur file, the directive is addressed to no fewer than three intelligence services—the Intelligence and Security Department, Military Intelligence and National Security, and the ultra-secret “Constructive Security,” or Amn al Ijabi.<sup>56</sup>

The White House issued a belated statement about “Southern Kordofan” on Friday evening (June 10); it was a first step, but far too tentative and lacking in the force necessary to change the thinking in Khartoum, and it gave no true sense of the scale of atrocity crimes we know are occurring. One would of course expect the administration to be “deeply concerned by ongoing developments in Southern Kordofan.” But it will take threats made a good deal more forcefully to effect change in these killing fields. Ethnically-targeted destruction is well underway, and shows no signs of abating:

The United States condemns reported acts of violence in Southern Kordofan that target individuals based on their ethnicity and political affiliation. Accounts of security services and military forces detaining, and summarily executing local authorities, political rivals, medical personnel, and others are reprehensible and could constitute war crimes or crimes against humanity. We call on the UN to fully investigate these incidents, and we demand that the perpetrators immediately halt these actions and be held accountable for their crimes.<sup>57</sup>

Yet the UN has a terrible record investigating atrocity crimes in Sudan, whether in Darfur, Abyei, or South Kordofan. A “UN investigation” is likely to take many

weeks or months, even if access could be secured from Khartoum (a highly unlikely development); moreover, a UN investigation will be quite incomplete, as the UN force in South Kordofan, UNMIS, has completely lost the trust of the Nuba. Indeed, Egyptian elements of UNMIS in the region have repeatedly been accused of turning away those seeking UN protection, assisting in ethnic round-ups, and of raping Nuba women in the Kadugli area. They should be immediately replaced, although they have already disabled UNMIS as a protective force—a force now feared and hated by those who were to have received assistance.

### **“Rwanda Moment”**

From the substantial reporting, desperate emails and phone calls from the ground, satellite photography, and many accounts from those with contacts in South Kordofan, we know exactly what is happening in the region. We know what is happening, and waiting is not an option. As Sudanese church groups have declared:

Only urgent international efforts can halt what is threatening to become a repeat of the mass atrocities, war crimes and protracted humanitarian crisis the world witnessed in neighbouring Darfur over the past decade, in Abyei in recent weeks and during the previous war in the Nuba Mountains in the early 1990s. (June 10, 2011)

But instead of promising decisive action to halt Khartoum’s genocidal ambitions, the White House statement of June 10 equates the responsibilities of Khartoum and Juba:

Although the United States has demonstrated a commitment to forging closer ties with Sudan, grave violations of international humanitarian law as have been reported to take place in Southern Kordofan will negatively impact this process and put Sudan on a path toward deeper international isolation. We also call upon the leaders of the Sudan People’s Liberation Army in South Kordofan to avoid reprisals and other human rights violations, to agree to a cease-fire, to provide full access to the UN and humanitarian agencies and to cooperate in a UN investigation of the reports of such violations.<sup>58</sup>

In this key final paragraph, the Obama administration spends as much time admonishing the SPLA as it does warning Khartoum. This moral equivalency—a perverse legacy of the Gration era—is wholly misplaced in the context of South

Kordofan. The ethnic killings, the summary executions, the indiscriminate aerial bombardments (only Khartoum has an air force), the use of heavy artillery against civilian targets, the destruction of churches and murder of church officials—these are singularly the responsibility of the National Islamic Front/National Congress Party regime. As well blame the Tutsi resistance in Rwanda for the actions of the Hutu killing machine.

When I was in the Nuba in 2003 I heard the same declaration again and again: “we have no way out.” This meant that lacking geographic contiguity with the South, there was no physical exit and the only choice was to stay and fight for their traditions and lands. Led by Abdel Aziz el Hilu, a formidable military commander, they will fight to the death rather than surrender to al-Bashir’s vision of what North Sudan is to become. No one in the Nuba has forgotten the genocide of the 1990s.

But the cost of such defiance, given the overwhelming military force—regular and militia—that Khartoum has put in place, will be devastating. The hundreds of thousands now besieged and without humanitarian relief are deeply endangered, as relief organizations are withdrawing rather than deploying. Khartoum has shut down the Kadugli airport for all humanitarian transport and has deployed instead military aircraft. The region is also now in the middle of the “hunger gap,” or the period between fall/winter harvest and the next round of harvests beginning in October. Mortality will thus swing sharply upward in the coming weeks and months unless humanitarian access is secured and protected.

Ethnically-targeted human destruction—genocide—does not require machetes, or even more sophisticated instruments of destruction. As the NIF/NCP regime has learned over the past 22 years, the cheapest way to wage war on the African peoples of Sudan is by pitting ethnic groups against one another and then denying them humanitarian access. This occurred in the Nuba Mountains during the 1990s, in South Sudan at many points during the civil war, and most recently in Darfur. That such activities have begun again in the Nuba brings us full circle in the regime’s savage history of genocidal counterinsurgency wars. The Nuba were largely invisible during the first genocide, even as we know now that hundreds of thousands were killed or displaced. But this time events are as clear as they were in April and May of 1994 in Kigali. President Obama confronts his second “Rwanda Moment,” and how he responds—now—will determine the moral character of his historical legacy for decades.

## **July 1, 2011: Abyei and South Kordofan/Nuba Mountains: Under Siege, Deeply at Risk**

What are Khartoum's ambitions in South Kordofan and Abyei? What is the significance of the [two agreements concerning these key regions signed by representatives of the regime](#)? The agreement on South Kordofan (and Blue Nile) declared that in principle Khartoum was committed to a cessation of hostilities agreement. But Reuters reports today that, on his return from China, President Omar al-Bashir made clear that this agreement is yet another signed expediently and that he has no intention of honoring. In the "Framework Agreement" on South Kordofan and Blue Nile (June 28), Nafi'e Ali Nafi'e officially committed the regime "to work to agree both [sic] immediate and sustainable security arrangements for Southern Kordofan and Blue Nile," specifically an "Agreement on Cessation of Hostilities in Southern Kordofan." But today we heard a rather different commitment:

Sudan's President Omar Hassan al-Bashir said the army would continue its campaign in the flashpoint of South Kordofan, state news agency SUNA said on Friday, dashing hope of a cease-fire ahead of southern secession. In his first comments since returning from a visit to China, Bashir seemed to contradict comments by a northern official this week that north and south had agreed "in principle" on a cease-fire in the northern oil state.

"He directed the armed forces to continue their military operations in South Kordofan until a cleansing of the region is over," SUNA quoted Bashir as telling worshippers during Friday prayers.<sup>59</sup>

Celebration of the agreement by the AU's Thabo Mbeki and the UN's Ban Ki-Moon would seem distinctly premature. And in the absence of a cessation of hostilities agreement, we must ask what this war will look like going forward. Despite continuing agnosticism on the part of U.S. special envoy Princeton Lyman about what is occurring in South Kordofan, the images of aerial destruction continue to pour out of the region, as do [reports of house-to-house arrests and executions of Nuba civilians](#). There has been a virtual shutdown of humanitarian access in the region, as well as a massive build-up of weapons and armor in Kadugli (capital of South Kordofan). And aerial assaults on civilians, humanitarians, churches, and other non-military targets in the Nuba Mountains have been relentless.

Abyei also continues to be an ongoing crisis, with many reports chronicling the displacement from Abyei of the Dinka Ngok to the South, the destruction and looting of Abyei town, and the plight of those displaced to Agok, Turelei, Wau, and

other Southern towns. As Sudan moves into the heaviest part of the rainy season, water-borne diseases will become increasingly frequent and dangerous. A normally optimistic program director for a Western humanitarian organization with a long history in this area informs me that he sees only a very grim future for these people.

Much of the violence and the consequent displacement and humanitarian needs—has been eminently foreseeable. I argued on March 9, 2011:

[Khartoum's] military strategy comes ever more clearly into focus: seize Abyei as far south as possible, then negotiate final status of the region from a position of military strength.

If war resumes in Abyei, it is likely to spread quickly to the Nuba Mountains in South Kordofan and southern Blue Nile.

The entire North/South border could become one long military front, particularly in the oil regions of Unity State and South Kordofan. Unless Khartoum is sent the clearest possible signal that it will gain nothing by such offensive military action, including arming and encouraging Misseriya militias, the fighting in Abyei will increase. The UN peacekeeping mission (UNMIS) is neither willing nor able to intervene—or even report on what lies beyond their bases. At this point, UNMIS patrols are consistently being denied freedom of movement by both the SAF and SPLA. Heavily armed, Khartoum-backed Misseriya units continue marauding throughout much of Abyei.<sup>60</sup>

These military developments have come to pass because the international community—especially the U.S. as guided by special envoy Lyman—has refused to recognize Khartoum's ambitions for what they are, and refused to assess on a realistic basis what would deter the regime from beginning the hostilities that were so clearly imminent in early March. All this had occurred despite the grim history of the genocidal *jihad* directed against the Nuba people during the 1990s, a history that should be considered by special envoy Lyman, who casually declared in response to a question about whether the Nuba Mountains might become a “new Darfur”:

I don't think so for two reasons. One because the Nuba Mountain people are fighting back and I don't think the North is capable of dislodging large numbers of people on an ethnic basis from the Nuba Mountains. That's the reality on the ground. Second, I'm not sure that's the objective of the government though local commanders may have a different point of view.<sup>61</sup>

Lyman's view was thoroughly untenable at the time and has been completely overwhelmed by massive displacement, aerial bombardment that has destroyed agricultural production, and now the prospect of famine. This destruction and displacement was all by design, as evidenced by the deliberate destruction of foodstocks, the denial of virtually all international relief, as well as the systematic nature with which arable lands and fields were targeted. Few seem inclined to hold Lyman responsible for these consequentially erroneous assumptions, but there can be little doubt in retrospect that he was profoundly wrong at the time and bears personal responsibility for much of the suffering and destruction that we have witnessed for more than a year.

But of course the Nuba people "fought back" heroically in the 1990s. Even so, hundreds of thousands died (mostly from starvation and disease) and hundreds of thousands were displaced from their rich farmlands. History flatly contradicts Lyman's claim. And as to Lyman's surmise about the "objectives" of the Khartoum regime, this seems absurdly complacent, given the history of this regime. The evidence of ethnic targeting of Nuba civilians for execution and aerial attack is overwhelming. Lyman would do well to read an account by Alex de Waal of the ghastly history of genocide in the Nuba Mountains in the 1990s ("Averting Genocide in the Nuba Mountains," 2006):

The counterinsurgency fought by the Government of Sudan against the rebels of the Sudan People's Liberation Army (SPLA) in the Nuba Mountains of central Sudan during the early 1990s was not only exceptionally violent, but also aimed at depopulating the area of civilians. Not only did the government aim to defeat the SPLA forces but they also intended a wholesale transformation of Nuba society in such a way that its prior identity was destroyed. The campaign was genocidal in intent and at one point, appeared to be on the brink of success.

The war was notable for attacks on civilian targets with forced displacement, rape and killing. The principal instruments of counterinsurgency included locally-recruited militia, the regular army and the air force, under the overall coordination of Military Intelligence.

The early period of the war was marked by militia massacres and extra-judicial executions by military intelligence. In a mixture of reprisals and counter-insurgency, some of it pre-emptive, a coalition of military officers and local militia commanders escalated violence against the

Nuba. The first step was the arming of local Arab tribes by the government, initially as a panicked response to an SPLA attack in the region in 1985, and in 1989 they were formalized into the “Popular Defence Forces.” The militias committed the worst massacres of the war, driven not only by orders from their paramilitary command, but also by their own search for cattle, loot and cheap labor.

Death squads targeted community leaders in rural areas, while intellectuals in the towns were rounded up by Military Intelligence and “disappeared.” The rationale was explained by Khalid Abdel Karim al Husseini, formerly head of the security in the Office of the Governor of Kordofan (and younger brother of the governor), until he left Sudan and sought asylum in Europe in 1993. He said that the government was “taking the intellectuals, taking the professionals, to ensure that the Nuba were so primitive that they couldn’t speak for themselves.”<sup>62</sup>

All of this is again evident in the conduct of counter-insurgency war: the extrajudicial executions; the targeting of intellectuals and indeed all Nuba; the arming of Arab militias and the Popular Defense Forces (PDF), the latter now entirely Arab; the depopulating of the Nuba Mountains; and the campaign to deny food and humanitarian assistance. As the Small Arms Survey makes clear in its report on arms in South Kordofan (“[Armed Entities in South Kordofan](#),” June 2011) the Khartoum-allied militia groups are extremely heavily armed and supplied—this in addition to the growing SAF military presence from Dilling to Kadugli.

### **July 3: The Logic of War: Khartoum’s Economy After Southern Secession**

What is the logic of Khartoum’s military actions in Abyei and South Kordofan? Why has the regime engaged in such deeply threatening actions in the weeks leading up to independence for the Republic of South Sudan? What are the politics within the government that animate this immensely dangerous course of action, including not only seizing Abyei militarily, conducting an immense military operation in South Kordofan, with unambiguous ethnic targeting of the Nuba people, repeated bombing of locations inside South Sudan, but also engaging in a large and ominous military buildup near southern Blue Nile? Why has Khartoum created a situation so volatile and threatening that Kyung-wha Kang, the UN Deputy High Commissioner for Human Rights, declared following a recent assessment mission to Sudan: “If this renewed fighting in border areas doesn’t stop and it further spreads to other areas of South Kordofan and Blue Nile, then obviously it’s war again.”<sup>63</sup>

There is no simple answer, but these actions suggest that the very worst elements in the National Islamic Front/National Congress Party regime are fully in charge, and that the security threats South Sudan will face in the coming months and years are many and acute. To understand fully the obstacles the nascent nation of South Sudan will confront, it is critical that we understand the intense economic distress in North Sudan that follows more than two decades of gross mismanagement, rampant cronyism, profligate military expenditures, and exorbitant self-enrichment by the NIF/NCP regime. Khartoum's recent, highly threatening military actions in and along the border regions cannot be understood outside the context of both what has already occurred and what is impending in the economy of the North.

It is insufficiently appreciated just how badly this economy is performing, even before experiencing what Finance Ministry officials acknowledge will be a 37 percent decline in oil revenues (\$2 – 3 billion annually) once the South secedes.<sup>64</sup> The IMF has sounded the alarm, warning of a “permanent shock” to the economy.<sup>65</sup> This comes even as inflation is 15 percent and rising.<sup>66</sup> Additionally, foreign exchange reserves are extremely low, hindering international trade; subsidies for petrol and sugar have been cut, prompting a number of protests; and more painful cuts are coming—at the very time the regime acknowledges the need for much higher taxes. In a desperate short-term measure, Khartoum has engaged in selling large tracts of Sudanese farmland to Arab and Asian investors, a terrible decision from the standpoint of both national economic development and food security.<sup>67</sup> Unsurprisingly, the Sudanese Pound has experienced a de facto devaluation of about 25 percent.

Growth in the economy has shrunk dramatically to about 3 percent, and gives signs of shrinking further.<sup>68</sup> Gone are the days of double-digit growth rates, huge oil riches, and foreign journalists marveling at the café bars that were gently misted in various spots in upscale Khartoum and Omdurman. But lurking behind this disastrous news is an even bigger overhang on the economy: more than \$38 billion in external debt (some \$30 billion in the form of arrears, accrued largely under the NIF/NCP). Even in its best years, the oil-dependent economy of the North could not begin to service, let alone repay this gigantic debt. The debt will continue to drag the economy downwards unless the IMF and World Bank structure some form of debt relief, which Khartoum disingenuously claims is “90 percent” achieved on the “technical side.”<sup>69</sup> This is the point at which Khartoum's military aggression along the border regions must have an impact even within a jaded international financial community.

Certainly the U.S. must oppose on “principle” any application for debt relief by a what remains an officially designated terrorism-supporting state. It was, of course, foolish of the Obama administration to make the issue of terrorism sponsorship one

that might be “negotiated”: Khartoum either does or does not support terrorism, and in fact there is considerable evidence that it still does, [chiefly by funneling Iranian weapons to Hamas](#).

Moreover, the terms of the “deal” the Obama administration has apparently struck with Khartoum do not take into consideration what has occurred in Abyei, South Kordofan, other contested border areas—and the relentless suffering and destruction in Darfur, which seems to have been accorded “parenthetical status” in the Obama administration’s discussions of Sudan’s crises. The U.S. openly promised to assist Khartoum with debt relief if it fulfills its obligations under the Comprehensive Peace Agreement (2005). But Khartoum is very far from fulfilling a range of obligations, leaving even an expedient Obama administration with little wiggle-room, given the seriousness with which Sudan is regarded by a substantial part of his key political constituency.

Without debt relief, economic problems that are already deeply threatening will become insoluble. Some in the regime surely understand this, and so the decision to adopt the present militaristic and threatening posture towards South Sudan—now less than a week away from independence—represents a triumph of the worst impulses within the regime: nationalism, Arabism, Islamism, embarrassment over “losing the South,” contempt for the international community, and a belief that more of the lucrative Southern oil fields can be brought by force into the North (some 75 percent of Sudan’s oil production and proven oil reserves lie in the South). Only this latter conviction about enhancing oil revenues can make war seem “affordable.”

This calculation by Khartoum is disastrous, and indeed in the short-run can only diminish oil revenues further: the South will fight with tremendous determination to preserve its territorial integrity, however resolutely it has resisted Khartoum’s military provocations so far. Oil infrastructure in the South required for any oil exports will become a prime target for the Sudan People’s Liberation Army in all-out war. Khartoum cannot both seize and exploit the oil reserves of the South; hence any rational economic decision made under the circumstances, even from a purely survivalist perspective, must be for peace. But though always capable of vicious and ruthless calculations, Khartoum’s serial *génocidaires* have never been considered men of reason. The consequences of their world-view are now conspicuously on display—nowhere more so than in the disaster toward which the Northern economy is moving.

In the period of a little over a year since this analysis was written, Khartoum’s economic crisis has deepened dramatically. True inflation is now running over 50 percent, and inflation in food and fuel prices have been at the heart of this dramatic

increase. In turn, the suffering occasioned by the dire state of the economy has energized popular protests which continue even in the face of brutal repression. Joblessness and under-employment have increased significantly. For 2012 the IMF estimates that Sudan's economy will *contract* by 7 percent (as opposed to the 3 percent growth for last year)—a huge reversal. The Sudanese pound continues in free fall and the black market rates show that there is no end in sight, making imported goods much more expensive and indeed all imports are extremely difficult because of the acute shortage of foreign exchange reserves. Debt relief will not come any time soon, given Khartoum's brutalizing of the people of South Kordofan and Blue Nile, and its continuing seizure of Abyei and insistence that the region has "always been part of the north." The economy is a growing disaster and may be the catalyst for popular regime change.

### **July 17, 2011: U.S., UN Refuse to Speak Honestly About Compelling Evidence of Genocide in South Kordofan** *(See also Annex XI)*

Evidence of mass graves in and around Kadugli, South Kordofan is now overwhelming. Most significant is the definitive satellite photography of three large sites and [reports by numerous independently interviewed civilians from the region](#). Evidence also comes from interviews conducted in June by human rights investigators of the UN Mission in Sudan (UNMIS); these findings appear in an internal UN human rights report whose findings had previously been suppressed by UN/New York. They were leaked to me and others, however, originally by someone who was evidently quite unhappy with UN silence about the deeply disturbing contents of this report. Given the immensity of the atrocity crimes revealed in this extensively documented but still officially unreleased report ("UNMIS Report on the Human Rights Situation During the Violence in Southern Kordofan"), it is imperative that the UN make clear who knew what, and when.

These terrible incidents and the weak UN response in Kadugli have already been likened—and rightly—to the ghastly failure of the UN at Srebrenica, where some 7,000 Bosnian men and boys were rounded up in July 1995 by Serbian army and paramilitary units under the command of (recently captured) Ratko Mladic and executed while Dutch peacekeepers looked on helplessly. Indeed, two days after Srebrenica was overrun by Mladic's forces, 4,000 – 5,000 Bosniak Muslims were expelled by the Dutch from their base—as Mladic had demanded (some 15,000 – 20,000 additional Bosniak Muslims had sought safety outside the Dutch base). The

events of Srebrenica have occasioned much painful self-reflection by the Dutch over the past decade and a half, and a recent decision (July 5, 2011) by a court in The Netherlands [ruled that the Dutch government was responsible](#) for several of the deaths. Notably from the standpoint of international law, Major General Radislav Krstic was convicted of the crime of genocide for his role in the Srebrenica massacre. His conviction by the International Tribunal for the Former Yugoslavia was upheld by an Appeals Chamber review of “Prosecutor v. Radislav Krstic,” Case No. IT-98-33-T. [This lengthy and superbly argued Appeals Chamber review](#) is a seminal document in international legal interpretation of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, and has particular relevance for the situations in South Kordofan and Darfur.

Given the extremely strong evidence of genocide in South Kordofan, and the Khartoum regime’s long history of genocidal assaults on marginalized populations in Sudan, the process of assessing awareness of and response to the UNMIS human rights report needs to begin immediately—for the UN, the U.S. and the Europeans, and the African Union.

In particular, we need to know about the credibility of the skepticism expressed by U.S. special envoy Princeton Lyman and UN Undersecretary for Humanitarian Affairs Valerie Amos. We need a clear account of what Ban Ki-moon’s secretariat knew and how it responded to reports that made clear atrocities were being committed in Kadugli and elsewhere in South Kordofan from the very beginning of the conflict that Khartoum instigated on June 5. And we also need to know what was seen by the UN Department of Peacekeeping Operations, particularly its Undersecretary Alain Le Roy. Finally, we need to know what U.S. Secretary of State Hillary Clinton knew when she made her [recent remarks about Sudan](#). We need to know what all these various international actors and parties knew—and when they knew it.

The task is challenging. For example, on June 28, in an interview on the PBS NewsHour, Lyman was asked, “Would you say atrocities are occurring by the North Sudanese forces against civilians there?”<sup>70</sup> Lyman’s evasive and disingenuous answer speaks volumes about his character as a diplomat and the larger U.S. response to events in North Sudan:

We certainly have reports of that. Because we don’t have a presence there, we haven’t been able to investigate it fully. There are certainly reports of targeted killings. There are some reports from the other side also. What we’ve asked for is a full investigation.

And to the follow-up question (“By whom [should the investigation be conducted]?”) Lyman responded:

Well, by the UN would be the best. The UN presence has not been sufficient to get out and stop this or to investigate it.

Lyman certainly knew when he offered this answer that there would be no UN investigation beyond what the human rights personnel attached to UNMIS were completing, and who had already been confined to its base and ordered out of South Kordofan by Khartoum the day following the independence of South Sudan on July 9. Saying “the UN presence has not been sufficient to get out and stop this or to investigate it” is merely to state the obvious, not to offer any meaningful reply about how the U.S. will actually respond to the now conspicuous human catastrophe in South Kordofan. I will return to the question of whether an international investigation of allegations of genocide could be conducted, with or without UN sanction, but we must bear in mind that any Security Council resolution authorizing such a thorough and unfettered UN investigation will be vetoed by China, which would regard such a precedent with horror, as well as deeply threatening to its relationship with Khartoum.

But the first question is whether or not Lyman knew what UNMIS human rights personnel knew. Was the special envoy to Sudan, representing the President of the United States, unaware of what was being compiled and then assembled at the very end of June in the 20-page UNMIS report? Was he not concerned enough by these extant “reports” to request U.S. satellite surveillance of the Kadugli area? It was precisely [such surveillance by the Satellite Sentinel Project](#) that revealed three large mass gravesites on July 14, graves dug between June 17, when the earth on this spot was untouched, and July 4, when SSP revealed three conspicuous, capacious, and nearly identical plots of significantly turned earth. Dug in the midst of heavy military activity and following a vast number of summary executions, these mass gravesites have only one plausible explanation. Certainly if the Obama administration is skeptical it may investigate further; the U.S. has much greater satellite capacity than is available to SSP and faces no restrictions on degree of resolution (as SSP does by virtue of U.S. law).

Importantly, nearly all the eyewitness accounts in the UNMIS human rights report have been fully corroborated by subsequent accounts from news organizations (several from the Nuba Mountains), from Nuba sources, and from the Satellite Sentinel Project. (I offered [an overview and synthesis](#) of this evidence on July 14). How could Lyman so blithely profess agnosticism about these extremely alarming accounts, especially given Khartoum’s history of genocidal counterinsurgency?

SSP reports the presence of irregularly shaped white bags heaped together near the mass gravesites, consistently corresponding to human dimensions. Why hasn't Lyman requested high-resolution satellite confirmation of what these white bags are? Several eyewitnesses, independently of each other, have confirmed that they are being used for the many corpses that litter Kadugli.

What of the more than 7,000 Nuba people who were forcibly removed from UN protective custody at U.S. headquarters in Kadugli on June 20, and [who remain unaccounted for](#)? The UNMIS report confirms what an earlier UNMIS internal situation report (sit rep) had detailed of actions by Khartoum's Military Intelligence and security services: impersonating Red Crescent personnel, these brutal men compelled the removal of Nuba civilians from the UN protective perimeter.<sup>71</sup> The UNMIS human rights report declares that its authors had "verifie[d] [the allegation of forcible removal] through multiple interviews of IDPs within the UNMIS Protective Perimeter" (§53). We presently have no knowledge whatsoever of the location of these people. The UNMIS human rights report declares that by 5pm on June 20, "approximately 75 percent of the 11,000 IDPs in the vicinity of the Protective Perimeter had vacated the areas...At the time of this report, there are no IDPs in the UNMIS Protective Perimeter" (§54).

Why aren't these UN reports sufficient to compel Lyman to ask for U.S. satellite surveillance? Can there be any reasonable doubt about the accuracy of either UN account? Is Lyman not worried that there are potentially thousands of Nuba in the large mass graves identified by SSP?

Perhaps Lyman has a plausible alternative explanation for why, between June 17 and July 4—during heavy military operations—Khartoum's forces would be moving earth at three side-by-side and parallel sites, of nearly identical dimensions (five meters by twenty-five meters), and of a size large enough to hold many thousands of bodies, depending on the depth of the excavation. In the absence of such an explanation, and in light of an apparent unwillingness to request U.S. satellite confirmation of what is occurring at this site, he and other Obama administration officials appear inert before the strongest evidence to date of massive ethnically targeted human destruction.

The same questions must be asked of Valerie Amos, head of UN humanitarian operations. On July 15 Amos declared in a prepared statement:

We do not know whether there is any truth to the grave allegations of extra-judicial killings, mass graves and other grave violations in South Kordofan.<sup>72</sup>

"We do not know whether there is *any* truth to the grave allegations"? This

is preposterous skepticism, and betrays a highly defensive attitude in the face of evidence that makes all too clear that Amos has not made any serious effort to come to terms with the evidence of mass graves and the various atrocity crimes reported by the UN itself. For the UN human rights report, again focusing on the early days of military action when UNMIS still had some mobility, is a savage indictment—one that Amos certainly would not want to acknowledge having known of while saying nothing. For the introduction to the report is quite unambiguous regarding what the UN had witnessed in the several weeks prior to the compiling of the report:

Monitoring has also revealed that the Sudan Armed Forces, paramilitary forces and Government security apparatus have engaged in violent and unlawful acts against UNMIS, in violation of International Conventions and the Status of Forces Agreement (SOFA) including: verified incidents of shelling in close proximity to UN property, resulting in damage; summary execution of a UN national staff member; assaults on physical integrity of UN staff; arbitrary arrest and detention of UN Staff and associated human rights violations including ill treatment amounting to torture; harassment, intimidation, and obstruction of freedom of movement; and intrusion on UN premises including the UNMIS Protective Perimeter established to protect civilians internally displaced as a result of the conflict. The international community must hold the Government of Sudan accountable for this conduct and insist that those responsible be arrested and brought to justice.

The ethnic targeting of Nuba is made explicit in the UNMIS human rights report as well:

Interviews with witnesses and victims reveal that the Sudan Armed Forces (SAF) and security forces have a list of Nubans wanted for being sympathetic to the SPLM/A, which supports the allegation that people in Southern Kordofan were targeted based on ethnicity. Witnesses also mentioned that persons of Nuban descent and “other dark skinned people” were being targeted by SAF and Arab militias. (§49)

And those contemplating a possible future UN presence in South Kordofan, including a human rights investigating team, should bear in mind just how UNMIS was treated:

Throughout the conflict in Southern Kordofan, the SAF, Popular Defence Forces, and the Central Reserve Police Forces have treated UNMIS with gross contempt and a total disregard of its status as a UN

body with the privileges and immunities set forth and contained in the Status of Forces Agreement (SOFA) with the Government of Sudan, as well as international conventions on the status of the UN, its staff, and assets, to which Sudan is a signatory. In addition to the killing of one UNMIS independent contractor, the SAF and PDF have intimidated UNMIS staff and subjected them to degrading and inhuman treatment, which has left as many as 45 staff held up in forced imprisonment in the UNMIS Kadugli Team Site, physically debilitated and psychologically traumatized. (§44)

Examples of this gross mistreatment of a UN-authorized force are many:

On 7 June, an UNMIS truck was stopped at a checkpoint near the UNMIS Sector IV compound. Three of the ten IDPs who had been assisting UNMIS personnel with loading supplies for IDPs were pulled out of the truck and beaten up by SAF personnel. An UNMIS staff member who attempted to intervene was threatened at gunpoint by one of the soldiers who asked him “do you want to stay or leave.” The UN personnel drove off with the seven remaining IDPs. The fate of the three IDPs remains unknown. (§61)

On 16 June, four UNMIS military observers on patrol were detained, interrogated, and subjected to cruel and degrading treatment for two hours. They were intercepted by SAF personnel near the SAF 14th Division Headquarters while en route to Kadugli town to verify reports of mass graves. The military observers were taken to the SAF-JIU 5th Division Headquarters where they were subjected to lengthy interrogation regarding the purpose of their monitoring mission, searched and forced to remove their shirts. *A SAF Captain instructed the UNMOs to line up and be killed. He removed the safety of his AK-47, and just as he was about to point the weapon towards the UNMOs, a SAF Major entered the room and ordered him not to shoot.* Immediately following the intervention the officer with the gun shouted “UNMIS leave Southern Kordofan, if not we will kill you if you come back here.” The team was released and told not to return back to Kadugli town. (§62)

There are examples of Khartoum’s complete contempt for the UN:

On the evening of 22 June, SAF surrounded the UNMIS Team site compound in Kadugli with three heavy artillery gun-mounted vehicles

pointed at the compound from three points, including the front gate. This occurred following the arrest and interrogation of six UNMIS national staff early in the day by SAF military intelligence at the Kadugli airport. These developments have left UN national staff, especially those of Nuban descent, in a state of fear, some psychologically traumatized. (§65)

And there are other powerful observations made by the UN human rights report:

With the reinforcement of SAF, Central Reserve Police and militia elements, the security situation deteriorated on 7 June, with indiscriminate shelling of Kadugli town apparently targeting densely civilian-inhabited areas. This led to the secondary displacement of thousands of IDPs who had taken refuge in churches and hospitals to the UNMIS compound where they were sheltered in an area adjacent to the compound that was set up specifically to receive IDPs and provide them security and humanitarian assistance (Protective Perimeter). The SAF took control of the Kadugli airport, including UN assets located at the airport, and closed all civilian air traffic. UNMIS Human Rights received confirmation that SAF, together with militia elements of the Popular Defence Forces (PDF), a paramilitary force established in 1989 to assist SAF in “defending the nation,” began going from house to house subjecting residents to identity checks. (§9)

Eyewitnesses reported to UNMIS Human Rights looting of civilian homes, UN agencies/offices, and humanitarian warehouses, and destruction of property by PDF elements as they fought alongside the SAF. Meanwhile UN Security began the relocation of staff from UN Agencies, Funds and Programmes and INGOs to the UNMIS compound. By the evening Kadugli town, including hospitals, was emptied, as SAF checkpoints were established throughout the town. (§10)

These “checkpoints” have figured prominently in the accounts of many Nuba over the past six weeks. Their clear purpose is to capture or execute all Nuba, claiming that they have “Southern sympathies.” The looting and destruction of humanitarian warehouses has been repeatedly confirmed: these actions have as their goal the ending of humanitarian assistance to the Nuba Mountains, which are the ultimate focus of this growing campaign of genocide.

It is important to stress that the international response to the concluding recommendation of this human rights report will define any history of the present moment,

particularly given the failure in Darfur to give meaning to the doctrine of a “responsibility to protect,” a “responsibility” that obtains even when there are claims of national sovereignty:

The attacks on UNMIS, its staff and assets are so egregious that condemnation is insufficient. The conduct of the SAF, the PDF, the Central Reserve Police Force, and the Government Police, singularly and collectively, has frustrated and weakened the capacity of the UNMIS to implement in Southern Kordofan a mandate given to it by the UN Security Council. The conduct has also resulted in loss of life and injury of UN staff. *The international community must hold the Government of Sudan accountable for its conduct and insist that it arrests and bring to justice those responsible.* (§74)

So, is Amos even remotely credible when she declares, “We do not know whether there is *any* truth to the grave allegations”? This implausible skepticism confronts us again with the question: who within the UN system knew what and when? Is it conceivable that with such serious allegations building over more than three weeks they would not have made their way back to the UN in New York? To the Office of the UN High Commission for Human Rights (UNHCHR)? To Ban Ki-moon’s Secretariat? Obviously the findings were far too sensitive to be released from within Sudan, even in Khartoum, where the UNMIS human rights team is based. This would have immediately imperiled the presence of remaining, if highly constrained UNMIS personnel in South Kordofan. But there was nothing from the UN in New York—not from UNHCHR, not from anyone in the Secretariat, not from Haile Menkerios, the UN Secretary-General’s special representative for Sudan—no one said anything. Amos’s silence has been particularly galling, as Julie Flint reports in *The Observer*, “causing fury among hard-pressed colleagues on the ground, who have been crying out for much stronger support from the security council, [as Amos] appeared to cast doubt on their reporting” (July 17, 2011).<sup>73</sup>

History is quickly being obscured by those complicit in this cover-up, so let us recall first what was known earlier in June, and look further at the specific findings of the UNMIS human rights report. On June 17, I published in the *Washington Post* [a number of specific accounts](#) received by me and many others in the two weeks following the start of military activities (June 5). I prefaced these accounts by invoking my February 2004 warning in the *Post* concerning Darfur, which concluded with a prediction that was borne out with a terrible completeness:

A credible peace forum [for Darfur] must be rapidly created. Immediate plans for humanitarian intervention should begin. The alternative is

to allow tens of thousands of civilians to die in the weeks and months ahead in what will be continuing genocidal destruction.<sup>74</sup>

Reports from the ground in South Kordofan were already numerous and in many respects just as compelling as early reports from Darfur. I referred in the *Post* to “disturbing accounts [that] have emerged of the African people of the Nuba being rounded up in house searches and road checkpoints, and subjected to indiscriminate aerial bombardment,” and concluded by arguing that “all signs point to a new genocide.” I also noted that such genocidal ambition by Khartoum was in fact not without precedent in the Nuba Mountains; in January 1992 a *fatwa* was issued in Khartoum, declaring

*jihad* against the peoples of the Nuba (who practice a range of religions, including Islam). Because the Nuba Mountains are not geographically contiguous with South Sudan (with which the area is militarily, politically and culturally allied), its people were largely left to fend for themselves. [The] regime imposed a total blockade of humanitarian assistance from the south. Many starving Nuba were forced into “peace camps,” where receiving food was conditional upon conversion to Islam. Some who refused were tortured or mutilated. Khartoum’s decade-long campaign killed and displaced hundreds of thousands.

I also reported the extensive use of aerial military aircraft against civilian and humanitarian targets, a tactic that has a [long history under this regime](#) in Darfur, South Sudan, the Nuba Mountains throughout the 1990s, and currently in South Kordofan. It was also clear, I insisted, that humanitarian access was extremely limited by Khartoum’s restrictions, its commandeering of the Kadugli air field, and by its relentless bombing of the Kauda airstrip in the Nuba Mountains. Furthermore, I noted that “on June 8 [the UNMIS] base was raided by Khartoum’s military intelligence, and the United Nations was effectively disabled.”

All this was clear more than four weeks ago. Despite Khartoum’s best efforts we have known what was going on, and so has the UN, though it has chosen not to speak out. This is beyond disgrace. To the argument that silence about large-scale atrocity crimes was justified as a means of keeping a UN presence in South Kordofan—with extremely limited reporting ability once hostilities began—I can only shake my head in disgust at such ghastly expedience.

Here it seems appropriate to recall that the initial UN investigation of Khartoum’s military seizure of Abyei (May 20-21) found that these actions were “tantamount to ethnic cleansing”; Ban Ki-moon and his office subsequently ensured that

this phrase was excised from the final, public version of the report.<sup>75</sup> This decision was a morally and intellectually corrupt effort to placate Khartoum, an effort that has been a signature feature of U.S. policy as well. Nothing has done as much to produce the present catastrophic situation. I concluded my *Post* essay by noting that the UN Security Council “demanded” on June 3 that Khartoum immediately withdraw its forces from Abyei:

The regime scoffed of course—as it has at previous council “demands,” including those bearing on Darfur. This is bad news for the people of Abyei and for the prospects of a just and peaceful separation of Sudan’s north and south, which is scheduled for July 9. For the Nuba people, such fecklessness spells catastrophe. Too often with Sudan, empty demands and threats signal to the regime that the world is not serious about halting atrocities. Either the international community gets serious about preventing further violence in Abyei and the adjacent region of South Kordofan, or we will again see [as I argued in February 2004 about Darfur] “tens of thousands of civilians ... die in the weeks and months ahead in what will be continuing genocidal destruction.”

A month later, I would change not a word of this. The UNMIS human rights report supports my conclusions, underscoring as it does that the bombing campaign began in the opening days of the current military and civilian destruction campaign, and has continued throughout:

On 6 June, the Sudan Armed Forces (SAF) commenced aerial bombardments and intensified ground assaults on civilian populated areas in Um Dorein and Talodi localities. Many civilians fled the towns taking up refuge in the Nuba Mountains. Civilians wounded by the bombardments flocked to hospitals in Kadugli. Civilian movement was curtailed further east in Heiban and Kauda localities, as SAF and SPLA roadblocks from the north and south prevented residents from leaving the town. In Kadugli town, residents in the largely SPLM-inhabited Kalimo area were warned by both the SAF and the SPLA to evacuate the area. In the late afternoon, SAF heavily bombarded the west of town in Al Messanie which continued until the early morning of the 7 June. Residents in the Kalimo neighbourhood reported that the SAF was indiscriminately shelling homes where it suspected SPLA elements were hiding. There were also reports that the SAF was conducting house to house searches and systematically burning houses of suspected SPLM/A supporters. (§8)

In a section devoted to “Aerial bombardments” the UNMIS human rights report makes clear just how constant, destructive, and terrifying this bombing has been:

Since the eruption of the conflict, the SAF has carried out *daily aerial bombardments* into the Nuba Mountains and in several towns and villages populated by Nubans. The consequences of these bombardments on the Nuban people and in particular civilians, including women and children, are devastating. They have resulted in significant loss of life, destruction of properties, and *massive displacement*. UNMIS Human Rights has received photographs of mangled and mutilated bodies of civilians, some cut into halves, including women and children. (§39)

Starting from 5 June, the SAF has conducted daily aerial bombardments in Kadugli, Kauda, Dilling, Talodi, Um Dorein and other parts of the State populated by Nubans including Heiban, Kauda, Julud, Kudu and Kurchi. These bombardments often start from early evening at about 18:00 and last until daybreak. The bombardments have also targeted civilian facilities such as airstrips. On 14 June UNMIS personnel from the Kauda Team Site reported that the SAF launched air strikes on the airstrip and areas close to the UNMIS compound causing damage to structures inside the Team Site. The bombing rendered the airstrip unusable and impeded humanitarian organizations from re-supplying their stocks from Kadugli town or relocating/rotating staff in these areas.

On 25 June, SAF air-strike dropped two bombs on Julud airstrip, just 350 metres from a school, and three kilometres from UNMIS Julud Team Site. As of 27 June, according to UNMO reports from Kadugli and other Team Sites, the SAF was intensifying aerial bombardments in Southern Kordofan. On SPLA positions. Following the SAF aerial bombardment of Shivi village, in Dilling locality on 8 June, UNMIS Julud Team Site reported two civilians were killed, one male and one female. Bombs have also been dropped very close to UNMIS Team Sites. On 19 June, UNMIS Kauda Team Site confirmed that seven bombs dropped in Kauda hitting areas south and northwest of the Team Site. (§40)

Are Lyman and Amos and other senior UN officials claiming that they did not know of these reports from the ground in Kadugli and Kauda? Are they saying that they didn’t credit the reports? Or are they saying that they did not think them important enough to publicize, given Khartoum’s anger over such truths being told?

The UNMIS human rights report provides not only compelling eyewitness accounts of mass graves and continuous aerial bombardment of civilians, but also establishes that many other war crimes and atrocities have been committed:

On 22 June, an UNMIS independent contractor reported witnessing SAF elements fill a mass grave in Al Gardut Locality in Tillo with dead bodies. *She reported that SAF elements transported the bodies to the site, dumped them in the grave and using a bulldozer to cover the grave.* [SSP also reports the use of heavy earth-moving equipment] (§34)

An UNMIS staff member who was detained by SAF at their military facility in Umbattah Locality reported during his detention, that he saw over *an estimated 150 dead bodies of persons of Nuban descent scattered on the grounds of the military compound. Some of the bodies appeared to have bullet wounds and he reported a large quantity of blood on the ground.* He reported a SAF soldier told them that they had all been shot dead. (§28)

On 8 June, an UNMIS independent contractor (IC) was pulled out of a vehicle by SAF in front of the UNMIS Kadugli Sector IV Compound in the presence of several witnesses, while UN peacekeepers could not intervene. He was taken around the corner of the compound and gunshots were heard. Later he was discovered dead by UNMIS personnel and IDPs. Several sources confirmed that the victim was an active SPLM member. (§29)

Through house to house searches and targeted actions at checkpoints and at the Kadugli Airport, the SAF is believed to have engaged in arbitrary arrests and detentions of persons affiliated with churches or suspected of being supporters and affiliates of the SPLM/A. Thus far most of those arrested are Nubans. On 7 June a Catholic priest reported that SAF and PDF militia were engaged in house-to-house searches mainly in the Banjadid Locality west of Kadugli town causing civilians to panic. (§43)

Several passages speak to the existence of earlier mass graves, dug even before the three very large sites discovered by SSP (which were dug sometime between June 17 and July 4):

On 10 June, UNMIS Human Rights interviewed residents from Murta village, outside of Kadugli Town, who stated that they saw fresh mass

graves located in a valley southeast of the Murta bus station near the Kadugli police training centre. (§35)

[Two men interviewed by UNMIS] reported that, following their release from SAF custody, they saw fresh mass graves between the SAF 14th Division Headquarters and Kadugli Market. On 16 June, UN military observers, while on their way between the SAF 14th Division Headquarters and Kadugli Market in an attempt to verify the existence of these mass graves, were arrested, stripped of their clothes, and believed that they were about to be executed when a senior SAF officer intervened. (§36)

Again, these mass graves are in addition to those dug after June 17, as reported by SSP. There are also many other sources for reports of mass slaughter and assaults on humanitarian operations and workers. Flint in *The Observer* (UK) (July 17, 2011) notes:

National staff of international aid organisations have also come under attack. UNMIS cites the case of a young Nuba woman arrested and accused of supporting the SPLM. UNMIS human rights officers saw bruises and scars on her body consistent with her claim to have been beaten with fists, sticks, rubber hoses and electric wires. Underscoring the need for the “independent and comprehensive investigation” UNMIS recommends, *The Observer* has been told—by a hitherto impeccable source not connected to the SPLM/A—that 410 captured SPLM sympathisers were ordered executed on 10 June by Major-General Ahmad Khamis, one of four senior army officers sent to South Kordofan from Khartoum at the start of the war.

Khamis was one of the main implementers of a government jihad in the early 1990s that brought the Nuba people to the brink of destruction. [In 1995] Khamis, then head of military intelligence, was repeatedly named as being responsible for torture and executions—including by his own hand.

*The Independent* (UK) reports from the Nuba Mountains (July 8) shocking evidence that international peacekeeping mission [in South Kordofan] did nothing to stop ethnic cleansing:

When fighting erupted in the South Kordofan state capital of Kadugli in early June, tens of thousands of terrified civilians flocked to a “safe

haven” directly outside the gates of the UN Missions in Sudan (UNMIS) base. Hawa Mando, a school teacher, reached the camp for internally displaced people on 5 June with her family after fighting in the town forced her to flee her home. She witnessed government agents and irregular troops—notorious from atrocities in Darfur—known as the Popular Defence Force entering the camp hunting for people on a list of government critics.

“They had lists of people they were looking for,” said the mother of seven. “Local spies would point people out and they would shoot them.” She continued: “In front of my eyes I saw six people shot dead. They just dragged the bodies away by their feet like slaughtered sheep. People were crying and screaming and the UN soldiers just stood and watched in their watchtowers.”<sup>76</sup>

Some of the atrocities bespeak complicity on the part of UNMIS in Kadugli, a unit dominated by the Egyptians (the UN human rights investigators were based in Khartoum):

Eyewitnesses described to *The Independent* how they saw peacekeepers standing by while unarmed civilians were shot dead outside the gates of a UN base before being dragged away “like slaughtered sheep.” They also said that local leaders have been handed over to government forces after seeking shelter with UN officials.<sup>77</sup>

## **Aerial bombardment of civilians, obstruction of humanitarian assistance**

Khartoum continues its virtually daily bombings attacks in the Nuba Mountains and elsewhere in South Kordofan, relentlessly targeting Nuba civilians—primarily using Antonov “bombers,” retrofitted Russian cargo planes that have little to no bombing accuracy. The regime also continues to bomb in northern Unity State (Republic of South Sudan), an extremely provocative military action that entails violating an international border and is thus an act of war under international law. Confirmed bombing attacks occurred on June 9, June 10, June 11 (two attacks), June 13, and July 2. Bombing has also occurred in the Southern states of Northern and Western Bahr el-Ghazal and Warrab. And in Darfur such attacks are as relentless as they have been for more than eight years.

*The Independent* reports from the Nuba Mountains:

When boys and girls started arriving at his hospital with missing arms and feet, they were the first casualties of war Dr Tom Catena had seen. “The injuries are horrifying,” said the mission doctor who comes from upstate New York, “a girl with her feet blown off, another with her abdomen sliced open.” The victims pouring in from the villages in Sudan’s Nuba mountains were being bombed by their own government, he discovered. Grass thatch villages were being turned to charnel houses as an air force dropped bombs from the back of ageing cargo planes.

The government in Khartoum insists it is targeting armed rebels but the Antonovs it is using are non-military aircraft and are randomly destructive. “The worst injuries are from the Antonovs,” said Dr Catena. “This is my first experience of war and you don’t understand the human toll until you see it. These people are being destroyed for nothing.” The only qualified doctor in an area with hundreds of thousands people, the mission hospital has about 400 patients. The doctor who arrived recently from mission work in Kenya said he was nervous at first about speaking out as hospitals were targets. “Why hold back?” he asked. “We should show what’s happening, this is the reality.”

Yussef Abdullahi Kuwa reached the hospital in the north of the Kauda Valley on Sunday. The 15-year-old was playing when the bomb hit. He was unable to take cover fast enough and now half his face is missing where hot metal sliced through it. He cannot speak. “My boy has done nothing to this government,” said his father, who took three days to get him to a doctor. “We are powerless.” Children with stumps where their hands or feet should be wander around in the hospital. Sixteen-year-old Jakumo lost his left arm after helping his sister with the washing. The children had been told to lie flat when they heard planes but Jakumo forgot. “I tried to hide behind a tree instead,” he said. “But it hit me.”<sup>78</sup>

An equally grim follow-up piece was filed by Howden of *The Independent* on July 15:

Thousands of people are sheltering in the clefts and caves of the granite slopes of the Nuba Mountains, where Sudan’s government claims it is fighting a counter-insurgency campaign against armed rebels. Iqbal al-Nur perches on a wooden cot with a baby pressed to her breast in the shadow of an immense stone. “We took what we could carry and came here to escape the planes,” she says, pointing to the sky where bombers

have been launching an aerial assault across the mountains. “As long as the bombing continues, we will stay.”

Ms Nur, who has four children, fled with the rest of her village to the safety of the mountains. She gave birth to Ambu, who is now one week old, under a rock soon after arriving. A friend who had a child three days later had to be taken hundreds of kilometres away to the nearest doctor after the infant fell ill. “I am scared Ambu is going to get sick here with the rain and wind,” says Ms Nur, who admits she is also frightened of snakes. “I hate it here but we have no way out.”

The towns and villages beneath the mountains are deserted. In Tonguli, a thatched roof is splayed on the cratered floor where it was thrown by the blast. A nearby hut has been reduced to a pile of blackened bricks. Others had their walls shredded by shrapnel. One man here was killed when a bomb ripped through his home as he slept last week. The long civil war’s end, which brought independence last week for South Sudan, has meant little in the Nuba Mountains.

But in the Tonguli mountains, Hussein al-Amin, the chief of a nearby village, reacts with rage at what was said: “We have no roads, no schools, no hospitals; this government gave us nothing. Now they bomb us and they keep bombing us even as we run away from our homes.” He says that refugees from the bombing campaign have come from all over the northern Nuba Mountains and more are arriving every day. Residents from two towns and at least seven villages are living among the rocks. He is concerned about disease and asks if people outside Sudan can “stop the bombing.”

Like many of the displaced people, Moussa Zeber Ismail comes from the nearest big town, Dalami. The town has witnessed some of the worst fighting since clashes broke out in South Kordofan last month when government forces launched a campaign against Nuban rebels. The town initially fell to the rebels but has since been retaken by forces loyal to Khartoum. “Everything has been destroyed, you can’t find a school, a shop, a house, anything,” Ismail, who is a farmer, says. “They sent Antonovs [bombers] during the day while the fighting was going on. They just threw bombs everywhere, hitting everything, everyone.” The 54-year-old fled into the bush after seeing a friend sliced in half by shrapnel. “We hid for 18 days in the bush and then walked here. Up to now, I still don’t know who has been killed and where everyone is,” he says.<sup>79</sup>

On July 12 Associated Press reported that “the United Nations says staff in Sudan have reported heavy aerial bombardment in South Kordofan State in recent days.” What has gone insufficiently remarked is that these attacks serve as a powerful recruiting tool for the SPLM/A North, which has already more than held its own against SAF forces in ground combat, and this augurs a long war. Agence France-Press reports from the Nuba Mountains (July 17):

[D]espite the army’s relentless bombing campaign over the past six weeks, the insurgency shows no sign of weakening, with the SPLA claiming to control much of the ethnically divided state and the new recruits swelling its ranks. Some are young, but many are older, like Abdullah, a middle-aged travel agent from Kadugli who volunteered after fleeing the heavy fighting in the state capital last month, along with 10 friends, four of whom were killed along the way.

“I lost so many in Kadugli. First, one of us was gunned down by a Dushka (anti-aircraft machine gun). Then, when we were carrying him, two more were killed by an aerial bomb. Another was killed on the way here,” he says. Others tell similar stories. Aut Maliga was a farmer in the Nuba town of Kurchi, southeast of Kadugli, where five bombs were dropped on a market on 26 June. “I joined the SPLA because I lost so many friends in the bombing, my best friends,” he says. Numerous local sources have confirmed that the air strikes on Kurchi destroyed the market and killed at least 16 civilians, including eight women and children. Another 32 people were hospitalised.

The extent and sustained nature of the bombing campaign, like so many of the actions reported here, bespeak significant advance planning: it is simply not possible to conclude that what is occurring is anything but a well-organized campaign that has as its animating ambition the destruction of the Nuba people and all support for the SPLM/A, North and South. The fact of such advance planning has critical implications in assessing the legal character of these atrocity crimes.

### **South Kordofan “De-coupled”?**

What, then, are we to make of the tepid and wholly ineffective response by the Obama administration to what all evidence suggests is genocide in South Kordofan? Have senior officials silently decided that in continuing negotiations with Khartoum, Abyei and the Nuba Mountains will be “de-coupled,” as Darfur was “de-coupled” last November in the putative interest of securing peace for South

Sudan? Of course there is a deeply false premise implicit in such thinking, to say nothing of its moral obscenity. As most informed observers realize, the broader center-periphery conflicts that are present throughout Sudan have too often provided Khartoum with diplomatic leverage. Narrow international focus on one problem—whether South Sudan, Darfur, or again South Sudan—encourages Khartoum to abuse and assault the marginalized areas that are not the focus of negotiations. This is the diplomatic complement to the regime’s well-tested policies of dividing and weakening—politically, and ultimately militarily—internal opposition to its tyranny. We will understand events in Abyei and South Kordofan only if this dynamic is borne in mind.

But while such “de-coupling” has become part of U.S. Sudan policy, that policy is not likely to be again explicitly acknowledged in public, as a senior administration official did last November in speaking about Darfur. So far, one must concede this earlier “de-coupling” has been managed deftly; indeed, so deftly that it has gone unnoticed by many presumably informed commentators. The *New York Times*, for example, recently concluded its editorial on the new Republic of South Sudan by declaring:

The Obama administration, correctly, is not taking Sudan off its terrorism list and normalizing relations until Khartoum fulfills the peace deal and ends the conflict in Darfur.<sup>80</sup>

This statement is simply inaccurate. Last November a senior administration official explicitly and publicly “de-coupled” the genocide in Darfur (“genocide” being Obama’s ongoing characterization) as well as the issue of Khartoum’s longstanding place on the U.S. State Department list of terrorism-sponsoring nations. This official (identified in the State Department transcript only as “Senior Administration Official Two”) declared:

One [of two new elements in U.S. Sudan policy] was to indicate that the U.S. was prepared to accelerate the removal of Sudan from the state sponsor of terrorism list if the Government of Sudan did two things. One is to fully implement the Comprehensive Peace Agreement, and two, to live up to all of the legal conditions required under law for Sudan to be taken off the state sponsors list. *By doing this, we would also be decoupling the state sponsor of terrorism from Darfur and from the Darfur issue.*<sup>81</sup>

The *New York Times* missed this, making a [key claim](#) that is simply wrong, although they have refused to acknowledge so when queried. This denial reveals how

seriously deficient American journalism has become in reporting on and editorializing about Sudan.

Given the pronounced tendency to expediency that has been evident for more than two years in the Sudan policy of the Obama administration, particularly on the part of former special envoy Scott Gration, it seems more than reasonable to ask whether in celebrating the independence of South Sudan, and engaging only narrowly on outstanding issues between North and South, Obama officials have done and said all they intend to with the seriousness needed to change attitudes in Khartoum. Abyei is already lost to the South, even with temporary deployment of an Ethiopian brigade (notably, and unusually, [without a human rights mandate](#)). Khartoum retains *de facto* military control of the region, and for more than 120,000 Dinka Ngok there are no prospects of return to their homeland. Khartoum has already threatened war if South Sudan does anything to reclaim Abyei, or even the self-determination referendum guaranteed by the Comprehensive Peace Agreement, which the Obama administration is apparently prepared to see selectively implemented.

South Kordofan stands on the precipice, and there seems little to prevent its tipping over. Blue Nile looms as the next crisis point is Blue Nile; also in North Sudan, if war comes to the region, it will not be contained for long. It is not clear that anyone in the Obama administration is thinking seriously about the acute threat posed by recent military developments in this remote region, even as SPLM member and governor of Blue Nile Malik Agar has warned that war becomes increasingly likely as fighting in South Kordofan continues.

It is not sufficiently acknowledged that there were good reasons for Malik Agar to provide this warning; nor was he alone in his warning. Nonetheless the international community did nothing to warn Khartoum off from yet another major military assault, one that has produced staggering civilian casualties and displacement.

## **The UN in South Kordofan**

The first recommendation of the UNMIS human rights report is the only one that matters: if it is not followed, the others will be meaningless, given Khartoum's insistence that UNMIS remove all personnel from the North, including South Kordofan:<sup>82</sup>

[The authors of this UN human rights report recommend] that the UN Security Council mandates the establishment of a commission of in-

quiry or other appropriate investigative authority, including the Prosecutor of the International Criminal Court, to conduct a comprehensive investigation into the violence in Southern Kordofan and violations of human rights and humanitarian laws and to identify the perpetrators or those who bear the greatest responsibility, with the view to bringing them to justice. (75.1) (July 2011)

This recommendation that a “commission of inquiry” be established will receive broad international support, largely because it has no chance of receiving authorization from the Security Council due to the certainty of a Chinese veto. Indeed, we should recall Beijing’s recent comment on North Sudan’s place in the world. Reuters [Beijing] reports (July 13):

The world should recognize the efforts made by Sudan in bringing peace to its southern region, now an independent state, and normalize relations with Khartoum, state media on Thursday quoted a senior Chinese diplomat as saying.

China seems to be indicating unambiguously that it will oppose UN authorizing of a non-consensual human rights investigation—even if there is evidence of accelerating genocide; again, there exists indisputable evidence of large mass graves capable of holding many thousands of bodies, and a great many thousands of Nuba remain unaccounted for.

But given UN inertia, this seems largely irrelevant. Instead of focusing on the enormously challenging task of how to obtain on-the-ground confirmation of reports already made by many authoritative sources, UN officials and other international actors indulge in rhetorical posturing with no real commitments:

Ban Ki-moon [while in Khartoum] urged the Sudanese Government to put place mechanisms to ensure that humanitarian operations can continue in Southern Kordofan and Blue Nile states, and added that UN personnel need unfettered access.<sup>83</sup>

More to the point would have been an urging that Khartoum halt its war on humanitarian operations in Darfur and South Kordofan. The notion that the regime conducting this terrible war of attrition will “put in place mechanisms to ensure humanitarian operations can continue” is simply a means to avoid speaking about the real nature of the crisis. In fact, the regime has recently threatened to expel all humanitarian workers and operations, from both South Kordofan and Darfur:

[A]n official in Khartoum's ruling party, Gudbi-Al Mahadi, has accused aid agencies of giving logistical support to the rebels, the pro-government Sudanese Media Centre (SMC) reports. He warned the agencies that they risked "legal penalties" and expulsion, SMC said. (BBC News Africa, July 13)

North Sudan's secretary for the political sector threatened Non-Governmental Organisations (NGO) operating in Kordofan and Darfur with penalties or expulsion on Monday. Gudbi-Al Mahadi of Sudan's ruling National Congress Party (NCP) is reported by the pro-Khartoum Sudanese Media Centre as threatening NGOs with "legal penalties" and "halting of activities" as some were "found providing logistical support to insurgents." No evidence was provided to support the allegations against the NGOs. But officials from the ruling party said they do not want a repeat in South Kordofan of the large humanitarian presence and the creation of camps for the displaced civilians, as has happened in Darfur. (*Sudan Tribune*, "Khartoum threatens NGOs in South Kordofan and Darfur with expulsion," July 11)

*The Observer* also reports today (July 16, 2011) on a second confidential UN human rights report, which comports with the one more widely leaked. This new report appears to speak specifically to the issue of Khartoum's obstruction of relief aid:

A second report details how "active obstruction by state authorities (in South Kordofan) has completely undermined the ability of the peace-keeping force, UN Mission in Sudan (UNMIS), to fulfill the most basic requirements of its mandate" in the Nuba region. The report says the humanitarian assistance and protection provided by UNMIS have become "inconsequential" as it prepares to leave Sudan, at Khartoum's insistence, by 31 July.

Given the terrible precedent of Khartoum's expulsion of thirteen of the world's most distinguished humanitarian organizations in March 2009, it would be foolish not to see the strong possibility of linkage between international action on South Kordofan and the fate of the vast humanitarian operation on which more than 3 million people in Darfur depend. Khartoum is in effect threatening relief efforts in Darfur if the regime is pressed too hard on South Kordofan.

Members of the Security Council are at once facile and ill-informed, "call[ing] on the Government of Sudan and the Sudan People's Liberation Movement's northern sector to agree to an *immediate* cessation of hostilities" in South Kordofan. No

mention is made in this “call” of the fact that al-Bashir and his security cabal have withdrawn from the “framework agreement” they signed in Addis Ababa on June 28, in which a cessation of hostilities agreement was indeed the primary agenda item:

Al-Bashir’s decision yesterday [July 6] to quit negotiations in Addis Ababa, Ethiopia, to end clashes in the north’s only oil producing state, Southern Kordofan, dashed chances of a quick cease-fire. The fighting in Southern Kordofan, which borders Southern Sudan, started when Sudanese troops tried to disarm members of the Nuba ethnic group who fought alongside the southern army during the civil war, according to Southern Sudan’s ruling party. Al-Bashir and his governor in Southern Kordofan, Ahmed Haroun, are wanted by the International Criminal Court over allegations they were involved in war crimes in Darfur.

Sudanese President Umar al-Bashir quit talks in Ethiopia to end clashes in the northern oil- producing state of Southern Kordofan, two days before South Sudan becomes independent. “There will be no more negotiations outside Sudan,” Al- Bashir told a rally today in White Nile state in a speech televised live on the state Sudan TV station.<sup>84</sup>

Bashir warned the north would hold no more foreign talks on solving internal conflicts such as violence in the northern border state of South Kordofan where the army is fighting armed groups allied to the south. Leaders of north and south had agreed on Monday in Ethiopia to continue talks on a series of issues both sides need yet to solve such as ending tensions in South Kordofan. “After the betrayal in South Kordofan [the SPLM/North] come and want to hold talks. *But we will not hold any talks in Addis Ababa or elsewhere with those who take up arms,*” he said. North Sudan would not sign any more international agreements after it wrapped up a peace accord later this month with a small group in the western region of Darfur.<sup>85</sup>

Does the UN understand the meaning of the word “intransigence”? This seems an important question since it is Khartoum’s signature negotiating posture. No one seems willing to speak the truth about why there is nothing happening in Addis, even as nothing is gained by pretending the regime is anything but what it has repeatedly demonstrated itself to be.

## A last chance for the “responsibility to protect”

UNMIS has been highly ineffective over the past six and a half years, as has UN-AMID in Darfur since it officially took up its mandate on January 1, 2008. At a cost of more than \$2 billion per year, more should have been expected of these two operations and the UN’s Department of Peacekeeping Operations. The humanitarian side of the UN in Sudan has been just as incompetent in its leadership, especially Valerie Amos and the head of UN humanitarian operations in Sudan, [Georg Charpentier](#). Both officials have contributed significantly to the invisibility of Darfur’s ongoing agony. Yet ultimately, the real power to act effectively lies with the UN Security Council, and herein lies the obvious rub. The U.S. and other member states know that China will veto any resolution authorizing an intrusive or non-consensual human rights investigation. The question, then, is what can be done in the face of such an obviously broken mechanism for responding to international crises, including incipient genocide?

First, the U.S. that must decide—with as much help as possible from the Europeans, the Canadians, Latin American countries, and from any African allies that can be found—that it will push a resolution authorizing a robust and urgent UN human rights investigation. China will likely veto it, so the resolution should then be brought again, modified as necessary to secure a second Security Council debate.<sup>86</sup> China will be forced to veto this second resolution, thus bringing an important clarity to the diplomatic and political situation.

The utter futility of Security Council action would then be the backdrop for a non-consensual investigation outside UN auspices of atrocity crimes in South Kordofan. If genocide or crimes against humanity are discovered, as they quickly will be, the entire world will again face the same question that it did in April 1994, when Roméo Dallaire made his well-known plea for 5,000 men, enough he felt to enable the UN to halt the Rwandan genocide.

This time, however, we are not looking at 100 days of slaughter; rather, the means of destruction are a grim, slow-moving extermination by starvation and denial of humanitarian access to the Nuba Mountains. The process is accelerated by relentless aerial assaults that are meant to destroy the agricultural cycle (spring planting during the rainy season and fall harvest. The killing of Nuba in Kadugli is winding down: people are already dead or have fled to the countryside or to the South.

What will it take to stop this current genocide? What protection can be provided to those now ethnically targeted on a vast scale? There are no simple military answers, though there are some; but since there is no political will in any event,

discussions of such options would seem moot. U.S. ambassador to the UN Susan Rice has already [explicitly and preemptively taken any U.S. military response off the table](#).

The nations and organizations that have historically supported the ideal of a “responsibility to protect” endangered civilians, unprotected or attacked by their own government, must now decide whether this much-touted ideal really means something—and if so, what it entails in circumstances like those presently threatening the Nuba people in South Kordofan. Darfur is a recent and defining example of the failure of the “responsibility to protect.” The conflict and genocidal destruction in the region began well before the UN World Summit Outcome Document was issued in September 2005, and continues 6 years after all member states of the UN declared that they were

prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the UN Charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law.<sup>87</sup>

The experience of Darfur appeared to have sounded the death knell for any meaningful commitment to the “responsibility to protect,” but South Kordofan offers the international community one last opportunity to make good on their promises. Real hope, however, seems entirely unwarranted.

## **August 25, 2011: More Compelling Evidence of Atrocity Crimes in South Kordofan**

The most recent report on atrocity crimes in South Kordofan was published on Tuesday, August 23, by the Satellite Sentinel Project (“[Special report: evidence of burial of human remains in Kadugli](#)”). It provides compelling evidence in the form of satellite photography and eyewitness accounts of three additional mass gravesites in and around Kadugli, capital of South Kordofan and the scene of well-documented attacks on the Nuba ethnic group. The UN High Commission for Human Rights has released its own report, which also presents compelling evidence of war crimes and crimes against humanity (the un-redacted and more revealing version of the this

report is available [here](#)). Navi Pillay, the head of UNHCHR, has declared that it is “essential [that] there is an independent, thorough and objective inquiry with the aim of holding perpetrators to account.”<sup>88</sup> Pillay has been echoed in this insistence by other senior UN officials and diplomats from member states. Yet as I have [recently argued](#), such an inquiry will be adamantly refused by Khartoum. Protected by China on the UN Security Council, the National Islamic Front/National Congress Party regime will be in a position to reject any non-consensual investigation. This will be an extraordinary moment of political and moral clarity for the world body, and for whatever remains of the ideal of a “responsibility to protect.” For there will simply be no way in which to obfuscate the failure of the international community to investigate compelling evidence of massive atrocity crimes.

To be sure, Khartoum has now offered the UN the opportunity for a brief “assessment mission” in South Kordofan, which will be strictly controlled by the Sudan Armed Forces and Military Intelligence and will thus offer only a thoroughly sanitized view. At the same time, the regime has [created a new “committee”](#) charged with monitoring the situation in South Kordofan. Creating such factitious “committees” will be the ongoing reply to any further insistence on the need for an independent human rights investigation (here we have the example of Khartoum’s “justice tribunals” in Darfur). Accepting this “assessment mission” and Khartoum’s factitious monitoring committee in place of the demanded independent and thorough investigation will be to admit the most abject failure.

What gives special importance to this new report from the Satellite Sentinel Project (SSP), in addition to the evidence it provides, is the editorial comment that accompanies it. The “Note from the Editor” makes clear just [how perversely unwilling the Obama administration has been to accept the overwhelming evidence](#) of mass gravesites and extensive atrocity crimes in Kadugli, including widespread, ethnically-targeted human destruction. This skepticism appears to be deployed for reasons of diplomatic expediency rather than any reasoned concern about prejudging the situation on the ground. SSP’s “Note from the Editor” provides a brief, perspicuous survey of all the evidence now available, and thus provides a devastating account of how untenable the Obama administration’s continuing skepticism and counter-claims have become. It also provides clear evidence that the Khartoum regime had prepared in advance for the mass killings that began on June 5:

Statements and press releases by the International Federation of Red Cross and Red Crescent Societies (IFRC), the SRCS, and the International Committee of the Red Cross (ICRC) have also confirmed that mass body recovery and disposal operations have been occurring in Kadugli. A 1 July report released by IFRC verifies the SRCS, report-

edly acting on instructions from the Government of South Kordofan, has been actively collecting dead bodies in Kadugli town, *and had at least 415 body bags and 2,000 plastic tarps recently transferred to it from the IFRC prior to the fighting in June. By the end of June, the SRCS was publicly saying it needed more body bags.*

In this context, the conclusion to this “Note from the Editor” has an inescapable authority:

It is now two months since reports of the systematic killing of civilians in Kadugli by Government of Sudan-aligned forces first emerged. The debate continues about what further steps the US and the international community should take in response to the gross violations of human rights that have been reported. What should no longer be debated, however, is that these alleged crimes, including mass killing and subsequent mass burial of the dead, have happened and continue to occur.

This is the fundamental truth that the Obama administration seems unable or unwilling to accept.

### **September 4, 2011: Blue Nile State (Sudan) and the Resumption of Country-wide War**

Those hoping that Sudan’s 2005 “Comprehensive Peace Agreement” (CPA) and the July secession by South Sudan as an independent nation would end war in this ravaged country have been bitterly disappointed by recent events. Aside from [continuing to wage a ghastly war of civilian attrition in Darfur](#), the Khartoum regime has [militarily seized the contested border region of Abyei](#) (May 20), has begun a [widespread campaign of ethnically targeted destruction in South Kordofan](#) (June 5)—targeting the Nuba and relentlessly bombing the Nuba Mountains—and in recent days has launched a [military offensive in Blue Nile State](#). Many thousands have [fled into neighboring Ethiopia](#), the state capital of Damazin has been over-run, and there are reports of large numbers of civilian casualties and destruction of civilian infrastructure. There are also many reports of indiscriminate bombing attacks by Khartoum’s air force elsewhere in Blue Nile—[continuing a pattern of more than twenty years](#)—and fighting seems to be escalating rapidly. Calls for an immediate ceasefire by the UN and other international actors have fallen on deaf ears in Khartoum.

Blue Nile has many similarities with South Kordofan, which is also part of what is now North Sudan; these include in particular a close alliance militarily and politically with the SPLM/A of the South during the long civil war (1983 – 2005). Its elected governor, Malik Agar, heads the Sudan People’s Liberation Movement/Army-North. Like the comparable political and military entity in South Kordofan, the SPLA-North in Blue Nile is made up of indigenous soldiers, who cannot be “sent home to the South” because they *are* home. And as was true for South Kordofan, Blue Nile was promised “popular consultations” by the CPA that were to have determined the nature of the ongoing relationship with Khartoum after a Southern self-determination referendum. There have been no meaningful “popular consultations” in either South Kordofan or Blue Nile, nor does Khartoum intend to permit such.

As was also the case in South Kordofan ([and in Abyei as well](#)), Khartoum militarily provoked the fighting in Blue Nile and then [claimed that they had been responding to attacks by rebels](#). This claim is revealed as false by the recent arrival of a brigade-sized force near Damazin, which was accompanied by a dozen tanks along with 40 trucks carrying heavy Dushka machine-guns. Again, as was the case in South Kordofan, it is clear that this military offensive had been well-planned in advance.<sup>89</sup>

The offensive in Blue Nile has long been threatened, and two months ago Malik Agar said that the longer the conflict in South Kordofan went unresolved, the more likely it was that Blue Nile would be drawn into the fighting.<sup>90</sup> And indeed, several months ago, internal UN situation reports contained ominous intelligence about large troop movements and military threats in the general region of Blue Nile. It is not clear whether the UN and international actors of consequence simply did not believe that Khartoum would move against Blue Nile, or disingenuously chose not to do so. Nonetheless, the failure of anticipation is staggering and suggests diplomatic incompetence of the first order. Certainly much was revealed by the breakdown of the important framework agreement that was signed by Malik and the powerful Nafi’e Ali Nafi’e of the NIF/NCP on June 28, 2011—and was then promptly disowned by President al-Bashir on his return from China on July 1.

Bashir’s refusal to honor the agreement should have been a clear signal of what would follow. But whatever the reason for the lack of an effective international response, the failure to act again shows that there has been far too little preparation for—or anticipation of—the events of the past few days. This pattern of response is consistent with the exceedingly slow and hesitant acknowledgment of the [massive atrocity crimes committed in South Kordofan in June](#), which have been amply documented in a leaked UN human rights report on the situation. As mentioned above, [satellite imagery has authoritatively confirmed the existence of many](#)

mass gravesites, capable of holding many thousands of bodies. The photographic evidence is confirmed in every case by eyewitness accounts provided to the Satellite Sentinel Project and to UN human rights investigators (and included in their [unredacted report](#)). Many Nuba escaping from South Kordofan into South Sudan have also reported mass gravesites.

## **Is resumed war too costly for Khartoum?**

In recent months it has become conventional wisdom to assert that however brutal and ruthless the NIF/NCP regime may be, they cannot afford to re-engage in war with the South, given the poor state of the Northern economy. Inflation is high and rising, and the country faces the prospect of substantially diminished oil revenues, and a vast external debt of more than \$38 billion that cannot be serviced, let alone repaid, without significant help in debt relief from the international community.<sup>91</sup> The conventional wisdom has framed the question the wrong way; the question the NIF/NCP regime poses in present circumstances is whether its stranglehold on national wealth and power can survive *without* war, which the regime will attempt to keep on the periphery. This question is being answered by the actions of the most ruthless elements within the military and their hard-line allies in Khartoum. There has been a “[creeping military coup](#)” in Khartoum, and as one source close to the regime has declared in a confidential statement, “[i]t is the hour of the soldiers.”

What Khartoum fears most is that with the secession of South Sudan, the forces rebelling against marginalization and discrimination—as well as against the relentless denial of political freedom and a fair share of national wealth and power—are now all in the North. If these variously rebellious forces are allowed to create a powerful military coalition reaching from eastern Chad to Ethiopia and northward to the Beja region near the border with Eritrea, they could topple the regime, even without much help from the traditional Northern political opposition, which is in any event badly weakened after twenty-two years of NIF/NCP tyranny.

Several observers of the recent large-scale military actions in Blue Nile have made this point, if in somewhat different fashion. Chris Phillips from the Economist Intelligence Unity put it this way to Reuters: “(Khartoum’s) objective is to knock out the SPLM-North before they become a serious military force.”<sup>92</sup> Fouad Hikmat of the International Crisis Group argues that Khartoum believes the SPLM in the North is “a threat for them politically, not just militarily” and that what we are seeing “could be a vanguard to mobilise the new South of the North of Sudan.”<sup>93</sup> In other words, what South Sudan was to Khartoum during the civil war could take new form in the North as what Hikmat calls “the new South of the North of Sudan.”

But by attacking Blue Nile, and targeting the house of its elected governor Malik Agar, the Khartoum regime has burned its bridges to a negotiated settlement with the SPLM/A-North. It was Malik who brokered the agreement between the SPLM/A-North leader in South Kordofan, Abdel Aziz el-Hilu, and senior regime official Nafi'e Ali Nafi'e; it is now exceedingly difficult to see how negotiations might resume while the governor himself is being attacked and pursued.

The greatest danger here is that the potent military forces of South Sudan could become involved in the fighting. Juba and the SPLA have shown remarkable restraint to date in the face of relentless military provocation, including [Khartoum's repeated bombing of the South](#) in Unity State and Northern and Western Bahr el-Ghazal beginning in November 2010, as well as the seizure of Abyei, which aborts any chance for a fair self-determination referendum for the region. It will become increasingly difficult for the SPLA in Juba to watch as their war-time allies in South Kordofan and Blue Nile are mercilessly pummeled by Khartoum's air force and many thousands of civilians are sent streaming into Ethiopia, into the South, and even toward Khartoum.<sup>94</sup> The growing threat of a humanitarian catastrophe in the Nuba Mountains, where Khartoum continues to block all significant humanitarian access, as well as the prospect of a similar crisis in Blue Nile are already weighing heavily on the leadership in Juba.

War as it is unfolding in South Kordofan and Blue Nile will benefit no one—not in the South and not in the North. The only actors who see themselves as beneficiaries are the most ruthless and brutal members of the NIF/NCP cabal and the military and security apparatus, for they understand that if they lose power, many in their group will end up in The Hague facing prosecution for crimes against humanity, genocide, and war crimes.

These are the men who have decided that this is “the hour of the soldiers.” The phrase is cited by Julie Flint, a highly reliable and well-informed reporter on Sudan, and comes from a well-placed source in Khartoum, close to the regime, who is trying to give an account of how such immensely destructive violence against civilians has become the chosen course of action: “It is the hour of the soldiers—a vengeful, bitter attitude of defending one's interests no matter what; a punitive and emotional approach that goes beyond calculation of self-interest.”<sup>95</sup>

This is the face of power in Khartoum, and until the world awakes to the consequences of this “vengeful, bitter” outlook, war will continue moving closer and closer to engulfing all of Sudan.

## October 24, 2011: Acquiescence Before Mass Human Destruction in Sudan's Border Regions

For two months now, the world has watched as the brutal regime in Khartoum continues to deny all relief access to large populations of acutely vulnerable civilians in Blue Nile State, which lies immediately north of the border dividing what are now North and South Sudan. The same embargo, extending even to independent humanitarian assessment missions, has been in place in neighboring South Kordofan State for five months. This shocking fact bears repeating, since it has been so poorly reported: the National Islamic Front/National Congress Party regime in Khartoum has barred *all* international relief organizations from responding to what substantial evidence makes clear are major humanitarian crises in Blue Nile and South Kordofan. Both crises are on the verge of becoming overwhelming catastrophes involving many hundreds of thousands of civilians.

There is an eerie familiarity to all this, for what we are seeing is an accelerated reprise of Khartoum's strategy of obstructing relief efforts in Darfur—a strategy that the regime committed to aggressively once it recognized its “error” in allowing an international humanitarian presence in Darfur. Regime officials now repeatedly make clear that they will not allow “another Darfur” to emerge in either South Kordofan or Blue Nile; thus there will be no witnesses to the massive suffering and destruction that are well underway. Of course, in addition to banning all relief efforts, the regime also allows no journalists or human rights monitors into either of these states.

We should remember that this regime has a decades-long history of obstructing humanitarian aid in Sudan, including the total embargo on relief efforts imposed by Khartoum on the Nuba Mountains throughout the 1990s—part of a *jihad* that is widely acknowledged to have been genocidal in ambition.<sup>96</sup> Throughout the bloody civil war, which claimed well over 2 million lives in the South and border states, Khartoum frequently cut off all humanitarian aid to the South for long periods of time.

Because virtually all of Sudan was and remains inaccessible except by air—there are almost no roads, and in the long rainy season they are mainly impassible—airlift capacity and access are critical. All that Khartoum had to do to shut down humanitarian relief was to deny air access to the large international humanitarian organizations based in Lokichokio, northern Kenya. One example of this ruthless assault on civilians—and there are many—occurred in early July 2002 when the UN estimate for those being denied humanitarian assistance in the South was *1.7 million human beings*.<sup>97</sup>

So how has the U.S. responded to this most recent chapter in the regime's deployment of its crude "weapon of mass destruction"? Officials of the Obama administration continue to go through the motions of demanding humanitarian access as well as an independent investigation of the well-documented, large-scale atrocity crimes in Kadugli, capital of South Kordofan, but they do so without either conviction or determination. (U.S. special envoy for Sudan Princeton Lyman, for example, first called for such an independent human rights investigation over two months ago, and can point to no progress whatsoever.) There is very strong evidence that similar atrocity crimes are being committed in Blue Nile in the form of continuous, indiscriminate aerial attacks on civilians throughout much of the state. Yet condemnation by the U.S. has been tepid at best.

Instead, the U.S., the UN, and other international actors of consequence have for months indulged in offering muted condemnations and making "demands" with no expectation of compliance. Since Khartoum's military invasion of Abyei more than five months ago (May 20, 2011), the regime has not budged an inch from any of its categorical refusals. It will not withdraw militarily from Abyei, as it has promised; it will not engage in any discussions of access for humanitarians or human rights investigators; and it will not negotiate a political settlement to the conflict in South Kordofan, as it committed to doing in late June. The only change of note is that the propaganda organs of the regime have dramatically increased their activities and are now offering hideously distorting accounts of civilian life in the two states, at the same time boasting that "regional and international changes [are] working in Sudan's favour."<sup>98</sup>

As I [argued in August](#), shortly before Khartoum's military assault on Blue Nile, the international community and the UN in particular set themselves up for failure by making demands that would clearly not be granted, or even supported in the Security Council. The UN High Commission for Human Rights had declared very publicly that there should be in South Kordofan an "independent, thorough, and objective inquiry with the aim of holding perpetrators to account."<sup>99</sup> Yet it was obvious then and now that Khartoum would never accede to this demand. It was equally clear that a Security Council resolution authorizing any form of non-consensual investigation—even for ethnically-targeted mass executions—would never survive China's (or Russia's) veto. The failure I spoke of is now conspicuous: despite the demand for an independent UN human rights investigation, no member of the Security Council made a serious effort to seek authorization for an investigation. In characteristic fashion, this failure has been passed over without remark or self-criticism. The evident thinking is that if the diplomatic mumbling continues long enough, no definitive failure will be registered.

No matter that following Khartoum's invasion of Abyei, a UN human rights

team found strong evidence of actions “tantamount to ethnic cleansing.”<sup>100</sup> No matter that the military assault on South Kordofan began shortly thereafter, or that we have received since June overwhelming evidence of widespread, ethnically-targeted civilian destruction, including extraordinarily revealing [satellite photographs of mass gravesites](#); no matter that we have numerous eyewitness accounts of house-to-house searches and roadblocks targeting the African tribal group known as the Nuba. But there can be no doubt about the authority of a [confidential UN human rights report](#), prepared by UN investigators who were on the ground for several weeks in June as part of the UN peacekeeping mission stationed in Kadugli. Their report was promptly leaked and its central conclusion made clear the urgency of a human rights investigation:

Instead of distinguishing between civilians and combatants and accordingly directing their military operations only against military targets, the Sudan Armed Forces and allied paramilitary forces have targeted members and supporters of the SPLM/A, most of whom are Nubans and other dark skinned people.<sup>101</sup>

Arab militias have been widely reported to be doing much of the fighting for Khartoum, both in South Kordofan and Blue Nile. On October 22, SPLM-N Secretary General Yasir Arman asserted that Khartoum was in fact deploying mercenaries:

The National Congress Party military has been, of late, actively engaged in recruiting Janjaweed militias—mostly non-Sudanese—from North and West Africa, particularly Niger. The airports of Al-Geneina and Nyala, Darfur, recently witnessed a flurry of flights transporting mercenaries to Damazin.<sup>102</sup>

The large-scale use of mercenaries would mark a new stage in the Khartoum regime’s ruthless survivalism and yet another crushing military expense for a budget and economy that are already in a shambles.

## **Consequences of Inaction**

The possibility and immense danger of a military response by Khartoum in South Kordofan and Blue Nile had been conspicuous for quite some time before the assaults actually occurred, as was the case with the invasion of Abyei. Yet no international actor of consequence spoke out in meaningful fashion; the U.S. has

plenty of company in failing miserably to anticipate the present violence and the entirely predictable humanitarian crises that have come in its wake. Khartoum did not receive serious warnings against initiating the clearly impending assaults on South Kordofan (June 5) and Blue Nile (September 1). Rather, the regime took its cue from the muted diplomacy of perfunctory exhortations and glib “expectations.” Following the brutal military seizure of the disputed Abyei region (May 20), the regime in Khartoum understood that there was no serious commitment to halt their military endeavors. The Obama administration, as represented by special envoy Lyman, seemed clearly willing to let Khartoum have its way in the North, so long as some terms of the CPA continued to be observed as South Sudan struggled into nationhood. Inevitably this left Darfur terribly vulnerable, as well as ensuring that many key CPA issues were left unaddressed. Just as a senior administration official declared that genocide in Darfur **had been “de-coupled”** from the key issue in bilateral relations between Khartoum and Washington—i.e., Khartoum’s continuing presence on the U.S. State Department list of terrorism-sponsoring nations—so atrocity crimes and even extermination in northern states are apparently insufficient to compel any meaningful U.S. response or change in policy. Given such decisions, to pretend that we do not really know what is going on is pure political expediency.

Such expediency dominates U.S. Sudan policy, even as we are receiving many dispatches with a Kurmuk dateline (the town actually straddles the Sudan/Ethiopia border), reporting again on relentless aerial attacks directed against civilian targets. Within days of the September 1 assault, the African Center for Justice and Peace Studies (UK), with excellent sources throughout Sudan, reported that, “[o]n 3 September, aircraft continued to bomb SPLM areas. The main water reservoir in Al Damazein was destroyed in the bombardment, possibly in a deliberate attempt to deprive the population of this essential resource. About 75 bodies have been confirmed to be present in the Al Damazein morgue. The hospital has declared an emergency.”<sup>103</sup>

The UN’s Integrated Regional Information Networks (October 17, Kurmuk) makes clear the relationship between the lack of food and aerial bombardment by Antonovs:

Khidir Abusita, the chief of Maiyas village, in Sudan’s crisis-hit Blue Nile state, points to a bomb and the shrapnel that ripped through two “tukuls” (conical mud and thatch huts) on 2 October. That day, the Sudan Armed Forces’ Antonov bomber planes literally broke apart two families and left the village terrorized by their almost daily appearance. Abusita spoke to IRIN about the damage caused to his village: “The Antonov came here at around midday [on 2 October]; it bombed the

place, killing six people, including one child. Among the people who died were two pregnant women.”

In one of the affected families, three people died and three are remaining, so we took these three behind the mountain to hide. In this other family, two died and three are remaining. “Another man who was just passing by to visit his neighbours was killed too. They were just farmers. His leg was cut and we tried to take him to hospital but he died...The other injured man is lying at Kurmuk hospital after the [bomb] cut his feet and stomach. Yesterday [1 October] there were two Antonovs around the area. They just circled overhead for one hour, so we are very scared...Most of the people have stayed here, but behind the mountains. We sleep near the river during the day and come back to the village at night...We just eat from these small, small farms; we just [grow food] near our houses because this year we haven’t been able to go to our farms in the valley to cultivate.”

“We don’t have sugar, we don’t have tea, we don’t have coffee. Also there is no medicine, people are just depending on the traditional medicine [ ] There are 3,475 people in the village and no one has enough food. We don’t know what to do,” [said chief Abusita].<sup>104</sup>

Towards the end of September the [UN declared that it was urgent to get food to the people of Blue Nile and South Kordofan](#), even as estimates of numbers of displaced persons and food needs was already inadequate to the realities of human need now apparent. Malik Agar, the elected governor of Blue Nile—and deposed by Khartoum—has estimated that half Blue Nile’s population of 1.2 million is “on the move.”<sup>105</sup> And they are on the move at a time when they should be harvesting crops planted during the past rainy season. There is no way to verify Malik’s estimate, but it would be foolish to ignore the clear indications that hundreds of thousands of people are now displaced. More than 30,000 have already fled to Ethiopia; many others to neighboring Sennar State. As in South Kordofan, the very rough humanitarian assessments of food availability suggest that massive human starvation may be imminent if access is not granted by the regime. Valerie Amos, the head of UN humanitarian operations—and who in mid-July early declared that “we do not know whether these is any truth to the grave allegations of human rights abuses” in South Kordofan—found herself obliged to declare (August 30) that:<sup>106</sup>

[M]ore than 200,000 people affected by the fighting in South Kordofan faced “potentially catastrophic levels of malnutrition and mortality” because of Khartoum denying access to aid agencies. Also this week, two

leading human rights groups said that deadly air raids on civilians in rebel-held areas of the Nuba Mountains may amount to war crimes.<sup>107</sup>

More recently the UN Food and Agricultural Organization (FAO) put the matter more bluntly, if still almost certainly understating, significantly, the scale of human need:

The UN Food and Agriculture Organisation has also launched a \$3.5-million appeal to help *235,000 people on the brink of starvation in Sudan's embattled southern border region*, because of fighting in Blue Nile and South Kordofan.

The FAO has also indicated in its October 5 news release that the forecast for food security is exceedingly grim, and that *“next month's harvest is expected to generally fail.”*<sup>108</sup>

*“Next month's harvest is expected to generally fail...”*—and there is no international humanitarian presence or access. What will it take to stop the continuing slide toward catastrophe in South Kordofan and Blue Nile? And what about the humanitarian situation in Darfur, which is no longer mentioned by the U.S. and the Europeans except parenthetically? To make matters worse, both the UN and the African Union are, for different reasons, committed to a representation of Darfur that minimizes ongoing suffering and destruction, and highlights an essentially meaningless (and [potentially counter-productive](#)) agreement that finally emerged in July from the bumbling and increasingly politicized Doha (Qatar) peace talks.

In al-Bashir's abrupt renegeing on the June 28, 2011 “Framework Agreement” with the SPLM-N we saw for the first time the full power of the generals who now dominate the political and security cabal that rules in Khartoum. These military figures, several of them senior cabinet officials, have slowly moved Sudan into what one well-informed source in Khartoum calls the “hour of the soldiers.” Again, there has been a [“creeping military coup,”](#) and some of the generals who are now so powerful have been identified by the UN, the ICC, and other international bodies as complicit in atrocity crimes. These NIF/NCP leaders know their future depends on surviving at all costs, for otherwise they will spend the rest of their lives in The Hague. Abdel Rahmin Mohamed Hussein, the current Defense Minister and former Minister of the Interior, is one of 17 named on a confidential annex to a report by the former UN Panel of Experts on Darfur; February 2006. Others include:

**Lt. Gen. Ismat Abdel Rahman al-Zain**—implicated in Darfur atrocity crimes because of his role as SAF director of operations (Khartoum); he is identified in the “confidential Annex” to the report by UN panel of Experts on Darfur (Annex leaked

in February 2006); Ismat was one of the two generals who in May 2011 confronted al-Bashir, demanding that the military take over decisions about war and peace in Abyei and other border regions.

**Major General Ahmad Khamis**—commander of the 14th Sudan Armed Forces infantry division in Kadugli (scene of atrocity crimes in June-July 2011).

**Major General Bakri Salih**—former Defense Minister; now senior minister for presidential affairs; very influential in current political environment.

**Major General Mahjoub Abdallah Sharfi**—head of Military Intelligence, and second of the two generals who in May 2011 confronted al-Bashir, demanding that the military take over decisions about war and peace in Abyei and other border regions.

There is no apparent recognition of this new political reality in Khartoum by the Obama administration, and special envoy Lyman has simply repeated his assessment that “there is no military solution to the conflict,” and that all the U.S. can do is “promote negotiations.”<sup>109</sup> But it is precisely a military solution to its “new southern problem” that Khartoum is seeking, as al-Bashir’s comments make perfectly clear. As for negotiations, the regime is equally blunt: “Sudan will never again negotiate ‘under UN supervision’”:<sup>110</sup>

“There will be no negotiation with the SPLM-N because it was the one that started the war,” [President al-Bashir] said, adding that ending the state of war in the two states is contingent on the SPLM-N’s acceptance of the elections results in South Kordofan and surrendering its arms to the Sudanese army. “There are no more negotiations or protocols, this is our position,” Al-Bashir declared.<sup>111</sup>

Lyman has made no comment on this statement by one of the “negotiating” partners he has insisted can be accommodated diplomatically. And he no longer pushes for the independent, UN-led human rights investigation he thought worth proposing in June. Instead, he is urging a belated focus on humanitarian access, as the desperate plight of many hundreds of thousands of civilians no longer permits any skepticism:

United Special envoy to Sudan Princeton Lyman urged Khartoum to allow “credible” international organizations to reach the border states of South Kordofan and Blue Nile in order to assess the humanitarian situation.<sup>112</sup>

This plea will be met with the same aggressiveness and defiance characteristic of the Khartoum regime. And because Lyman has pleaded so feebly in previous negotiations with Khartoum, there is no reason to believe that the regime will take him more seriously at this point.

There may be much that we do not know, but there is far too much that we *do* know to allow any further delay; even exceedingly conservative UN estimates for displacement and humanitarian need are more than enough to require action.

Do we have any doubt about the authenticity of these narratives from Kurmuk? or the significance of deliberate, continuous aerial attacks on civilians and agricultural livelihoods?

In another hospital bed, 65-year-old Altom Osman is recovering from a deep shrapnel wound in his back and one in his arm after a bomb hit the village of Sali an hour north of Kurmuk. “I was taking some sorghum flour to my wife. We were passing our farm and then the Antonov came immediately and bombed,” Osman whispered. Two hours further north, in Maiyas, village chief Khidir Abusita points to a hole a bomb from an Antonov made that he said killed six people, including 55-year-old Hakuma Yousif and her 20-year-old daughter Soura in their hut. “Yesterday there were two Antonovs and they were circling for an hour. We are very scared.” ([Agence France-Presse \[Kurmuk\] October 17, 2011](#))

[Following Southern] independence in July this year, Maza Soya led her nine children out of a squalid camp in Ethiopia dreaming of a new life back home in Sudan. Last month, however, fighting erupted in Blue Nile state between the northern Sudanese army and fighters allied to the Sudan People’s Liberation Movement (SPLM), the dominant force in the newly independent South Sudan. “Our homes were burnt down to the ground. There were daily air raids on our town,” Soya told Reuters two weeks after fleeing back to Ethiopia’s frontier town of Kurmuk. ([Reuters \[Kurmuk\] October 14, 2011](#))

Satdam Anima’s eyes flicker and weep as the doctor sews up the stump of his left arm, before he rolls back on the hospital bed, one of the latest victims in Sudan’s relentless bombing campaign in Blue Nile state. Dr Evan Atar says he has done seven amputations since war broke out between the Sudanese Armed Forces (SAF) and fighters loyal to the SPLM-North in Blue Nile state last month. He has treated more than 600 others for shrapnel wounds. “We are really now running out of

supplies. We have been running here and there and crying...But now where to get it from is really an issue," he said.

President Omar al-Bashir has blocked foreign aid agencies from entering Blue Nile and nearby South Kordofan state, where a separate conflict between the army and SPLM-North rebels has raged since June. Kurmuk's is the only hospital between neighbouring Ethiopia and Damazin, the state capital of Blue Nile, which remains under SAF control, and Dr Atar is the only doctor. He says the hospital will run out of vital supplies such as saline solution, cotton and gauze this week if no aid arrives, after using up six months' supplies in one.

A man on the operating table cries out in pain, but Atar says the hospital has no more anaesthetics to give him. Cotton, gauze and saline solution will run out this week if aid does not arrive, he says, adding that six months of supplies have been used up in the past six weeks. "We are running short of everything—drugs, dressings." He feared the hospital would have to buy salt, boil it, and use it to sterilize wounds. "The problem is that there is no way we can get the drugs in here now because of the Antonovs bombing the area, making it very dangerous to fly supplies in from Kenya." Sudan's President Omar al-Bashir will not allow foreign aid agencies inside Blue Nile or the neighbouring state of South Kordofan, where the government has been fighting SPLM-N forces for months. ([Agence France-Presse \[Kurmuk\] October 10, 2011](#))

Atar is the only doctor in Kurmuk, which has the only hospital between state capital Damazin, and neighbouring Ethiopia. Nurse Walid Solomon says 20-year-old soldier Satdam Anima is the seventh amputee victim the hospital has dealt with. He was hit by "the big bullet of the Antonov." Atar, with Solomon's assistance, sews up the stump near the left shoulder, and Satdam's eyes roll in pain. The lack of blood donors mean that the hospital's 24 nurses donate blood to keep patients alive. The aerial bombardment in and around Kurmuk is evident and audible. "In the first war, there was peace in the villages; now they [Antonovs] bomb even the villages—that's the problem; and the increasing accuracy of the bombing is leading to rising patient numbers as the weeks go by," Atar said. ([UN IRIN \[Kurmuk\], October 12, 2011](#))

At the beginning of October, locals say a bomb killed half a dozen people in Maiyes, a village near Ethiopia's border. Holding a piece of twisted iron shrapnel next to the churned earth around the crater,

neighbour Mahmoud Abdanafi Jundi says the village buried the victims' bodies in one grave. "When the bomb hit, the people in the house over there, three of them were killed. The people who were living here also died. A child over there was also killed," he said, gesturing to thatched huts that now lie empty. ([Reuters \[Kurmuk\] October 13, 2011](#))

They fled their village of Sally after a bombing raid. But even in this temporary camp she has not found safety. "I don't know why the Antonov came and bombed us, but we left our village and came here," she said. "And after we came here, we found that the Antonov is coming also to this place." Earlier that day, she narrowly escaped being hit by shrapnel from a bomb dropped in a river bed where villagers were searching for scraps of gold to sell for food. When the bombs hit their target, the results are deadly. A crater in the ground was all that was left of one family's hut in Maiyes village, about 20 kilometres from the front line. Household possessions, including a child's shoe, were scattered around. Relatives and neighbours held up twisted pieces of shrapnel, which they said had ripped apart the family of six.

"One of them was pregnant and it cut her stomach," said Heder Abusita, the village chief. "Rueana Murdis also was killed here with her small kid. And also there is Bushara. He died here in this house. His feet were cut, and his stomach also was cut." ([The National \[AE\] \[Kurmuk\] October 19, 2011](#))

Huwa Gundi, 21, sits on a sheet outside two makeshift tents near her home village of Sali, where her extended family of eight now live off one meal a day. Cradling her four-month-old baby, Fatma, she says her three other children have died since the start of the conflict in Sudan's Blue Nile State in early September. "They were sick, and they died; there was no medicine," Gundi said, adding that Fatma now has diarrhoea and a fever at night. "We heard the voice of the Antonov [plane used by the Sudanese Armed Forces (SAF) for dropping bombs]. We know it well," she said, referring to the bombing of her village, Sali, which she and her family were forced to abandon. "We don't have anything to eat; we just go into the bush and then in the old farms we find some 'dura' [sorghum] that is growing and we just make porridge," she said. ([UN IRIN \[Kurmuk\] October 13, 2011](#))

Either the world very soon finds the political will to make clear to Khartoum that there will be intolerable consequences if the regime proceeds with its policies of

extermination, or history will record that the U.S and a great many others knowingly accommodated mass human destruction as defined by widespread and systematic atrocity crimes. It will be one of the ugliest chapters in the grim history of the past century.

## **November 7, 2011: Is U.S. Without Leverage in Confronting Khartoum Over Atrocity Crimes?**

In speaking about the ongoing human suffering and destruction in Sudan, Princeton Lyman, the Obama administration's Sudan policy spokesman, declared in a September interview with Radio Dabanga that the U.S. can do no more than “encourage and facilitate ...negotiations” between the parties in Sudan.<sup>113</sup> Privately, Lyman makes explicit what is already implicit in this public declaration, insisting that U.S. has no leverage, no cards to play, no way to apply pressure on Khartoum. Is this true? Is the Obama administration really claiming that we are helpless as humanitarian access is resolutely denied to many hundreds of thousands of newly displaced civilians in South Kordofan and Blue Nile? These people have already consumed all reserve foodstocks and have had their agricultural season profoundly disrupted by Khartoum's military violence—violence that includes the indiscriminate aerial bombardment of villages and fields. The UN's Food and Agriculture Organization has concluded that the harvest in Blue Nile will fail (see below); the same is almost certainly true of the Nuba Mountains in South Kordofan.

Yet without facing any specified consequences, the NIF/NCP regime continues to deny all international humanitarian access. The U.S. has done nothing to secure international support for the creation of humanitarian corridors into these border regions. Nor has the U.S. seriously worked to halt Khartoum's ongoing bombing of civilians and civilian targets, including agriculture. While offering tepid and sometime disingenuous condemnations of Khartoum's actions, Lyman continues to profess that the U.S. has no option but to “encourage... negotiations.”

Here we should note that the “negotiations” Lyman speaks of necessarily involve a regime in Khartoum that has a long history of renegeing on signed agreements, including multiple agreements regarding humanitarian access over the past twenty-two years. In the current crises the regime has simply—repeatedly and categorically—denied all international humanitarian access. The generals who now wield political power in Khartoum have directed the NIF/NCP to spurn all negotiations with the SPLA/M-North and to deny the presence of any international third party in negotiations with South Sudan, using various civilian spokesmen to make the point, including President (and Army Field Marshal) al-Bashir:

In his Thursday [October 13] address, Al-Bashir maintained his tough stance towards the Sudan People's Liberation Movement North (SPLM-N), which is fighting the country's army in the border states of South Kordofan and Blue Nile. *"There will be no negotiation with the SPLM-N because it was the one that started the war"* he said, adding that ending the state of war in the two states is contingent on the SPLM-N's acceptance of the elections results in South Kordofan and surrendering its arms to the Sudanese army. *"There are no more negotiations or protocols, this is our position,"* Al-Bashir declared.<sup>114</sup>

It was, of course, Khartoum that initiated hostilities in both South Kordofan and Blue Nile, following its [well-planned military invasion](#) and seizure of the contested Abyei region. Two weeks earlier al-Bashir made the same point with respect to outstanding issues with Juba, including Abyei, oil revenue-sharing, rights for Southerners who have remained in northern Sudan, and border delineation and demarcation:

Sudan wants to end all conflict with newly-independent South Sudan through dialogue but without any foreign mediation, President Omar Hassan al-Bashir said on Saturday [October 1, 2011] ahead of a visit by his southern counterpart. *"We need to sort out all issues through dialogue but without any foreign mediation,"* Bashir said.<sup>115</sup>

Agence France-Presse reported on September 28 from Khartoum:

Sudanese President Omar al-Bashir claimed on Wednesday [September 28] that the army would soon capture the rebel stronghold of Kurmuk, in Blue Nile state, insisting there would be no UN-supervised negotiations. *"The armed forces will be saying prayers of thanksgiving soon in Kurmuk,"* he was quoted as saying by the official SUNA news agency, during a speech in eastern Sudan. *"The rebellion will be put down and the country's outlaws defeated ...Sudan will not repeat the experience of being obliged to negotiate and sign protocols under UN supervision,"* he said.

*"Sudan will not repeat the experience of being obliged to negotiate and sign protocols under UN supervision"*—the rejection of a diplomatic resolution to the conflict in South Kordofan and Blue Nile could hardly be clearer, even as the consequences of such conflict have been devastating for civilians, particularly since

Khartoum has resolutely denied all humanitarian access to these highly distressed regions.

This rejection clearly extends to the UN, to Thabo Mbeki, representing the “African Union High-Level Panel,” to regional actors (e.g., Ethiopia, which has provided the troops for the UN peacekeeping mission in Abyei), and most clearly, to the U.S. and its special envoy, Princeton Lyman. For the U.S. special envoy to ignore the new political and negotiating environment in Khartoum, and to continue to offer only empty rhetoric, is not only deeply disingenuous in the present context, but also ignores options for securing humanitarian access for hundreds of thousands of imperiled civilians.

Lyman and the U.S., as well as the rest of the international community, need to be asking with urgency what can be done immediately to compel changes in Khartoum’s policies and negotiating posture. Above all, they need to address with appropriate urgency the question that has grown excruciating exigent for over four months: how long are the U.S. and the international community prepared simply to watch as Khartoum denies all humanitarian access to Blue Nile and South Kordofan? how long will the abrogation of the terms of the Abyei interim agreement be allowed to be so flagrantly flouted? how long will the condemnation of [daily aerial bombing attacks on civilians and humanitarian targets](#) be perfunctory in nature, even as these attacks have done so much to create the vast displacement that has left this year’s harvests in ruins? will Darfur continue to be a mere parenthesis in U.S. and international response to Sudan’s multiple crises?

These are urgent questions, and it is deeply dismaying that Lyman and the Obama administration will say only that they can do nothing but “encourage negotiations” in which Khartoum quite explicitly refuses to participate. To say that the U.S. has no “cards to play”—no means of pressuring the regime and its newly powerful generals—reflects not a poverty of options but expedient cynicism. For there are several possibilities:

**[1] Shut down all talk of debt relief for Khartoum:**

It would be difficult to overstate how distressed the economy of northern Sudan is at present. Inflation is over 20 percent; foreign exchange reserves are in extremely short supply; the regime is removing subsidies for sugar and petrol, and has already deeply angered many Sudanese in and near the capital. Although the regime has produced “balanced” budget proposals, they make no serious attempt to account for the loss of oil revenues, even as the regime is publicly shameless in declaring what it has endured in the way of lost revenues. The IMF predicts negative growth in the northern economy this year and next, and arguably much longer; the Sudanese pound has experienced massive devaluation this year, and remains in

freefall; the demographic of the “Arab Spring”—young, unemployed people under 30 who are frustrated by the lack of job opportunities—is fully represented in what are so far relatively small, but more frequent and more robust demonstrations against economic mismanagement by this corrupt and brutally tyrannical regime.

Perhaps most tellingly, the regime continues to devote an inordinate amount of the national economy to military procurement and salaries. Along with the extensive funding of the intelligence services, these expenses are altogether likely over 50 percent of the total national budget. For in addition to the well-paid and well-equipped National Intelligence and Security Services (NISS), the regime is prosecuting expensive wars in Darfur, Blue Nile, and South Kordofan, and it maintains a significant military presence in Abyei. In Blue Nile, Yasir Arman of the SPLM-N has indicated that the Movement is in possession of evidence that Khartoum is supplementing its forces with Arab mercenaries from Niger and other countries to Sudan’s west.<sup>116</sup>

But what makes the economic situation in the North completely untenable is the \$38 billion in external debt that the regime cannot service, let alone repay. The economic future of the North will not improve without debt relief, and here is where the U.S. can make its voice heard in Khartoum. President Obama or Secretary of State Hillary Clinton should declare publicly, emphatically, and in a stand-alone announcement, that:

The United States will do all within its political and diplomatic power to ensure that all progress on debt relief for the Republic of Sudan is halted until the following actions are seriously and credibly undertaken:

[a] Immediately open humanitarian corridors to the hundreds of thousands of civilians in Blue Nile and South Kordofan in desperate need of food, primary medical care, shelter, and clean water;

[b] Immediately begin negotiations, under international auspices, with the SPLM-North to bring about an end to hostilities in the regions;

[c] Commit to a political settlement of economic grievances, the future of the SPLA-North military forces, and role of the SPLM-North in the politics of northern Sudan;

[d] Commit to provide reparations for those who have lost land, possessions, and family in the violence of the past five months.

If these conditions are not met, the U.S. will use all its power within the Bretton Woods institutions (the World Bank and the International Monetary Fund) to halt all discussion of debt relief. The U.S. will be equally vigorous in opposing all discussion of debt relief in Paris Club meetings.

President Obama or Secretary Clinton could utter these words today and they

would bring immediate financial pressure to bear on the Northern economy, of a sort that would be felt even by the most aggressive generals. Some will argue that this threat is already in place, but Khartoum does not seem to be receiving this message. Most recently Germany is reported by the *Sudan Tribune* to have sent encouraging signals regarding debt relief (October 18, 2011):

Germany has been engaged in talks with Sudan regarding debt relief, Berlin's deputy envoy to Khartoum revealed, saying that these communications are expected to yield results by early 2010. The Sudanese privately-owned daily Al-Akhbar newspaper reported on Tuesday [October 18] that Johannes Lehne, deputy head of Germany's diplomatic mission in Khartoum, said his country had been discussing with the Sudanese government ways of writing off its debt. Lehne said that Germany had offered Sudan to pay its debts in the form of development projects rather than paying them in cash to his country. "Sudan actually sent proposals [on development projects] that we are currently considering. Procedures to write off [Sudan's debt] on the basis of these proposals will begin early next year," the German diplomat was quoted [as saying].

This is spectacularly bad timing by the Germans, and gives the Khartoum regime the sense that despite "difficulties" along the North/South border and in Darfur, Europe believes that it is better to deal with the regime in "positive" terms. This echoes the notorious declaration by former U.S. envoy for Sudan, Scott Gration, that he planned to [offer the regime "cookies," "gold stars," and "smiley faces"](#) as a means of spurring diplomatic progress on Darfur, even as genocide proceeded by a grim attrition on the ground throughout the region.

Whether multilaterally or unilaterally, the U.S. has more than enough power within international financial institutions to halt further discussion of any broad form of debt relief for Sudan. For its part, the regime clearly hopes that debt relief will be on the agenda of a conference slated for Istanbul this December 1 – 2 (sponsored by Turkey and Norway); the U.S. representative should use the occasion to reiterate the firm opposition of the U.S. to any form of debt relief for the regime.

What makes Khartoum's pleas for debt relief particularly outrageous are the shameless claims that the international community is somehow obliged to help the regime-governed economy, even as the regime's military ambitions are costing the international community many billions of dollars for current UN peacekeeping missions (which face worldwide budgetary squeezes), and regime violence over the past twenty-two years has created the need for more than fifteen billion dollars in humanitarian relief:

The Sudanese economy faces collapse unless the international community steps in to provide assistance in the area of debt relief, [Khartoum's] foreign minister Ali Karti said on Thursday [September 29]. "We are working also on debt relief with France and others, because debt servicing incurs more than \$1 billion annually," Karti told reporters in Paris following a meeting with his French counterpart Alain Juppe. He said that the world could not simply stand back and watch the economy collapse, describing the economy's woes as "really serious." Karti's grim economic warning marks a departure from his peers in the government who sought to downplay the magnitude of Sudan's troubled finances.<sup>117</sup>

Of course what is "really serious" is the fate of the people of Abyei, Darfur, Blue Nile, South Kordofan, and the hundreds of thousands of refugees that Khartoum's wars on civilians have created. Given the evident French reception of Ali Karti, a U.S. announcement on halting further discussion of debt relief becomes all the more important. Here we should recall that even as some of the worst human rights abuses in the world have been committed in Sudan over the past two decades under the NIF/NCP, German and French companies have been eager participants in commercial projects funded by the regime's oil wealth, which mostly comes from oil extracted at great human cost in South Sudan. It would be useful to know precisely how much these two European powerhouse nations hold in the way of Sudanese debt.

Even were the proposed U.S. conditions met, the U.S. should further pressure the regime to engage in fundamental economic reform, particularly in appropriations for the military and security sectors. The IMF has done a spectacularly poor job of reporting on such expenditures over the past decade and more, creating an almost total lack of transparency and preventing any clear understanding of the real military and security budget; this budget has little to do with the one publicly promulgated and made available to the IMF. Any future debt relief should carefully monitor military expenditures, and ensure that they do not exceed what is necessary for self-defense.

De-militarizing the regime will be extremely difficult in its present configuration, and [regime change](#) has long been the only real means of reforming northern Sudanese political culture. The NIF/NCP, however, will not go quietly.

## **Other measures by which the U.S. can change Khartoum's thinking:**

**[2] Declare that the actions by the SAF and its militia allies in Blue Nile and South Kordofan are acts of terrorism**, and that the clock will not start ticking for removal from the State Department list of terrorism-sponsoring nations until these actions are halted (it is a statutory requirement for such removal that the State Department certify that no acts of terrorism have been committed or supported by a regime on the list for the six prior months). All aerial bombardment of civilians, including in Darfur, should also be considered acts of terrorism for the purposes of potential removal from the State Department list.

**[3] Make public U.S. satellite reconnaissance showing military actions against civilians:** using appropriate satellite resources, the U.S. should publicize the scale and nature of Khartoum's military ambitions and their consequences for civilians. Unlike the [Satellite Sentinel Project](#) (SSP), the U.S. intelligence community has no limit on resolution (pixels per square centimeter) in its photographs, or weather constraints on its surveillance capabilities. So far, however, the Obama administration has been inert in responding to or augmenting the critical findings of SSP. If even some of the prodigious power of U.S intelligence were dedicated to South Kordofan and Blue Nile, the heretofore unique work of SSP could be quickly and effectively supplemented.

**[4] Move to convene an emergency meeting of the UN Security Council to press for humanitarian corridors into Blue Nile and South Kordofan**, which are essential for the survival of hundreds of thousands of civilians. The U.S. should declare further that the denial of humanitarian access by Khartoum is a clear threat to "international peace and security," thus coming within the ambit of the most important mandate of the Security Council. The U.S. and other Council members should introduce a resolution authorizing, under Chapter 7 auspices, the creation of such corridors "by all means necessary." The U.S. should be prepared to assist in the protection of such corridors, in coordination with the UN Department of Peacekeeping Operations. The present UN Mission in South Sudan should deploy substantial forces to the border regions between South Sudan and Blue Nile, and be prepared to escort the tens of thousands of refugees who have now fled from the Nuba Mountains, and will continue to flee as the dry season begins and Khartoum ramps up military ground actions. Sections of Unity State bordering South Kordofan are also particularly at risk.

China is of course likely to veto such a resolution, but it is important that it be forced to do so in order to reveal to the world—and especially to the countries of

Africa—its true character. For when it comes to Africa, Beijing is simply not interested in its people but only in its extractable resources. The U.S. should continue to push this resolution so long as the vast and growing humanitarian crises persist in these border regions. To date, the U.S. has introduced at the Security Council no resolution of consequence concerning either Blue Nile or South Kordofan.

**[5] Accelerate defensive arms deliveries to South Sudan**, particularly anti-aircraft weaponry and surveillance and communications equipment. The UN recently declared that refugees from South Kordofan are at risk of aerial bombardment even when they reach South Sudan (see below). At the same time, the U.S. should share with the Government of South Sudan satellite reconnaissance intelligence bearing on the location, size, and armaments of the Khartoum-sponsored rebel groups that continue to ravage the South, especially in Unity and Jonglei states. That Khartoum is supporting these groups has long been evident, and recent analyses by [the Small Arms Survey](#) of weapons captured from these groups by Southern military forces (the SPLA) make clear that this brand-new, Chinese-manufactured weaponry could only have come from Khartoum in the quantities seized.

In fact, many months ago a [helicopter from Khartoum, carrying senior officers loyal to rebel leader George Athor, was seized by the SPLA](#) when it accidentally landed in the wrong location. Much incriminating evidence was found aboard. It is no accident that these rebel leaders are often found in Khartoum or in bases just across the border in northern Sudan. More recently the senior intelligence officer in the SPLA declared the South had “credible evidence” that Khartoum’s “Sudan Airways” is providing “logistical and financial support to the various militia rebels” in South Sudan.<sup>118</sup>

**[6] Use military force to deter the bombing of civilians:** for months, civilians and military and political leaders in Blue Nile and South Kordofan have pleaded for the imposition of a “No-Fly Zone.” No clear understanding of what is required for such an operation has been demonstrated, and officials in the Obama administration have been eager to assert that a no-fly zone is completely impracticable, given the locations to be protected. Yet the people of Blue Nile and South Kordofan want is not a particular military operation. Rather, they wish for an end to the *daily assaults* by Antonov “bombers.” These planes are far too inaccurate for real military purposes; they are designed to hit large, “soft” targets such as villages, hospitals, water supplies, cattle, and fields. They are thus terrifyingly effective in compelling civilian movement and displacement. These deliberate, widespread, and completely indiscriminate attacks are all war crimes, and [in aggregate they constitute crimes against humanity](#).

From Blue Nile, the UN Integrated Regional Information Networks (October 12, 2011) provides a grim account of what happens when civilians are targeted. Dr. Evan Atar, highlighted in the report below, is one of those in Blue Nile calling for concerted international pressure on Khartoum to end the bombing:

Kurmuk hospital in Sudan's southern crisis-hit Blue Nile State is struggling to cope with an influx of war wounded, according to hospital doctor Evan Atar. So far he has treated 626 people for shrapnel injuries since clashes began last month... A man on the operating table cries out in pain, but Atar says the hospital has no more anaesthetics to give him. Cotton, gauze and saline solution will run out this week if aid does not arrive, he says, adding that six months of supplies have been used up in the past six weeks. "The problem is that there is no way we can get the drugs in here now because of the Antonovs bombing the area, making it very dangerous to fly supplies in from Kenya." Sudan's President Omar al-Bashir will not allow foreign aid agencies inside Blue Nile or the neighbouring state of South Kordofan ...Atar is the only doctor in Kurmuk, which has the only hospital between state capital Damazin and neighbouring Ethiopia. [Kurmuk fell to the SAF on November 3]

In response to such barbarous attacks, the U.S., and whatever allies will join in the effort, should make clear to Khartoum that every time an Antonov—or any other military aircraft—attacks civilians or humanitarians, the U.S. will destroy one such aircraft on the ground at el-Obeid, the major air base from which Antonov and other military aircraft have attacked Blue Nile and South Kordofan. It is doubtful that the generals in Khartoum would watch for long as their air force was destroyed, *seriatim*, before them; aerial military attacks on civilians would almost certainly stop.

This is not an "Iraq-style NFZ"; on the contrary, there would be no patrolling by fuel-consumptive combat aircraft, no need for refueling aircraft or AWACS, and no need to secure over-flight permission from Sudan's nervous or ambivalent neighbors. The decision to act would instead be on the basis of a confirmed attack, and there are many means of such confirmation, including satellite reconnaissance follow-up on the reports of daily bombing attacks.

Destroying aircraft on the ground—for example, with cruise missiles—would minimize the possibility of collateral damage; and relentless, sequential destruction would steadily ratchet up the pressure on Khartoum to halt these war crimes. To be sure, this would, as Lyman has said baldly in explaining why he is opposed to any such action, "take us into a confrontational situation in Sudan." But military "confrontation" is path that Khartoum has chosen, and from which it appears determined

not to deviate, even as many hundreds of thousands of lives are at risk. Although it sounds diplomatic for Lyman to say that “our efforts are concentrated in getting the parties back to the negotiation table,” one of these parties has made clear it has no intention of negotiating, and certainly not with U.S. auspices (see above).

Notably, the regime recently turned down an invitation to join a broad discussion in Washington, organized by Lyman and his office, to discuss Darfur, where the failed peace agreement promulgated in Doha (Qatar) this past July leaves much work to be done. Khartoum for its part is determined to do nothing that might give the appearance of re-opening negotiations, and refuses to make even an appearance. Indeed, on Darfur al-Bashir recently made bluntly clear his views of UN Security Council Resolution 2003, which authorizes for another year the UN peacekeeping mission in Darfur, and which in Khartoum’s view sought to extend incrementally the mandate of the mission:

Sudan’s president Omer Al-Bashir has bragged about his country’s ability to emulate Israel in breaking resolutions of the UN Security Council (UNSC), vowing to expel those who attempt to implement the latest UNSC’s resolutions on Darfur’s peacekeeping mission. Al-Bashir, who was addressing a conference of the youth sector of his ruling National Congress Party (NCP) on Thursday [October 13], said that Sudan had successfully defied the UNSC’s Resolution 2003 to amend the mandate of the UN-AU Peacekeeping Mission in Darfur (UNAMID) as well as Resolution 1706 to expand the mandate of the UN Mission in Sudan (UNMIS) to include deployment in Darfur. *“They can shove the new resolutions” Al-Bashir said, reiterating his threats to expel whoever is tempted to implement the Resolution 2003.*<sup>119</sup>

Most recently ([November 4, 2011](#)) Khartoum rejected out of hand a U.S. proposal for ending conflict in South Kordofan. This is not, as Lyman implies, the attitude of a regime that can be coaxed back to the negotiating table; it is the attitude of an almost fully militarized security cabal in Khartoum, and to ignore this reality is both disingenuous and cynical.

## **How urgent are humanitarian crises in Nuba, Blue Nile, and Darfur?**

Ominously, it must be said first that we do not really know how urgent the crises are: Khartoum’s refusal to grant access to humanitarians extends to journalists and

human right monitors—despite weak pleas for an “independent and credible international investigation” of atrocity crimes from Lyman, U.S. ambassador to the UN Susan Rice, and various UN officials. Yet the evidence shared in reports from refugees in Ethiopia and South Sudan, journalists who’ve made their way into both Blue Nile and South Kordofan, and from the reports of Sudanese themselves, by means of a range of communications and intermediaries, is overwhelming. And this evidence in aggregate makes abundantly clear that many people are either now dying from malnutrition and disease, or soon will be. According to the UN Food and Agriculture Organization (FAO) “235,000 people [are] on the brink of starvation in Sudan’s embattled southern border region because of fighting in Blue Nile and South Kordofan” (October 10, 2011).<sup>120</sup> This is not “collateral damage” from fighting, intense as it has been; rather this vast humanitarian crisis has been caused by Khartoum’s aerial assaults, which relentlessly and deliberately target civilians and civilian agriculture. This is what has created such a staggering figure for people in acute distress. Violence now deeply threatens the agricultural season and the (already compromised) harvest in both regions.

## **Agriculture**

The major military instrument of death will likely be the effects of continual aerial bombardment, which has profoundly disrupted the agricultural cycles in both South Kordofan and Blue Nile. Agence France-Presse reports:

The fighting has disrupted the major crop season in Blue Nile and Southern Kordofan—two of Sudan’s main sorghum producing areas, according to the Rome-based agency. In South Kordofan, people fled at the start of the planting season and were unable to sow seeds, while in Blue Nile, fighting erupted later in the season so seeds were planted but people were forced to abandon their crops. “The latest fighting coupled with erratic rainfall means *next month’s harvest is expected to generally fail*,” it stated. The shortage of food stocks has already led to a doubling of prices, which are expected to continue to rise steeply. The agency also pointed out that seasonal livestock migration has been disrupted in both states causing large herds to be concentrated in small areas along the border. “This is causing overcrowding and could lead to outbreaks of livestock disease,” said Cristina Amaral, Chief of FAO’s Emergency Operations Service. “Tensions between farmers and nomadic herders over water and land access may also be exacerbated.” All international aid agencies have been barred from Blue Nile.<sup>121</sup>

On the basis of such reports and what has been observed of the crops during the time prior to harvesting, the UN's Food and Agriculture Organization (FAO) predicted in October that "next month's harvest is expected to generally fail."<sup>122</sup> *Yet the NIF/NCP regime continues to deny access to the UN's World Food Program, as well as all other UN agencies and international relief organizations.*

## **Denial of humanitarian access**

To date, Khartoum has shown no inclination to relent its virtually total embargo on international humanitarian aid and assistance. Instead, the regime has made preposterous claims about its own provision of relief, especially in Blue Nile, where Khartoum insists that it controls 90 percent of the territory and "is providing services to 95 percent of its residents"<sup>123</sup> With the fall of Kurmuk, this claim will perhaps have some plausibility for the uninformed, but coming from a regime that lies constantly and shamelessly, the statement tells us nothing about realities on the ground, and what it means to be displaced and without humanitarian resources in a region where the coming harvest will "generally fail," and where all food reserves have now been exhausted.

The international community, including the U.S., has not done nearly enough to raise the alarm about what the humanitarian crisis that will intensify without Khartoum's immediate reversal of its callous decision. Certainly there has been no willingness on the part of the UN to fulfill its "responsibility to protect" civilians in South Kordofan and Blue Nile who are clearly in danger.

## **Refugees**

Bombing attacks, which Princeton Lyman declares that the U.S. is not prepared to halt except by "encouraging negotiations," have also done the most to generate the large and growing number of refugees in Ethiopia and South Sudan. Tens of thousands have already fled the two regions, and many more are in flight now; civilian flight could become overwhelming if humanitarian access continues to be denied. This may well be a deliberate "demographic reorganization" of both Blue Nile and the Nuba Mountains of South Kordofan by Khartoum. Many of those fleeing will never return to their homes, and the many who die will also contribute to a changed demography (here we should recall the genocidal *jihad* that the regime directed against the Nuba people in the 1990s, and which came perilously close to annihilation). The ambition seems to be the same at present, whether by destruction or displacement:

[A]erial bombings in Sudan's Blue Nile state were driving a new wave of refugees into Ethiopia, with nearly 2,000 arriving in the last four days alone. According to UNHCR, "The new arrivals at the border area of Kurmuk, one of several refugee entry points into Ethiopia and considered to be the busiest, are mostly women, children and the elderly. They tell us they fled bombings and fear of bombings by Antonov planes in areas including Bau, Sali and Dinduro, all located between Kurmuk and the Blue Nile capital, Damazine," UNHCR spokesperson Adrian Edwards said in a statement.<sup>124</sup>

The *New York Times* reports (October 31, 2011, Nairobi) on a journalist, Peter Muller, who made it into the war zone to file his observations:

[Muller] found that the civilian population had almost entirely fled the Blue Nile area in face of attacks from the forces of the Bashir government. Many fled into Ethiopia and others crossed the border into South Sudan. "There was a lot of concern over food shortages and the continuing bombing campaigns," Mr. Muller said. "The hospitals are running out of supplies and they can't replenish those stocks."

Many refugees in South Sudan have ended up in remote and almost inaccessible areas, given UN security restrictions on movement and the inability of UNMISS to secure humanitarian corridors for food delivery. Yida is the site of many of the thousands of refugees from the Nuba Mountains that have made it to Unity State. According to a highly reliable source on the ground these refugees have run out of food, and the UN's World Food Program is not responding with either urgency or effectiveness. Even in South Sudan, refugees remain at risk of aerial bombardment, a matter that should be of urgent concern to the Security Council, since these are now attacks across an international border:

[R]efugees in South Sudan's oil-rich Unity state are in danger of aerial bombardment after fleeing fighting across the border from Sudan, the United Nations said. At least 1,000 people arrived in Unity state in the past week, the UN Office for the Coordination of Humanitarian Affairs (OCHA) said today in a report. "These individuals remain in an insecure location at the border with Sudan which is close to areas where regular aerial bombardments have taken place," OCHA said.<sup>125</sup>

Yet the refugees continue to flee, fearing the relentless aerial bombardment and having lost their lands in the violence. The UN High Commission for Refugees recently declared that:

“Humanitarian partners are concerned that the number of people arriving to Unity might double before the end of the year if fighting continues in Southern Kordofan. In anticipation of a continued influx, other locations are being assessed as potential alternative sites as well,” [UN-HCR] said.<sup>126</sup>

In late September the UN estimated that 25,000 civilians were refugees from Blue Nile who had crossed the border into Ethiopia; this figure was increased to 27,500 less than a week later. Four weeks later still, given the reported rates of entry into Ethiopia, the figure may well exceed 40,000. One humanitarian organization reports 22,000 refugees have made the arduous trek from the Nuba Mountains and elsewhere to Unity State in independent South Sudan. Here also there have been extremely high rates reported for daily and weekly increases in the number of refugees. There is no sign that the exodus is slowing down; indeed, in the absence of humanitarian relief, this flow will become a flood of humanity.

### **The View from South Kordofan, Blue Nile, and Abyei**

What must these people think of those with the power, with the means to assist them? A reliable source reports that the perception among residents of the two regions is increasingly that the U.S. feels no further commitment to either Blue Nile or South Kordofan. Who could blame these people for holding such a view? What has Lyman or other Obama officials said that offers them hope of international action or help of any sort? What has long been needed is a comprehensive view of the perverse dynamic by which Khartoum is able to divide international attention, to play one Sudanese crisis off another. This has been the regime’s primary strategy for years in responding to pressure to halt the Darfur genocide as well as support the quest for a North/South peace agreement. But the ultimate consequence of this strategy is that the threat of all-out war continues to loom closer, and certainly if Khartoum provokes South Sudan to join the fighting, what is already widespread conflict will become truly national in scope. In September the International Crisis Group recently warned that

hardliners within Mr Al Bashir’s ruling National Congress Party wanted a military solution rather than negotiations. “This, however, is pushing Sudan’s disparate rebel movements and opposition forces together and could trigger a civil war for control of the country,” the [ICG report found].<sup>127</sup>

In a speech following Khartoum's capture of Kurmuk, al-Bashir offered his most bellicose remarks since the secession of South Sudan on July 9, warning that his regime

was running out of patience in the face of "continued provocations" by South Sudan, saying that Khartoum is ready to return to war. Addressing a rally on Sunday in Al-Damazin town, the state capital of the Blue Nile State, president Al-Bashir declared that Khartoum was ready to go to war with the south should the latter fire the first shot. The Sudanese president also claimed that his country was in possession of evidences indicating that the south was preparing to launch a war against the Sudanese Army (SAF), threatening that his country would respond in kind. He further said that Khartoum had observed "too much patience and self-restraint" in the face of "continued provocations" by the southern army in Abyei and elsewhere.<sup>128</sup>

This is clearly the language of the generals, and the reference to Abyei highlights not only the mendacity of the regime, but its determination to achieve its goals militarily. It was the Sudan Armed Forces and its Misseriya militia allies that invaded and seized Abyei on May 20, [after months of clearly visible preparation](#) that the international community chose to ignore. It is the SAF that retains control of Abyei and refuses to withdraw, despite the agreement with South Sudan that brought Ethiopians troops to the region under UN auspices. And of course it was the regime that denied Abyei the self-determination referendum promised by the Comprehensive Peace Agreement. The specious justification for this denial, which entailed repudiating the "final and binding" ruling of the Permanent Court of Arbitration (The Hague), strongly suggests that there was never any intention to allow a self-determination referendum. At the insistence of the generals, the military invasion has created a *fait accompli* on the ground in Abyei. These are the "provocations" al-Bashir ignores, even as "patience and restraint" on the part of the Government of South has been extraordinary. Al-Bashir's absurd but dangerous comments are a hallmark of [what one close observer in Khartoum has called "the hour of the soldiers."](#)

It must be emphasized, as Julie Flint has recently done in her account of the crisis in the Nuba Mountains, that "the risks of doing nothing are enormous," whether in Abyei, Blue Nile, South Kordofan, or Darfur. In South Kordofan the risk is

most immediate for Nuba civilians, who fear a counter-insurgency campaign similar to the one seen in Darfur, especially if the SPLM-N seeks

to re-ignite conflicts in Darfur and eastern Sudan. Such an intensification of the war would risk escalating into a wider north-south war, and hardening international positions against Sudan.<sup>129</sup>

As Flint clearly recognizes, the Khartoum regime

would prefer a partial solution based on the particularities of Southern Kordofan and Blue Nile. That solution would likely be supported by internationals who are still focused on north-south issues, including Abyei, and reluctant to alienate Khartoum by challenging it on the big issues of democratization and governance. This would be a mistake.

For as Flint also rightly observes (and this is largely true for Blue Nile as well):

The rank and file of the Nuba SPLA seeks rapid progress toward transformation of politics at the center. Failing that, we can expect new emphasis on the fall-back agenda—the right of self-determination. This would not generate international backing. But the Nuba, feeling betrayed by previous international-mediated agreements, might not be in a mood to take heed. The war in Southern Kordofan and Blue Nile needs to be mediated before the parties' positions become even more polarized and any reasonable settlement slips away.

And as Flint also emphasizes, there is economic leverage that can be used to modify the regime's military and negotiating positions, and thus encourage the "new South" to participate in negotiations, despite the betrayals to date:

With the government of Sudan facing a crippling financial crisis as a result of a 75 percent drop in oil revenues after partition in July, *there is enormous international leverage over Khartoum on economic issues.* The decision to risk war in Southern Kordofan by disarming the Nuba SPLA was a decision taken at the national level, against the advice of senior National Congress Party figures in the state and some army commanders. The international community must therefore put pressure on the national government to negotiate, and on the leadership of Sudan Armed Forces to seek a process of reform and rebuilding, with international partnership, to reduce risk in conflict areas.

This is a tall order that is unlikely to be carried out without regime change; international pressures, however, will surely strengthen the hand of those who are most likely to help Sudan make the extraordinarily difficult transition from a long tradition of authoritarian governance to something like democracy. The regime will never open up political space on its own; and the international community can't create that space within Sudan. But a range of international actors can create the conditions that make regime change possible, along with a fundamental change in the political culture of northern Sudan.

The limited and short-sighted commitment of the U.S. and other nations, including the perverse failure to exert pressure on Khartoum, seems to ensure “an intensification of the war,” and that “civil war for control of the country” is increasingly likely. Those such as Lyman who claim limited means, inadequate tools, or insufficient leverage should ask themselves whether they are prepared to accept the consequences of such bloody and destructive conflict as appears in the offing—and the inevitably vast humanitarian crises that will follow. This is especially true of the U.S., which gives many signs of allowing Khartoum's provision of “counterterrorism intelligence” to trump the extraordinarily great human needs of millions of human beings throughout Sudan (see **Annex XII**).

Certainly without a much greater commitment of diplomatic, economic, and potentially military resources, there will be no credibility for those who plead that “they did all they could” to stop the renewed outbreak of war in Sudan, war that now appears increasingly likely. This will be a lie, and the evidence is all too conspicuously before us now.<sup>130</sup>

### **March 18, 2012: Why No Pressure on Khartoum to Accept a Multilateral Humanitarian Access Proposal?**

Formulated by the African Union, the League of Arab States, and the United Nations, a proposal for humanitarian access to South Kordofan and Blue Nile was accepted by the Sudan People's Liberation Movement/North on February 9, 2012—over five weeks ago. The agreement is far from perfect, and it creates dangerous maneuvering space for Khartoum in undermining humanitarian access, but it does declare:

*There is a need to ensure, in the meantime [prior to a negotiated settlement of the conflicts], that all civilians affected by the conflict have access to the necessary humanitarian assistance as a matter of the utmost urgency.*

The document proposes specifically that:

[1] The Government of Sudan and the Sudan People's Liberation Movement-North in South Kordofan and Blue Nile should be encouraged to *immediately identify clear points of contact for the purpose of establishing modalities for the delivery of humanitarian assistance to war affected civilians in South Kordofan and Blue Nile states.*

[4] The African Union, League of Arab States, and United Nations will complement existing efforts in South Kordofan and Blue Nile by *organizing the delivery of essential humanitarian supplies for the most vulnerable people.* Deliveries will be either by road or by air (helicopter or fixed-wing planes) depending on needs, security, and logistical considerations. *Humanitarian assistance will be provided at a scale and pace that meets the most urgent needs* and that can be carefully monitored to prevent any abuse. WFP will be the logistics service provider on behalf of the three partners under this proposal.

[8] Once initial assessments have been conducted and humanitarian activities have commenced, qualified representatives of the AU, LAS, and UN will *follow up and monitor use of assistance delivered and access any changes in humanitarian needs.*

[9] *Reports on monitoring carried out by the AU, LAS, and UN and updates on the humanitarian situation will be shared regularly.* The Joint Humanitarian Oversight Committee will serve as a conduit and discussion forum for the joint reports.

Aside from the [Sudan Tribune](#), there seems to be no news-highlighting of this deadly intransigence by the NIF/NCP regime. U.S. action in particular has been weak and unfocused: Obama's special envoy for Sudan, Princeton Lyman, has done nothing to push this multilateral proposal forward or to invest diplomatically in its success. His recent testimony to the Senate Foreign Relations Committee did include the statement that "an international program, as proposed by the UN and its partners, is the best means to reach the most people and we continue to urge the government [in Khartoum] to approve it."<sup>131</sup> But there has been no serious effort beyond this vague "urging," and no specified consequences if Khartoum continues to ignore international pleas on behalf of the desperate people of the Nuba Mountains, Blue Nile, and the North/South border regions.

The ineffectual nature of the U.S response is also captured in this vague and deliberately obfuscatory statement from senior U.S. Agency for International Development (USAID) official Nancy Lindborg: "If necessary we will examine ways

to provide indirect support to Sudanese humanitarian actors.”<sup>132</sup> In other words, the Obama administration is prepared to turn matters over to those humanitarian organizations willing to run the dangerous gauntlet into the Nuba Mountains of South Kordofan—or perhaps simply give resources to the Khartoum regime’s grotesquely named “Humanitarian Affairs Commission” (HAC), which has demonstrated in Darfur its power to obstruct, harass, and delay humanitarian resources and personnel for more than eight years.

The [warnings of critical food shortages are now over nine months old](#), and follow directly from Khartoum’s systematic aerial bombardment of civilian sites and the arable regions of the Nuba Mountains in the wake of the [June 5, 2011 military assault](#) on South Kordofan. This assault was accompanied by [massive atrocity crimes](#), and by [bombing that seriously disrupted the planting season](#) for crops, as well as subsequent tending of those crops. The fall harvest season was also badly disrupted, both in the Nuba and in Blue Nile, where [Khartoum launched a new military assault on September 1, 2011](#).

In early October the UN Food and Agriculture Organization predicted that the harvests in the region would “generally fail.”<sup>133</sup> Two months later, in December, warnings of critical shortages of food were issued by various humanitarian organizations, including the Famine Early Warning System Network (FEWSNet). Also in December, FEWSNet predicted that without food aid, “near-famine” conditions would prevail in many places by March 2012 (FEWSNet is funded by USAID and was created as a tool for early warning after the 1984-85 famine in the Horn of Africa and the Sahel).<sup>134</sup>

Given Khartoum’s denial of all international assessment missions, we are presently without any means of acquiring fuller and more accurate knowledge about the humanitarian crisis. Yet we have known for months that this critical food shortage would take human lives in large numbers; and even now there is nothing approaching an appropriate urgency in responding to the acute malnutrition, accompanying disease, and the increasingly precarious existence of those who have, on the basis of their African ethnicity, been deliberately forced from their lands by hunger and violence.

Even the African Union, along with the UN and Arab League, has recognized the seriousness of the vast humanitarian crises that have emerged since summer 2011. In February 2012 the following proposal was made jointly by all three organizations. It was promptly accepted by the SPLA/M-North, but continues to be rejected by Khartoum.

**Typescript of African Union, Arab League, and United Nations Joint Proposal for Humanitarian Assistance in South Kordofan and Blue Nile (from scanned copy of original document):**

**[PAGE 1]**

**“Aide Memoire”**

The African Union Liaison Office in Sudan, the Office of the Special Envoy of League of Arab States for Sudan, and the Office of the Special Envoy of the Secretary General for Sudan and South Sudan jointly present their compliments to the Sudan People’s Liberation Movement (North) and have the honour to submit a Joint AU/LAS/UN Proposal for Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in South Kordofan and Blue Nile States. Please find attached herewith the above-mentioned proposal.

**SIGNED:**

For the AU: Mohammed Kane 09/02/12 **[February 9, 2012]** For the LAS: Salah Halima 09/02/12 **[February 9, 2012]** For the UN: Haile Menkerios 09/02/12 **[February 9, 2012]** For the SPLA/M-North: **“We confirm acceptance of the AU, LAS, UN proposals; [name illegible] on behalf of SPLM/A-N.”**

**[PAGE 2]**

The African Union, the League of Arab States, and the United Nations emphasize the following principles:

Finding a permanent political solution to the conflict in South Kordofan and Blue Nile states, with full respect for the sovereignty of Sudan, remains a prerequisite to end the humanitarian crisis in those two states;

There is a need to ensure, in the meantime, that all civilians affected by the conflict have access to the necessary humanitarian assistance as a matter of the utmost urgency; Due to the fact that both parties to the conflict have obligations under international humanitarian law, it is therefore in the interest of both parties to the conflict to permit and actively facilitate humanitarian access in order to prevent the conditions of the affected civilians from deteriorating into a crisis of much larger proportions;

There is an urgent need to help reduce tensions, stabilize the situation, and assist in the safe and voluntary returns of displaced populations and

move rapidly from emergency relief to a focus on reconciliation, early recovery, and development in South Kordofan and Blue Nile;

The African Union, the League of Arab States and the United Nations jointly commit to supporting the Government of Sudan (GOS) and the Sudan People's Liberation Movement North (SPLM-N) in addressing the humanitarian needs of all conflict-affected populations in South Kordofan and Blue Nile, in accordance with humanitarian principles of neutrality, impartiality, accountability, and transparency.

### **The Proposal**

In this context, the AU, LAS, and UN propose the following steps:

[1] The GOS and the SPLM-N in South Kordofan and Blue Nile should be encouraged to immediately identify clear points of contact for the purpose of establishing modalities for the delivery of humanitarian assistance to war affected civilians in South Kordofan and Blue Nile states;

[2] A Joint Humanitarian Oversight Committee to be established immediately to oversee the implementation of the humanitarian operation in South Kordofan and Blue Nile. The Committee will comprise civilian representatives of the GOS, the SPLM-N, the AU, LAS, and UN. The roles and responsibilities of the Committee and other details related to the functioning of the Committee to be defined when the Committee is established. Any delay in the establishment of the Committee should not prevent the commencement of humanitarian operations as put forward in this proposal.

### **[PAGE 3]**

[3] The AU, LAS, and UN to put together joint teams to carry out a rapid humanitarian assessment mission in all areas of South Kordofan and Blue Nile, where there have been reports of significant humanitarian needs; these teams will work closely with representatives of the GOS, as well as with the SPLM-N as needed.

[4] The AU, LAS and UN will complement existing efforts in South Kordofan and Blue Nile by organizing the delivery of essential humanitarian supplies for the most vulnerable people. Deliveries will be either by road or by air (helicopter or fixed-wing planes) depending on needs, security, and logistical considerations. Humanitarian assistance will be provided at a scale and pace that meets the most urgent needs and that can be carefully monitored to prevent any abuse. WFP will be

the logistics service provider on behalf of the three partners under this proposal.

[5] As per existing Government procedures, all movement of humanitarian staff and cargo will be coordinated with the Government of Sudan Humanitarian Aid Commission (HAC), and humanitarian operations will be carried out in full respect of international humanitarian principles.

[6] Verification of humanitarian cargo by air and road will be conducted by relevant Government authorities at departure and transit points according to jointly agreed procedures, to be determined without delay.

[7] Monitors from the AU, LAS, and UN will be present to observe the distribution of humanitarian relief to ensure that humanitarian aid reaches its intended beneficiaries.

[8] Once initial assessments have been conducted and humanitarian activities have commenced, qualified representatives of the AU, LAS, and UN will follow up and monitor use of assistance delivered and access any changes in humanitarian needs.

[9] Reports on monitoring carried out by the AU, LAS, and UN and updates on the humanitarian situation will be shared regularly. The Joint Humanitarian Oversight Committee will serve as a conduit and discussion forum for the joint reports.

[10] The GOS and SPLM-N remain responsible for ensuring the safety and security of all humanitarian staff and observers, as well as all humanitarian assets, supplies and facilities.

**SIGNED:**

For the AU: Mohammed Kane 09/02/12 [February 9, 2012] For the LAS: Salah Halima 09/02/12 [February 9, 2012] For the UN: Haile Menkerios 09/02/12 [February 9, 2012]

In August 2012 humanitarian access for South Kordofan and Blue Nile had still not been granted by Khartoum, despite obfuscating claims that it had. The reality is that the UN World Food Program and other critical relief organizations have not been allowed to establish a presence. While there is some clandestine presence in the Nuba Mountains by highly courageous relief groups and organizations, it does not even begin to provide enough food or primary health care. Because there was no spring planting, there will be no spring harvest; people on the verge of starvation

will soon die; many more will die if Khartoum remains obdurate on access issues. We may judge the condition of these people from the steady stream of reports that manage to emerge from the Nuba, and by the levels of malnutrition and morbidity defining the populations still fleeing South Kordofan.

In short, for over a year—despite an obvious and massive humanitarian crisis—the international community has allowed Khartoum to exercise national sovereignty by way of denying life-saving relief efforts. This is beyond shame, and makes a final mockery of the responsibility to protect.

### **March 28, 2012: Conflict in the Heglig Region of South Kordofan and its Implications**

The implications of recent military actions by Khartoum’s Sudan Armed Forces, including paramilitary militia forces, are not yet fully clear. Indeed, the greater the level of violence in the largely inaccessible border regions between (northern) Sudan and South Sudan, the less clear the situation will become—the “fog of war” will descend obscure more and more. Nonetheless, on the basis of past actions and statements by the regime in Khartoum and by the Juba government, much can be discerned from reports by wire services, which are largely dependent on statements by the belligerents, but also have important independent confirmations of particular claims, including from the UN Mission in South Sudan.

The Sudan People’s Liberation Army seizure of territory in the Heglig region on March 26, 2012, along the contested North/South border, is a highly significant event, even as all evidence suggests that it is the result of an SPLA defensive counter-attack following SAF incursions in to the south. These attacks are all the more significant because the issue of Heglig is directly related to the July 2009 decision by the Permanent Court of Arbitration (PCA), which defined the eastern border of Abyei in such a way as to place Heglig east of Abyei, but without determination of its location with respect to the 1956 border, which the CPA declares “will be inviolate.” More broadly, Khartoum’s military seizure of Abyei (May 21, 2011)—after first denying the region its promised self-determination referendum—completely undermined the PCA decision

Given the potential for rapidly expanding war involving direct conflict between the SAF and the SPLA, we should be as clear as possible about the antecedents to any such future violence. Present military actions have already led Khartoum to suspend, perhaps with an eye to cancellation, the “summit” that was to have taken

place in Juba beginning April 3 between President Salva Kiir of South Sudan and Khartoum's President Omar al-Bashir. The focus was to have been on outstanding issues between Khartoum and Juba that remain a source of tension and potential military violence.

The cause and effect relationship here, however, is not clear. As [several analysts have suggested today](#), it may well be that SAF generals launched these attacks in order to sabotage any true diplomatic rapprochement between north and South Sudan. This is apparently the view of President Kiir, who was overheard saying yesterday, “‘There are people of course who don't want Bashir's visit,' Kiir said in an Arabic aside on Monday in an audio recording of his remarks obtained by McClatchy. ‘These are the people who are causing this fighting.’”<sup>135</sup> In any event, the seriousness of the events was underscored by the fact that the military seizure of a large area near Heglig was announced by President Kiir himself.

Here it should also be noted that the spokespersons for Khartoum and for Juba have distinct track records in reporting on military events. Khartoum's primary military spokesman, Al-Sawarmi Khalid Saad, is a shameless liar and represents a regime that seems to have only contempt for truths that are not self-serving. If we look back at statements by Saad over the past couple of years, we can see that on countless occasions—whether in speaking about Darfur, Abyei, South Kordofan, or events along the North/South border—his claims and denials have been decisively disproved by follow-up investigations. For example, following the November 10, 2011 aerial bombardment of Yida refugee camp—an attack firmly within the borders of Unity State (South Sudan), and witnessed first-hand by two international news organizations and later confirmed by UN investigators—Saad was adamant in his denial of SAF responsibility:

Sudan Armed Forces spokesman Sawarmi Khaled Saad vehemently denied any links to the raid. “This information is completely false. We didn't bomb any camps or any areas inside the borders of South Sudan,” he told the AFP news agency. “What is going on in South Sudan belongs to the southerners. We don't have any links to this.”<sup>136</sup>

Unsurprisingly, given such shameless mendacity, it is Saad who has been the chief spokesman for all recent military events. The SPLA, by contrast, has on occasion exaggerated or misrepresented events, but has rarely lied outright. This is but one more asymmetry between Khartoum and Juba that must be kept in mind in sorting through recent events.

Khartoum's penchant for shameless mendacity is especially important to bear in mind given that the regime's relentless efforts to conflate what are now two clearly

distinguishable military organizations: the SPLA of South Sudan and the Sudan People's Liberation Army-North (SPLA-N) in the northern states of South Kordofan and Blue Nile.<sup>137</sup> Khartoum has done all it can to obfuscate the distinction between the SPLA and the SPLA-N, and has repeatedly accused the SPLA of supporting the SPLA-N or of undertaking military actions that are in fact those of the SPLA-N. In a misguided concession to Khartoum, various international actors have accepted this conflation largely at face value. Thus following Khartoum's late February aerial attack on oil infrastructure deep within Unity State (South Sudan), the UN Security Council "demanded" (March 6, 2012):

[T]hat all parties cease military operations in the border areas and put an end to the cycle of violence. It further *demands that the Governments of Sudan and South Sudan take no action* that would undermine the security and stability of the other, including through any direct or indirect form of support to armed groups in the other's territory.<sup>138</sup>

On March 27 the Security Council, always threatened by a Chinese or Russian veto on matters relating to Sudan, preserved its perfect "equanimity" in a statement on current fighting:

The Security Council *calls upon the governments of Sudan and South Sudan* to exercise maximum restraint and sustain purposeful dialogue in order to address peacefully the issues that are fueling the mistrust between the two countries.

At the same time that the Security Council was blaming both sides for Khartoum's earlier aerial attacks of late February, the U.S. State Department—without adducing any evidence to support its broader assessment—declared (March 1):

The United States continues to stress to the Government of South Sudan the need to respect the sovereignty of Sudan and immediately end any military support for Sudan People's Liberation Movement-North rebels. *The actions of both parties are inflaming conflict*, fueling mistrust, and imperiling the efforts of the African Union High-level Implementation Panel to facilitate agreements between the parties on outstanding Comprehensive Peace Agreement issues.<sup>139</sup>

No matter that the African Union High-level Implementation Panel has proved hopelessly inept in its diplomatic roles in Darfur, in dealing with the Abyei crisis,

and in securing either a cease-fire or humanitarian access for Blue Nile and South Kordofan, now more than nine months after Khartoum's initial onslaught against Kadugli and other areas of South Kordofan. And no matter that there is no specification of which "actions" by the SPLA (as opposed to the SPLA-N) are "inflaming conflict."

As to mistrust, it is simply preposterous to speak of "trust" and the Khartoum regime in the same breath: this government has not abided by a single one of the countless agreements it has signed with the South or any other Sudanese party for over 23 years. When U.S. special envoy Princeton Lyman suggests that there is a lack of confidence between both parties negotiating in Addis Ababa, Khartoum and Juba, he offers only a facile and dangerous half-truth.

For its part the European Union (March 8):

*[C]hided both Sudan and South Sudan for having taken "unilateral" steps that are hindering peace talks between the two sides. "The unilateral steps taken by both sides have made it more difficult to reach a negotiated solution," Michael Mann, spokesman for EU foreign policy chief Catherine Ashton, said in a statement. Ashton "is seriously concerned about the escalation of violence and continued cross-border military activity including military operations, support for proxy militias and aerial bombing," Mann said. (EU Statement from Brussels, March 8, 2012)*

Again, there is no evidence that Juba is providing substantial assistance to "proxy" forces in northern Sudan; there are no specific "unilateral" actions by the SPLA of the sort suggested by the EU statement; and most seriously, there is no recognition of the ample evidence that the escalation of violence is dictated by Khartoum's, not Juba's, military actions and movements along the North/South border. Here we should bear in mind that the South has nothing to gain from offensive military actions; indeed, Juba is well aware that securing a just peace is the only means of self-preservation. It does not need additional northern oil reserves, even as it remains the case that an economically distressed Khartoum is desperate for the oil revenues it lost with Southern independence. Certainly the evidence of the last year and a half consistently shows a remarkable restraint on the part of the Southern government in the face of relentless military provocations, including not only repeated aerial attacks on its territory, cross-border ground assaults, and the bombing of refugees, but also [Khartoum's military seizure of Abyei](#) (May 2011)—a seizure contravening both the Abyei Protocol of the Comprehensive Peace Agreement (2005) and the "final and binding" ruling of the Permanent Court of Arbitration (July 2009).

Perversely, this international restraint has made it easier for Khartoum to establish Abyei as not only a military *fait accompli*, but as Luka Biong, co-chairman of the Abyei Joint Oversight Committee, has recently asserted (March 16, 2012), a legal one as well.

“A week ago, I was shocked to know that there was a legal opinion by the United Nations defining Abyei as part of the north and subsequently all the organizations have to get their visa from the north.”<sup>140</sup>

The [course of international responses to Abyei over the past year](#)—from the time it became obvious that military seizure by the SAF was imminent ([March 2011](#)) to the present—provides a grimly instructive example of the expediency, cynicism, and disingenuousness we can expect to see if war does indeed break out between Sudan and South Sudan.

Again, in anticipation of [moral equivocation by the international community](#) in the event of renewed war, it is critical to bear in mind that none of the various actors urging “mutual” restraint upon Khartoum and Juba have provided any evidence of substantial SPLA support for the SPLA-N. This is not to say that some assistance isn’t being provided, but what is most conspicuous is the lack of any evidence that can be made public. If there were such evidence, Khartoum would have every reason to make it publicly known. The upshot is that any assistance is on a small scale and not necessarily at the behest of the leadership in either the SPLA or the government in Juba.

This assessment from last spring has been fully borne out by a powerful and well-researched report from Small Arms Survey (“[Business as usual: Arms flows to Darfur, 2009 – 2012,](#)” September 2012). Based on substantial on-the-ground research, the report concludes:

The evidence outlined in this Issue Brief indicates that Sudan’s major international arms suppliers, including the Russian Federation, Belarus, and China, have continued to supply SAF with weapons despite sustained evidence that SAF is continually and unlawfully moving these weapons into Darfur. *Since early 2011, many of the same types of ammunition and munitions identified in the hands of all sides in Darfur have also appeared among forces fighting in South Kordofan, Blue Nile, and South Sudan. The apparent common source, as in Darfur, is SAF stocks, used by SAF and its proxies, and captured from them*

*by SPLM-N and JEM fighters. The commonalities between the arms and ammunition used in Darfur, South Kordofan, Blue Nile, and South Sudan show history repeating itself: the same international arms flows into Sudan that have consistently supplied the Darfur conflict over the last seven years are now supplying the larger conflicts along the Sudan-South Sudan border.*

Even when finally acknowledging that Khartoum bears primary responsibility for current violence, US Secretary of State Hillary Clinton suggests that an unspecified culpability also lies with the SPLA:

*“We think that the weight of responsibility rests with Khartoum because the use of heavy weaponry, bombing runs by planes and the like are certainly evidence of disproportionate force on the part of the government in Khartoum,” Clinton said. “At the same time we want to see South Sudan and their allies or their partners ...similarly participate in ending the violence and working to resolve the outstanding issues.”<sup>141</sup>*

The last sentence simply fabricates responsibility for Juba. One must also wonder what Clinton would say now about the moral and diplomatic equities of the two parties when it comes to Abyei, given her previous insistence (November 2010) that the South needed to “compromise” yet again on the status of the region, given Khartoum’s diplomatic intransigence.

What requires a great deal more attention than factitious claims about Juba’s responsibility for assisting the SPLA-North is very substantial evidence of Khartoum’s arming and providing sanctuary to renegade militia groups in the South. Most recently the Small Arms Survey has released a report (March 22) that highlights how the terrible ethnic violence in Jonglei has been exacerbated by the availability of small arms originating with George Athor’s brutal militia group:

*In 2011, the Small Arms Survey reported that then rebel leader George Athor armed scores of Nuer youth as a way of recruiting additional soldiers to strengthen his assault on installations belonging to the Sudan People’s Liberation Army (SPLA) in Jonglei state. Evidence gathered by the Small Arms Survey after the White Army attack seems to confirm this.<sup>142</sup>*

In turn, there is overwhelming circumstantial and other evidence that Athor, before his death, was receiving very substantial assistance—including arms, logistics, and sanctuary—from Khartoum. SAS also provides evidence linking other militia groups, including the extremely violent South Sudan Liberation Army (SSLA), to Khartoum’s arms supplies. If some elements of the SPLA and Southern security forces have also been irresponsible in responding to the crisis in Jonglei, this in no way justifies Khartoum’s indiscriminate pouring of small automatic weapons into the region. In short, there is an [abundance of evidence](#)—including public statements by senior regime officials such as [Mustafa Osman Ismail](#)—that Khartoum is arming and supporting immensely destructive militias in the South, which appear to have as their primary goal civilian destruction. This destruction includes the use of anti-tank mines, supplied by Khartoum, on routes traveled by civilians and humanitarians. Yet again, by contrast, it must be stressed that there is no publicly available evidence that the South is providing significant assistance to the SPLA-N—or indeed has the means to do so. International failure to acknowledge this dramatic asymmetry only encourages Khartoum to continue arming militias operating in the South.

### *Cui bono?*

Finally, we need to ask who benefits from offensive military actions, and more specifically, what could Juba gain from initiating a war in the oil regions? The answer, of course, is that the South would gain nothing: the vast oil reserves that came with independence (July 2011) amount to 75 percent of the pre-independence total, and Juba knows perfectly well that even if it were to seize additional oil fields north of the border, it would have no way to secure them or transport the oil to market. To be sure there is arable land in the disputed border regions, as well as populations that are ethnically, culturally, and politically tied to the South. But having shown such restraint to date in the face of military aggression by Khartoum, including the seizure of the historically important Abyei region, it is extremely unlikely that Juba would attempt to settle differences militarily.

In stark contrast, Khartoum has every incentive to attempt to capture and hold Southern oil fields and infrastructure: [the northern economy is imploding](#) at a rate that is increasingly threatening to the Khartoum regime as it confronts Sudan’s own “Arab spring” demographic realities. The regime is also threatened by rapidly rising inflation that could soon skyrocket uncontrollably; the almost complete depletion of foreign currency reserves, making imports extremely difficult and expensive; a massive and extended budget shortfall, requiring an end to highly popular subsidies of petrol and sugar; an agricultural sector that has badly deteriorated; and contrac-

tion within the larger economy that may exceed 4 percent this year. Finally, there is debt, enormous external debt: \$38 billion, which cannot be serviced, let alone repaid. Despite help from the Gulf Arab states and Iran, the economy appears ready to continue its downward spiral. Indeed, even long-time and stalwart partner China recently [canceled funding for an electricity project because Khartoum could not provide the necessary oil as collateral](#).

This situation is well known to members of the National Islamic Front/National Congress Party, as well as to those senior generals who have for the past year increasingly asserted their influence and control over key domestic policy decisions, including those involving war and peace. Indeed, from *Sudan Vision*, the regime's primary propaganda tool, we learn from the army that "by attacking Heglig in South Kordofan State, the South Sudan Government completely ruined all agreements concluded recently in Addis Ababa on the four freedoms, the Sudanese Armed Forces (SAF) said."<sup>143</sup> As John Ashworth noted (March 28) in connection with this announcement:

It is significant that statements about national policy are coming from the army, not the government, and that the army is declaring that an agreement negotiated by the government is revoked. It reinforces the view that the army now plays a dominant role in the Khartoum regime, and further erodes the pretence that this is a democratic civilian government.<sup>144</sup>

The June 28, 2011 "Framework Agreement" signed in Addis Ababa by senior NIF/NCP official Nafi'e Ali Nafi'e and representatives of the Sudan People's Liberation Movement-North [committed the two sides to seek a cease-fire](#), and to addressing outstanding political issues in South Kordofan and Blue Nile. Three days later President al-Bashir, under pressure from the military, renounced the MOU and [vowed to continue the campaign of "cleansing"](#) in the Nuba Mountains, and only a month later, in Blue Nile.

The fact of al-Bashir's renegeing seems to have been forgotten by the UN Security Council when it urged the "government in Sudan and the rebel group in Southern Kordofan [the SPLM/N] to negotiate a ceasefire and cooperated with the UN and allow unfettered food supplies and equipment to civilians affected by severe malnutrition."<sup>145</sup> This is precisely what the SPLM/N agreed to on June 28, 2011—and what Khartoum's al-Bashir adamantly rejected three days later.

On the issue of humanitarian access, the UN seems not to be interested in what Reuters recently reports of al-Bashir's attitude towards starvation in the Nuba

Mountains last June following an [engineered election](#) that brought Ahmed Haroun to power as governor of South Kordofan:

*“If the people here refuse to honour the results of the election [in South Kordofan], then we will force them back into the mountains and prevent them from having food just as we did before.”<sup>146</sup>*

When al-Bashir declares his regime will “prevent them from having food *just as we did before*,” he is of course referring to the campaign of genocidal annihilation that Khartoum waged against the people of the Nuba in the 1990s. For his part, Ahmed Haroun has been indicted by the International Criminal Court on multiple charges of crimes against humanity and war crimes in Darfur.

Finally, it is important to keep in mind that the reason roughly 20 percent of the North/South border remains undelineated—and a much greater percentage undemarcated—is because Khartoum has long refused to participate in good faith in joint border delineation committees and has physically halted demarcation efforts that were actually underway, including in the Abyei region. Here again, it is clearly in the interest of the South to have unambiguously demarcated borders, thus permitting international monitoring of border violations. Khartoum has no comparable interest, and indeed benefits economically and militarily from the present border uncertainty.

*Cui bono?* Who stands to benefit from offensive military action? To ask the question clearly and precisely is to arrive at an answer.

**What has been reported to date on fighting in Unity State and the Heglig/Panthou areas:**

Agence France-Presse reports from Juba:

Sudanese warplanes hit South Sudan’s oil-rich border region in a third day of violence between the rival states, as international concern mounted over a return to an all-out war. Fighting on the ground had reportedly ceased on both sides of the undemarcated border but dead bodies and destroyed tanks lay strewn in Sudan’s contested oil centre of Heglig, the site of bloody battles that began Monday. Smoke still rose from a damaged residence at the battle scene, said an AFP correspondent who saw three bodies. “The ground assaults this morning have stopped but they (Sudan) have still been bombing us in the night,” said Gideon Gatpan, information minister for the South’s Unity state, which borders Heglig and the scene of heavy battles. “There was bombing in Panakwach,

35 kilometres (22 miles) from Bentiu,” the state capital, Gatpan said, adding there were no reports of casualties. [ ] “There are still tensions and soldiers are preparing in case of fresh assault — we are expecting more bombing,” Gatpan told AFP.

AFP also reports:

“Sudan will not bomb South Sudanese territory and does not seek war with its neighbour,” the foreign ministry said on Wednesday after the South alleged new air strikes. “We are not going to make any sort of shelling or any sort of bombing in South Sudanese territory,” ministry spokesman Al-Obeid Meruh told AFP.

**March 27:** Aerial attacks by the SAF on oil installations in Unity State (South Sudan) were widely reported, including by Reuters, which interviewed not only Unity state information minister Gideon Gatpan but the Vice President of the Greater Nile Petroleum Operating Company, Chom Juaj:

“This morning as you called I heard the Antonov hovering over Bentiu town because it has just dropped some bombs in the main Unity oil fields,” Unity state information minister Gideon Gatpan told Reuters. The Sudanese army could not be immediately reached but Asian oil consortium GNPOC operating in Unity state confirmed the bombing. “The warplanes are hovering everywhere... One bomb actually just missed Unity base camp but anywhere else so far there is no information,” said Vice President Chom Juaj.<sup>147</sup>

This is a reprise of an earlier (February 29) attack on oil installations in Unity State—denied by Khartoum, even as the attack was subsequently confirmed by the UN and by widely circulated photographs of the damaged oil facilities:

South Sudan’s government spokesman Barnaba Marial Benjamin said two MiG aircraft dropped six bombs on oil fields in Unity State on Wednesday, violating a non-aggression pact signed by the two countries last month [February 2012]. “We will launch a very strong protest to the (United Nations) Security Council and we condemn this warlike attitude on the part of Sudan,” Benjamin told reporters. He said there were no casualties in the attack roughly 74 km (46 miles) from the border that destroyed two well-heads and flow lines as well as two cars.

The Greater Nile Petroleum Operating Company, a Chinese/Malaysian/Indian-owned consortium, runs the oilfields that South Sudan said were hit. In Khartoum, Sudan's military spokesman Al-Sawarmi Khalid said Sudanese forces had not been involved in any bombing inside the south.<sup>148</sup>

There have been approximately 40 confirmed such cross-border aerial attacks on South Sudan since November 2010, and condemnation has been tepid at best—certainly nothing that will deter Khartoum.<sup>149</sup> Moreover, Khartoum's violation of a “non-aggression pact” with Juba—signed just days before this attack—was yet another example of the regime's flagrant disregard for agreements it has made with various Sudanese parties. Agreements mean absolutely nothing to this regime except what they expediently offer in the way of temporary advantage.

The apparent motive for the February aerial attack deep within the sovereign territory of South Sudan was what the SPLA-N reported as an enormous military victory by its forces at Tarogi, some 20 kilometers north of Jau town, which sits on the North/South border. In fact, reporting on its February 26 victory, the SPLA-N spokesman referred to the victory as one in “the strategic Jau area.” The military success was sufficiently great that assessment was offered by Abdel Aziz el-Hilu, the brilliant military commander of SPLA-N forces in South Kordofan and the Nuba Mountains. Specific claims included the capture of several tanks and heavy artillery pieces, 140 vehicles, 300 Dushkas (heavy Russian-made machine guns), and the destruction of two brigades of SAF soldiers. The last element of the report, if true, is the most significant: two brigades represents an enormous military force, and if routed in the fashion described in the SPLA-N press release, seriously affects the balance of power in the border regions. It is unsurprising, then, that Khartoum would retaliate by air; and having no way to attack the SPLA-N, would attack instead critical oil infrastructure in the South.

## **March 26, 2012**

**[Geographic correction to wire reporting:** *Jau* is on the border between South Kordofan and the South's Unity State at its northernmost point; *Heglig* is some 75 kilometers to the southwest of Jau. Jau is of strategic *military* significance, not because of its oil reserves; Heglig, by contrast, is the epicenter of the oil region along the North/South border. In the July 2009 determination by the Permanent Court of Arbitration, Heglig (and Bamboo) oil sites were effectively excluded from the newly delineated Abyei. Though disappointed with the decision, the SPLM accepted it, leaving only Diffra oil site in Abyei. Moreover, the PCA decision did

not name Heglig and did not presume to place it north or South of the January 1, 1956 border. The Diffra site was of course seized along with the rest of the PCA-determined Abyei region on May 21, 2011. Fighting is reported by the SPLA to have occurred both in the Jau area and south of Heglig. See comment below by President Salva Kiir on the SPLM view of Heglig.]

**On March 26** the reports from a wide range of wire services established the following on the basis of multiple interviews (though of course largely without the possibility of independent verification):

*Sudan Tribune*, in a dispatch dated March 26, 2012 but which appeared only the morning of March 27, reported:

The Sudanese Armed Forces (SAF) bombed oilfields in South Sudan's Unity State on Tuesday morning in an escalation of large scale clashes that began on Monday. *Sudan Tribune's* reporter in Bentiu, the capital of Unity State, said that at 9am local time he saw SAF warplanes dropping bombs on oil fields located 20 km from Rukotana town. News of the bombing has also been carried by Reuters which cited confirmation by the oil firm Greater Nile Petroleum Operating Company (GNPOC), a joint venture between China, India, and Malaysia.

Agence France-Presse reported from Juba on President Salva Kiir's assessment of the military events of the day:

"This morning the (Sudanese) air force came and bombed...areas in Unity state," Kiir said, adding his troops had fought back and taken the key northern oil field of Heglig. "After this intensive bombardment our forces... were attacked by SAF (Sudan Armed Forces) and militia," he added, speaking at the opening of a ruling party meeting in the southern capital Juba. "It is a war that has been imposed on us again, but it is they (Khartoum) who are looking for it," said Kiir, adding that he did not want conflict to resume.

Kiir said Southern troops, the Sudan People's Liberation Army (SPLA), had on Monday driven northern forces back across the undemarcated border and seized Khartoum's Heglig oil field, parts of which are claimed by both sides. "They attacked our forces and our forces were able to repulse them ...and they ran," Kiir added. "The last information that came to me was that our forces have also taken over Heglig."

[SPLA spokesman Philip] Aguer said, but also added the army was not wanting the clashes to spiral into war. "This was an act of self-defence

on behalf of the SPLA, and we still commit ourselves to all the security agreements between us—despite all this fighting we are committed to peace,” Aguer added. He claimed a full Sudanese army battalion—potentially up to 1200 soldiers—had crossed the border before being pushed back.

*Sudan Tribune* reported:

[President] Kiir underscored that his country has long been convinced that Heglig belonged to South Sudan but that he was willing to get it back legally and through negotiations. “Khartoum must blame the existing groups from within it that want to drag the two countries into war,” Kiir said before adding that SPLA’s takeover of Heglig was necessitated by the current situation. “We said many times that we do not want war but they wanted it and we did not intend to recover Heglig by force but through peace and law but they wanted [a show of] power so [we] let them see it,” Kiir added.

Philip Aguer, the spokesman for the SPLA, also confirmed the fighting, adding that when speaking to ground troops at 5pm on Monday evening, the conflict was ongoing. He said there were currently an unknown number of casualties and that the conflict was “an act of self-defense” on Juba’s part. He contradicted what Kiir said about SPLA controlling all of Heglig but said that parts of the area were now under control of the southern army. “After repulsing the attack, the SPLA pursued the withdrawing SAF force and they captured two bases of SAF between Heglig and Teshwin,” the SPLA said. “We still commit ourselves to all the security agreements between us. Despite all this fighting we are committed to peace,” he said.

Multiple sources in Heglig speaking to *Sudan Tribune* said that clashes are ongoing around the area and that gunfire can be heard but denied that SPLA has taken control. They said that the SPLA appears to be approximately six kilometres outside of Heglig suggesting that it could launch a fresh assault at night.

Oilfield workers have been evacuated while SAF has taken positions inside the town in preparation for a possible attack. The attacking forces appeared to have targeted an army garrison close to Heglig, the sources said, leaving two tanks destroyed. They added that the assailants overlooked the oil pumps and focused on SAF units.

*Sudan Tribune* also reported:

The President of Sudan, Omer Hassan Al-Bashir, on Monday decreed the establishment of a committee to undertake “mobilization of Jihadists,” appointing first Vice-President Ali Osman Mohammad Taha as its chairman. Earlier this month, Al-Bashir ordered full mobilisation of the paramilitary Popular Defense Forces (PDF) in the wake of increased tension with neighbouring South Sudan.

And from the Associated Press: “Khartoum has played down the fighting as ‘minor clashes.’”<sup>150</sup>

### **April 8, 2012: Darfur and Kadugli (South Kordofan): Obduracy Rewarded**

In June of last year massive atrocity crimes were committed by military, paramilitary, and intelligence forces of the Khartoum regime in the major town of Kadugli, capital of South Kordofan in (northern) Sudan. To be sure, such crimes were committed elsewhere, and continue to this day in the Nuba Mountains of South Kordofan, in Blue Nile State (where major conflict began on September 1), and in the form of aerial attacks on refugees in the new Republic of South Sudan. I have [chronicled many of these atrocities](#) over the past year. But the events in Kadugli were singularly well reported and utterly appalling. Yet nine months later, despite demands from the UN, the U.S., the EU, and human rights organizations for an unfettered international human rights investigation, nothing has been done to confirm the horrific reports that emerged during this month of widespread, ethnically targeted violence. Nothing has been done to hold those responsible accountable, and the self-righteous words from various international actors of consequence have all proved vacuous. [I predicted precisely as much last August](#), and was dismissed.

Now, against the present backdrop of desperate need for humanitarian access to many hundreds of thousands of civilians throughout South Kordofan and Blue Nile—cut off from all relief aid by Khartoum, an [action that is itself a crime against humanity](#)—it becomes increasingly unlikely that a human rights investigation will ever move to the top of the international agenda. Moreover, [recent violence along the border between Sudan and South Sudan](#)—instigated by Khartoum and coming perilously close to triggering renewed all-out war—has commandeered all available diplomatic capacity.

What we are likely to see in the end is not a human rights investigation but rather something much more similar to what was reported two days ago ([April 5, 2012](#))

by Radio Dabanga. The focus of the dispatch was the mass gravesites holding the bodies of Fur men and boys massacred by Khartoum's *génocidaires* in the Wadi Saleh area of West Darfur in spring 2004, massacres documented by both [Human Rights Watch](#) and [Amnesty International](#):

**Authorities hire new settlers to destroy evidence of mass graves**

[Radio Dabanga: Wadi Saleh, West Darfur (April 5, 2012)]

Sudanese authorities in the Wadi Salih area of West Darfur are reportedly hiring new settlers to destroy the evidence of mass graves in the area. Eyewitnesses said that government authorities have hired groups of new settlers to clear the evidence of mass graves particularly in Mukjar, Bindisi, Arwala, Deleig and Sundu. The groups were reportedly told to burn all traces of bodies and bones to destroy all evidence of extra-judicial killing by the government or its militias.

Witnesses said Daif al Summah, Al Sadig Salona and Korin Kwei were hired by Ali Kushayb to oversee this operation. They noted that this process began following the international criminal court issuing an arrest warrant for the Sudanese defence minister Abdel Rahim Mohamed Hussein, wanted for alleged war crimes, crimes against humanity and genocide in the Wadi Salih area of West Darfur. Kushayb is also wanted by the ICC, accused by Luis Ocampo of ordering killings, rapes and looting of civilians from 2003 – 2004 in Darfur.

Here we have Janjaweed leader Ali Kushayb reportedly receiving instructions from Defense Minister Abdel Rahim Mohamed Hussein (who was Minister of the Interior during the years in question); both men have been indicted by the International Criminal Court for crimes against humanity.

The connection to South Kordofan and the present border fighting and humanitarian crises? Ahmed Haroun, now Khartoum's governor of South Kordofan, has also been indicted by the ICC for crimes against humanity—and worked directly for Hussein in Darfur, serving as a key implementing partner in the early stages of the genocide. As if to confirm his status as a war criminal, Haroun recently declared in an interview [tape-recorded by al-Jazeera](#) his attitude towards troops of the Sudan People's Liberation Army/North (SPLA/N): “don't bring them back alive, we have no space for them.” A native Arabic speaker from the north of Sudan has confirmed to me the impressive precision of the al-Jazeera English translation of Haroun's address to troops before an assault on an SPLA/N base: “You must hand over their base clean, swept, rubbed, crushed. Don't bring them back alive, we have no space

for them.” Off camera, al-Jazeera reports, Haroun declared further, “we don’t want administrative costs,” i.e., the “costs” entailed in treating prisoners-of-war in accord with the Geneva Conventions.

In another [extraordinary interview with al-Jazeera](#), senior regime adviser [Rabi Abdel Atti](#) refused to criticize Haroun’s directive, and indeed at one point in the interview characterized the policy of taking no prisoners as “absolutely correct” in the context of rebellion in South Kordofan. Asked repeatedly about actions that clearly contravene international law, Atti gave no sign whatsoever of caring about such violations. This is the very face of impunity and intransigence, but it is hardly surprising, certainly not to Southern Sudanese and their comrades-in-arms in the Nuba and Blue Nile. It has long been Khartoum’s policy not to take prisoners; but in the absence of an international outcry and concrete evidence—unavailable for the most part from the remote fronts of a civil war between a guerrilla movement and a ruthless national army—Khartoum’s regular and militia forces felt no compunction about killing prisoners.

Unsurprisingly, the regime’s sense of impunity only grew during the years of civil war, and carried over to its conduct of genocidal counter-insurgency in Darfur. There, despite the presence of the world’s largest peacekeeping force (the UN/AU Mission in Darfur, or UNAMID), vast areas of Darfur are still marked by constant violence against civilians, including rape, brutal extortion by militia and paramilitary forces, and murder—all of which occur without judicial or other consequences.

(See **Annex VIII**)

Atrocity crimes in Darfur give us our best sense of what to expect in the border regions of Sudan/South Sudan. And Khartoum’s war of attrition against humanitarian operations in Darfur gives us our best way to understand the future of the vast humanitarian crisis that has already put more than half a million lives at risk in South Kordofan, Blue Nile, and refugee camps in South Sudan, including more than 100,000 who were forced to flee from Abyei following Khartoum’s military seizure of the region in May 2011.<sup>151</sup>

Of the many threats facing greater Sudan, the threat of mass starvation in South Kordofan and Blue Nile, engineered by Khartoum’s *génocidaires*, is the most urgent. But Khartoum has learned a powerful “lesson” from the inconvenient presence of humanitarian organizations in Darfur, and we should not be surprised that an [agreement on humanitarian access](#) presented by the African Union, the League of Arab States, and the United Nations more than two months ago continues to be

put off by Khartoum, even as it was signed on February 9 by the northern rebel group known as the Sudan People's Liberation Movement/Army-North (SPLM/A-N). As a means of further delay, Khartoum has conducted its own humanitarian assessment and [found that the food situation is "normal" in the affected regions](#), even as journalists and refugees present a picture of starvation already underway, and famine looming perilously close. And with the normal start of the rainy season less than a month away, there is precious little time to pre-position food and critical non-food items (shelter, mosquito netting, soap, water drilling and purification resources, medical supplies). Human mortality is likely to be appalling—as it has been in Darfur, largely because of Khartoum's obstruction, harassment, and intimidation of humanitarian relief efforts in the region.

Humanitarian access has still not been secured as of August 2012.

But neither the humanitarian crisis nor the military threats diminish in the slightest the atrocity crimes in Kadugli reported by [Amnesty International](#), [Human Rights Watch](#), the [Satellite Sentinel Project](#) (SSP), and countless escaping eyewitnesses, often speaking to journalists as they fled or hid. These are crimes that demand to be investigated, particularly those that occasioned the digging of the many mass [gravesites reported by eyewitnesses and confirmed by satellite photography from SSP](#). Certainly this was the conclusion of the report by UN human rights observers on the ground in Kadugli throughout the terrible month of June 2011. They recommended

[t]hat the UN Security Council mandate the establishment of a commission of inquiry or other appropriate investigative authority, including the Prosecutor of the International Criminal Court, to conduct a comprehensive investigation into the violence in Southern Kordofan and violations of human rights and humanitarian laws and to identify the perpetrators or those who bear the greatest responsibility, with the view to bringing them to justice.<sup>152</sup>

Reports from civilians speaking with news organizations and to expatriate groups provided even more direct accounts. Nuba were systematically stopped at checkpoints grimly similar to those once seen in Rwanda. As one aid worker who had recently escaped from South Kordofan told McClatchy News, "[t]hose [Nuba] coming in are saying, 'Whenever they see you are a black person, they kill you.'"<sup>153</sup> Another Nuba aid worker reported that an Arab militia leader made clear that their orders were simple: to "just clear."

Yet another Nuba resident of Kadugli told Agence France-Presse that he had been informed by a member of the paramilitary Popular Defense Forces that they had been provided plenty of weapons and ammunition, and a standing order:

He said that they had clear instructions: just sweep away the rubbish. If you see a Nuba, just clean it up .... He told me he saw two trucks of people with their hands tied and blindfolded, driving out to where diggers were making holes for graves on the edge of town.<sup>154</sup>

Mass gravesites, capable of holding many thousands of dead bodies, were identified by the Satellite Sentinel Project by means of grimly unambiguous [satellite photography published on July 14 and August 17](#). Though [greeted with perverse and untenable skepticism by Obama's special envoy for Sudan, Princeton Lyman](#), evidence continued to pour in, both from the ground and [further satellite imagery](#). Indeed, yet further confirmation of the mass graves came from a July 1 report released by the International Federation of the Red Cross and Red Crescent Societies:

The Sudan Red Crescent Society, reportedly acting on instructions from the Government of South Kordofan, has been actively collecting dead bodies in Kadugli town, and had at least 415 body bags and 2,000 plastic tarps recently transferred to it from the IFRC *prior to the fighting in June*. *By the end of June, the SRCS was publicly saying it needed more body bags.*<sup>155</sup>

Although declaring itself in favor of a UN investigation of atrocity crimes in Kadugli and South Kordofan, the Obama administration has done *nothing* to push effectively for such an investigation. Princeton Lyman testified to the Congress (October 2011) that

accountability for human rights violations that have occurred in [South Kordofan and Blue Nile] is critical to a lasting resolution of the conflict. We will continue to push for a credible, independent investigation of violations of human rights that will contribute to efforts to bring those responsible to account. Unfortunately, to date, there has been insufficient support in the UN Security Council for such an investigation.<sup>156</sup>

Here again a U.S. “push” for accountability amounts to a mere mouthing of perfunctory words. Lyman certainly knows the names of those most “responsible,” but for reasons of expediency refuses to name them.

For its part, the most the European Union could muster was a press release in late August that was guaranteed to gain no news profile. It cited the little-known Kristalina Georgieva, EU Commissioner responsible for International Cooperation, Humanitarian Aid and Crisis Response: “A recent report from the UN highlights the perpetration of human rights abuses in South Kordofan since fighting started in June and calls for an investigation as a follow-up to these findings.”<sup>157</sup> Although welcome, such a statement gives no evidence of having meaningful political support, certainly not of the sort that could work to push forward such an investigation.

Navi Pillay, the UN High Commissioner for Human Rights, declared in mid-August that “what [the UN report] suggests has been happening in Southern Kordofan is so serious that it is essential there is an independent, thorough and objective inquiry with the aim of holding perpetrators to account.”<sup>158</sup> But Pillay has let this “essential” matter drop completely, and indeed distinguished herself mainly by expediency. Notably, she revised the original UN human rights report from Kadugli (July 2011), changing it so as to blunt its findings when presented to the UN Security Council. Pillay also offered a weak response to Ahmed Haroun’s more recent demand of his troops that “they bring no prisoners back”: “Such comments” said Pillay, “are extremely worrying in this context and could amount to incitement.”<sup>159</sup> For her part, Valerie Amos, head of UN humanitarian operations, declared disingenuously on July 15: “We do not know whether there is any truth to the grave allegations of extra-judicial killings, mass graves and other grave violations in South Kordofan.”<sup>160</sup> Unless we credit Amos with complete ignorance of the UN human rights report, leaked publicly two weeks earlier by a senior Western diplomat, then we must conclude that she is lying. We must wonder what Khartoum makes of such peculiar skepticism on the part of a senior UN official.

Unsurprisingly—given this diffidence, expediency, and mendacity—Khartoum steadfastly refused to allow any investigation, if only because the regime is fully aware of what these well-documented mass gravesites contain. Instead of allowing an investigation, Khartoum has continued with its savage aerial bombardment of civilians and civilian targets throughout the Nuba Mountains and Blue Nile (where Khartoum began its military assault on September 1). The planting and harvesting seasons were deliberately disrupted by such aerial attacks, ensuring massive food deficits that are now biting deeply, with no humanitarian response in sight.

There have seen several high-profile trips into the Nuba Mountains by notable international figures, and all come back with some version of the account offered by the outspoken Mukesh Kapila, UN humanitarian chief in Sudan when the Darfur genocide began in earnest in April 2003. In a reprise of comments that would cost him his job in 2004, Kapila, on returning from his own dangerous trip to the Nuba,

declared (March 11, 2012) that on the basis of what he'd seen: "*Sudan hosted the first genocide of the century in Darfur, and the second one is unfolding in Nuba.*"<sup>161</sup>

For those skeptical about whether Khartoum's ambitions are genocidal or not, Reuters recently reported a comment made by President Omar al-Bashir on the occasion of the election of his candidate for governor last May (Ahmed Haroun, wanted by the International Criminal Court for crimes against humanity and war crimes in Darfur): "If the people here refuse to honour the results of the election [in South Kordofan], then we will force them back into the mountains and prevent them from having food just as we did before."<sup>162</sup> Al-Bashir here refers to the total humanitarian embargo imposed on the Nuba Mountains in the 1990s as part of a campaign to annihilate the Nuba people, reflecting ambitions that virtually all observers of Sudan characterize as genocidal.

Here we might juxtapose Lyman's June 28 assessment: "I don't think the North [Khartoum's SAF] is capable of dislodging large numbers of people on an ethnic basis from the Nuba Mountains. Second, I'm not sure that's the objective of the government."<sup>163</sup> By December, the UN was estimating that more than 400,000 people in the Nuba Mountains and Blue Nile had been displaced by Khartoum's ethnically targeted violence and destruction of agricultural production.<sup>164</sup> Thousands more have displaced every week since, and only Khartoum's military stranglehold on much of the perimeter of the Nuba has prevented many additional tens of thousands from fleeing toward South Sudan.

## **Patterns and Antecedents**

Khartoum's broader ambitions were evident well before the [May 21, 2011 seizure of the contested Abyei region by Khartoum's Sudan Armed Forces](#), which occurred in contravention of the Abyei Protocol of the Comprehensive Peace Act (2005) and the determination of Abyei's boundaries by the Permanent Court of Arbitration (July 2009). But certainly the lack of any effective response to this military collapsing of diplomatic efforts sent a disastrous signal to Khartoum; what we are seeing in the aftermath is in too many ways a function of this initial weak-willed acquiescence. The military assault on Kadugli and South Kordofan began only two weeks after the seizure of Abyei, and on Blue Nile two months subsequently.

These events are not discrete. Nor do they result from of a string of unfortunate developments. They derive directly, all of them, from a refusal to confront Khartoum and recognize the regime for what it is. Despite Lyman's conviction that Khartoum is neither capable nor committed to "dislodging large numbers of people on an ethnic basis from the Nuba Mountains," the evidence suggests just how

misguided he has been. Moreover, massive displacement has already thoroughly compromised both planting and harvesting in the Nuba and Blue Nile. Khartoum's ground forces and militia allies have destroyed large quantities of foodstocks. As a direct consequence, in early October the UN Food and Agriculture Organization predicted that because of the violence, harvests in the region would "generally fail."<sup>165</sup> By November the Famine Early Warning Network (FEWSNet) was warning that near-famine conditions would be seen by March without humanitarian relief.<sup>166</sup> March has come and gone, and people are in fact [already starving](#), or dying from the results of malnutrition. Mortality will soon accelerate dramatically, even as the international community dithers.

Refugees from Blue Nile and South Kordofan who have reached Ethiopia and South Sudan now number roughly 150,000, and the expectation is strong among relief workers that this number will spike sharply before the rainy season, even as humanitarian conditions are already grim. More than 100,000 Dinka Ngok, displaced last May by Khartoum's military seizure of the region, remain in poor conditions in South Sudan, with no prospect of returns in substantial numbers.<sup>167</sup> And within Blue Nile and South Kordofan, hundreds of thousands of civilians are denied all international humanitarian relief. The situation is urgent and becoming more so by the day; indeed, in contrast to the relatively upbeat, "things are manageable" assessment offered by the US Agency for International Development (April 2, 2012), nongovernmental relief organizations are a great deal more worried.<sup>168</sup> Both Doctors Without Borders/Médecins Sans Frontières (MSF) and Oxfam International have very recently sounded increasingly urgent warnings (here Oxfam):

Oxfam is urging donors to ramp up support now, warning that it will be three times more expensive when the rains come and block off roads; shortages could endanger people's lives. "This is going to cause a lot of health problems and I'm afraid that we will lose a lot of people, especially if rains flood this black cotton soil," [Andrew] Omale said. "The international community has not done enough...it has not focused on this emergency. These people started coming here in November. Up to now we have not received enough support to help the refugees here in Jamam [refugee camp, Upper Nile State]."<sup>169</sup>

This statement is markedly at odds with the tenor of remarks by USAID and U.S. special envoy Princeton Lyman, who has managed to limit his comments to discussion of the humanitarian crisis, expressing vague hopefulness about cross-border corridors for the hundreds of thousands of civilians still trapped inside Blue Nile and South Kordofan and moving ever closer to a catastrophic food emergency.

Again, let us be clear: these people are being deliberately starved to death by the Khartoum regime, and the dying has begun, both from malnutrition and from diseases directly related to malnutrition and the conditions of forced flight from violence.

It is shocking that none of this has changed Lyman's assessment of Khartoum; but in an interview with Asharq Al-Awsat (the most important pan-Arabic newspaper publishing in English), he declared:

*Frankly, we do not want to see the ouster of the [Sudanese] regime, nor regime change. We want to see the regime carrying out reform via constitutional democratic measures.*<sup>170</sup>

But despite this preposterous optimism about a “reformist” Khartoum regime by the chief U.S. diplomat engaged on Sudan, it is clear that an increasing number of Sudanese in the north believe that only regime change will create the possibility for a greater Sudan genuinely that is at peace with itself and its neighbors, and for broadly shared opportunities for economic development—thus the broad coalition of rebel groups making up the Sudan Revolutionary Front (SRF). In fact, the [need for regime change has been conspicuous for years](#).

## **Kadugli and the “International Community”**

International failure to respond to the atrocity crimes in Kadugli of June 2011 is emblematic of the broad failure of international diplomacy to confront Khartoum, most consequentially that of the Obama administration. This failure is reflected in the decision to “[de-couple](#)” Darfur from the key bilateral negotiating issue between Washington and Khartoum (summer 2010); in the misguided decision to [pressure the Government of South Sudan to “compromise”](#) (i.e., capitulate) yet further on Abyei in the face of Khartoum's intransigence (October to November 2010); and in the [weak response to Khartoum's military seizure of Abyei](#), which the Obama administration, including frequent emissary Senator John Kerry, had powerfully encouraged. Princeton Lyman's skepticism about the commission of atrocity crimes in Kadugli (June 2011), his refusal to credit satellite photography of what now all recognize are mass graves—containing perhaps many thousands of dead Nuba—all reflect the administration's helplessness before Khartoum's adamant refusal to allow international humanitarian relief to reach hundreds of thousands of desperate civilians.

The violence currently escalating dangerously along the North/South border is neither accidental nor unrelated to the impunity that has been so amply reaffirmed

in the wake of military actions by the regime in Darfur, in Abyei, in South Kordofan, in Blue Nile, and currently in the relentless aerial attacks on the South. Moreover, the evidence increasingly suggests that the actions reflect neither tactics nor opportunism, but rather a strategy on the part of Khartoum's military leaders.

In this light, there is good reason to believe that one reason the April 3 summit in Juba between President al-Bashir and President Salva Kiir did not occur is because some of these same military leaders began offensive military actions that were designed to undermine the prospect of true rapprochement. The recent discovery of a secret oil "tie-in," whereby Khartoum would be able to siphon off large quantities of Southern crude into its own infrastructure, may also do much to explain the location and nature of the military action.<sup>171</sup> Now that the "tie-in" has been discovered, it will be almost impossible for such subterfuge to succeed again. In the eyes of Khartoum's most senior military officials, likely including al-Bashir himself, this means that only seizure of the Southern oil fields will allow oil to flow north again from these fields.

There are other factors at play, to be sure: the ongoing aerial military assaults on Southern oil infrastructure are certainly seen by Khartoum as a way to highlight for Juba the young nation's vulnerabilities and thus compel concessions. And there can be little doubt after the successful and cost-free seizure of Abyei that the regime well understands the importance of creating military "facts on the ground"; such "facts" will be useful, Khartoum calculates, in negotiations over border delineation and in holding hostage the demarcation of borders already delineated. Here we should bear in mind that under present circumstances, only the regime benefits from ambiguous borders.

On a broader level, we must confront painfully comprehensive international failure in Sudan. The AU is powerless and poorly led by Thabo Mbeki; the Arab League was never going to be of help in dealing with Khartoum; and the UN political bodies—with the exception of a few individuals—have been disastrously incompetent throughout Sudan, including Darfur. The European Union has worked too quietly, largely ineffectually, and with excessive caution. China is being urged in various quarters to use its enormous leverage with Khartoum to work for peace, but so far has made only tactical diplomatic moves.<sup>172</sup> The U.S., however, is still the international actor setting the diplomatic tone for dealing with Khartoum, and from the beginning the Obama administration has been disastrously ill-informed and prone to make critical errors in judgment. Guided initially by the [incompetent special envoy Scott Gration](#) and subsequently by the feckless Lyman, countless opportunities to forestall greater intransigence on Khartoum's part have been squandered.

Finally, the failure of the international community in Sudan has larger implications: we must also consider the signals now being sent to other tyrannies and other regimes that feel they, too, will enjoy impunity if they are sufficiently obdurate. Can anyone doubt that Syria's Assad has taken the measure of the international community's resolve in responding to his own ongoing atrocity crimes in part by looking to Sudan? Certainly Assad knows that Khartoum has, with impunity, [relentlessly and deliberately bombed civilians and humanitarians for decades](#). Although Libya is the example most often adduced in discussions of Syria, it is the impunity enjoyed by Sudan's National Islamic Front/National Congress Party that gives the Assad regime much of its confidence.

We are left with the dispiriting conclusion that the widespread failure in Sudan is not only international but also historic in implication, defining all too authoritatively the demise of any credible commitment to the "responsibility to protect." This failure means that there will be no investigation of the monstrous violations of international human rights and humanitarian law in Kadugli and South Kordofan—not in any foreseeable future defined by current diplomatic priorities and attitudes. It is crucial, if only for the sake of historical clarity, that we understand how these priorities emerged and now undermine the possibility for investigating large-scale and brutal atrocity crimes. For the present overriding exigencies—desperately attempting to secure humanitarian access and prevent a resumption of war—grow directly out of previous failures to confront the criminals who make up the regime in Khartoum.

### **April 14, 2012: Where is Heglig?**

International confusion and ignorance in answering this question about Sudanese geography has become one of the greatest threats to peace, and the negotiations required for peace to be sustained. For the rapid escalation of military violence between Khartoum's Sudan Armed Forces (SAF) and South Sudan's Sudan People's Liberation Army (SPLA) is now sustained in large measure by widespread international confusion about where "Heglig" is. Hasty or disingenuous assignments of "Heglig" to (northern) Sudan have emboldened Khartoum to characterize SPLA military actions as "South Sudan's blatant invasion of Heglig." Given Khartoum's own military seizure of Abyei in May 2011, this seems remarkable (if unsurprising) hypocrisy, but so far it is working at the UN, with the U.S. State Department, with the AU, and among EU members. This vastly increases the chances of all-out war. Given the brutally indiscriminate ways in which Khartoum has previously chosen to wage war on the people of the South—as well as of Darfur, Blue Nile, and South Kordofan—we should expect huge civilian casualties, massive human

displacement, and intolerable assaults on civilians in the North who are “ethnically Southern.”

The location of “Heglig” (which Southerners have long referred to as Panthou) has yet to be negotiated vis-à-vis the “1 January 1956 border,” the determining point of reference in establishing whether a wide range of locations lie in the South or the North. Although the Comprehensive Peace Agreement (CPA) repeatedly and explicitly stipulates the “1 January 1956 border,” the precise location was to have been to be a matter that required extensive research and negotiation by the Technical Boundary Committee (TBC).

Indeed, some twenty percent of this border remains undelineated, and a much greater percentage remains undemarcated. The reason is simple: Khartoum has consistently refused to negotiate these areas of the border either within the TBC or through high-level political engagement. Over more than seven years, it has repeatedly refused to convene or participate in good faith in the TBC, to accept the findings of the Abyei Boundaries Commission stipulated by the Abyei Protocol of the CPA, or to accept the ruling of the Permanent Court of Arbitration (July 2009).

It is this last decision that appears to have caused the most confusion in shallow international minds. The PCA (in The Hague) defined Abyei in a way that moved both the Heglig (and Bamboo) oil sites to the east of Abyei’s eastern boundary. But with respect to Heglig, this is *all* it did. It did not place Heglig in northern Sudan or South Sudan; it simply said that Heglig lies to the east of Abyei:

The eastern boundary of the area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905 runs in a straight line along longitude 29° 00’ 00” E, from latitude 10° 10’ 00” N south to the Kordofan – Upper Nile boundary as it was defined on 1 January 1956.<sup>173</sup>

This ruling did nothing to settle where the “1 January 1956 border” actually lies. It had no mandate to make such a determination, and did not attempt to do so. This elemental fact has escaped virtually all international actors, in large part because Heglig has been robustly controlled militarily by Khartoum for many years, especially since oil was discovered in the area in the 1970s.

In short, the location of Heglig/Panthou remains to be negotiated, even as Khartoum refuses to negotiate. The regime is distinctly less likely to do so now that its pre-emptive geographic claim of the region has been ratified by a series of statements by international actors of consequence. Given Juba’s determination that Heglig will not be allowed to become a future staging ground for additional assaults on Southern territory, and the strong belief by many Southerners that Heglig is south of

the “1 January 1956 boundary,” either the geographic status of Heglig is negotiated, or there will be no peace.

The same international actors who have explicitly or implicitly declared that Heglig lies in (northern) Sudan also profess to support the CPA and its implementation. But how does this square with the acquiescence before Khartoum’s seizure of Abyei, in violation of not only the Abyei Protocol of the CPA but the ruling by the PCA? Nothing has changed in the eleven months since Abyei was seized, except for the deployment of an Ethiopian brigade that operates without a human rights mandate, no Status of Forces Agreement (SOFA) with Khartoum. Most significantly, it cannot provide the security necessary for the return of more than 100,000 Dinka Ngok displaced to the South during the seizure of Abyei, especially given Khartoum’s refusal to withdraw its SAF or militia forces, [as it agreed to do on June 20, 2011](#).

More to the immediate point, how do these international actors square their commitment to CPA implementation even as negotiation of the “1 January 1956 boundary” is a central feature of the Agreement. The North/South boundary was to have been delineated *and* demarcated within six months of the signing of the CPA. And yet as the International Crisis Group reported in September 2010, these efforts “had been tied up for far too long in the Technical Border Committee,” where Khartoum was engaged in delaying tactics.<sup>174</sup> It was clear to ICG, and should have been clear to the international community, that this was not a matter that could be resolved without political commitment from Juba and Khartoum to address outstanding border issues. Juba was willing; Khartoum was not.

Thus the repeated declaration in the CPA that “the January 1, 1956 line between north and south will be inviolate” became meaningless. Without both delineation and demarcation, this was a motto not a principle—and more conspicuously so following the military seizure of Abyei, given the CPA declaration that, “The parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement” (CPA, Machakos Protocol 2.4). There could be no more conspicuous “abrogation” of the CPA than the May 20-21, 2011 seizure of Abyei.

However, this has not prevented a chorus of condemnations of Juba’s “invasion” of (northern) Sudan:

“The AU notes with alarm, the *occupation of the Heglig by the forces of (South Sudan)*”. ([April 11, 2012](#))

The U.S State Department “strongly condemns the military offensive, *incursion to Southern Kordofan state, Sudan*, by the SPLA today [April 11, 2012].” ([April 11, 2012](#))

“The move by the South Sudanese armed forces *to occupy Heglig in Sudan is completely unacceptable*,” declared the UK’s Minister for Africa, Henry Bellingham.

The European Union, through EU foreign policy chief Catherine Ashton asserted that “*the move by the South Sudanese armed forces to occupy Heglig is completely unacceptable*.” (March 12, 2012)

None of these statements acknowledge what becomes clearer by the day: Juba was responding to a second round of military aggression, launched by the SAF from Heglig. This aggression is what prompted the SPLA to act. But until wiser or more informed voices are heard from these important quarters, Khartoum will only grow more emboldened. South Sudan, feeling increasingly abandoned, is likely to accelerate military moves that it regards at once as defensive as well as preserving of historical claims to the lands around Heglig.

The Heglig/Panthou military events were generally badly reported and sometimes tendentiously; McClatchy’s East Africa correspondent is a good example of the latter.

Notably, President Salva Kiir has promised that the SPLA is prepared to withdraw from Heglig if a UN force guarantees that it will not again become a launching point for military assaults deeper in Southern territory. At precisely the moment in which such a UN commitment is most needed, ignorance and expediency seem most likely to prevent that commitment. All-out war is increasingly inevitable.

## **April 23, 2012: Scandalous International Hypocrisy on Sudan**

The stench of hypocrisy and expediency is in the air wherever one turns in assessing international responses to recent events in Sudan. The deeply imbalanced reactions to the seizure of Heglig by the Sudan People’s Liberation Army (SPLA) give us our starkest picture to date of how selective and tendentious the world is prepared to be in creating a narrative for the present multiple crises that threaten war in Sudan and South Sudan. And in their attempts to achieve a factitious “even-handedness,” various actors—including the UN, the U.S., the AU, and the EU—have encouraged Khartoum to believe that it has somehow gained the diplomatic, even moral upper hand. It is difficult to imagine a more dangerous response to have encouraged, and the currently [ongoing offensive military actions](#) against South Sudan by the regime’s Sudan Armed Forces (SAF) stand as stark confirmation.

Notably, international reaction has worked to encourage the most vehemently bellicose language on the part of Field Marshal and President Omar al-Bashir, who

has very recently declared that (northern) Sudan is now [essentially at war with South Sudan](#), and that Khartoum's military ambition is to destroy the "insect" government in Juba. We have heard such language of racial contempt many times from al-Bashir's regime; in this instance it is difficult not to recall the infamously ubiquitous calls in Rwanda in 1994 for the destruction of Tutsi "cockroaches."

Certainly during the widespread ethnic slaughter in Kadugli (South Kordofan), beginning in June 2011, we repeatedly heard reports of similar racial contempt. "Yusef," a Nuba from Kadugli, told Agence France-Presse and *The Independent* (UK) that he had been informed by a member of the notorious Popular Defense Forces (PDF) that they had been provided with plenty of weapons and ammunition, and a standing order:

He said that they had clear instructions: "just sweep away the rubbish. If you see a Nuba, just clean it up." He told me he saw two trucks of people with their hands tied and blindfolded, driving out to where diggers were making holes for graves on the edge of town.<sup>175</sup>

This racial contempt and hatred, combined with a *jihadist* rhetoric, has already proved a potent brew in Khartoum, where on Saturday (April 21) various news agencies have reported the destruction of the Presbyterian Evangelical Church. Following an incendiary sermon by a nearby Muslim cleric during Friday evening prayers, hundreds of Muslims attacked and destroyed the church. Reuters offers the most authoritative account:

Hundreds of Muslims stormed a Christian church complex used by southerners in Khartoum at the weekend, witnesses said, raising fears that recent clashes between Sudan and South Sudan were stoking ethnic tensions in the city. The attackers ransacked buildings, knocked down walls and burned Bibles on Saturday, Youssef Matar, secretary general of the Presbyterian Evangelical Church told Reuters.

The attack on the church came a day after South Sudan's army pulled out of the key Heglig oilfield, an area it seized from Sudan in the worst violence between the two countries since secession. Sudan quickly declared victory over its former civil war foe, prompting widespread celebrations in Khartoum. A Muslim preacher known for fiery sermons took advantage of the excited climate to call for "jihad" against Christians during Friday evening prayers, prompting hundreds to attack the church complex the next day, Matar said.<sup>176</sup>

The attack represents a terrible precedent in Khartoum, especially given the ineffectual presence of security forces:

“No one could believe it. Nothing like this has ever happened before,” Matar said. While Sudan is known for long and bitter conflicts fuelled by religious and ethnic animosity, communal violence in the capital is relatively rare. But communities also live separately for the most part and distrust between them often runs deep. Ethiopians, Eritreans and Indians, as well as Christians from Sudan and South Sudan, use the church, Matar said. A Reuters witness on Sunday saw smoke rising from some of the trees on the church compound, *and security vehicles waiting nearby.*<sup>177</sup>

We should expect to hear very little about this terrible incident from UN Secretary-General Ban Ki-moon or other international actors, and certainly we are unlikely to hear any condemnation commensurate with this state-sanctioned attack on a place of worship. What we may sure of, given the details of this dispatch, is that this assault was tacitly sanctioned by the regime’s security forces, who in turn have no difficulty discerning what they are to do in restraining, or allowing, racially and religiously motivated attacks on Southerners.

In fact, the ethnic culling of Southerners has been looming for many months, and on April 8 became regime policy, stripping as many as 700,000 “Southerners” of their nationality solely on the basis of ethnicity.<sup>178</sup> No internationally recognized standards for de-nationalizing citizens have been observed or even promulgated. Yet again, there has been no urgent or appropriately forceful international condemnation of this ruthless policy of de-nationalizing those judged ethnically “Southern.”

Sadly, our best guide to the world’s responses to Khartoum’s current multiple violations of international human rights and humanitarian law can be discerned in previous perfunctory responses to cross-border aerial assaults on South Sudan, going back to November 2010. These attacks include multiple, deliberate bombings of civilian targets, including the refugee camp at Yida (Unity State) on November 10, 2011. International response has been equally indecisive in the face of Khartoum’s campaign of ethnic annihilation by means of starvation in northern border states, a campaign that has been underway in the Nuba Mountains for over ten months and in Blue Nile for almost eight months. Khartoum’s campaign is a ghastly reprise of the genocidal assault on the Nuba in the 1990s—a fact that seems to inform almost none of the present desultory discussions about the future of these people, even as heavy and isolating seasonal rains are impending.

Of a piece with the this perverse diffidence is the refusal to credit fully the massive evidence of atrocity crimes committed by Khartoum's regular and militia forces in Kadugli, including definitive evidence of mass graves that may hold many thousands of Nuba—evidence that includes both [substantial satellite photography](#) and eyewitness accounts gathered by a wide range of sources, including the [UN human rights team present in Kadugli in June 2011](#). Skepticism on this matter by the Obama administration, and [special envoy Princeton Lyman in particular](#), has been a shameful episode in U.S. Sudan policy, which has been conspicuously misguided from the beginning of Obama's presidency.

There is a grimly revealing and familiar history leading to current international failures, [one that may be readily traced](#). Certainly at key moments in the build-up to Khartoum's military seizure of Abyei (May 20-21, 2011) the international community refused to condemn the clearly impending assault—or to respond subsequently with anything approaching the misguided fervor that has defined international reactions to SPLA actions following SAF military assaults originating in Heglig. There has been, for example, no meaningful demand that Khartoum demilitarize Heglig, or allow deployment of a UN buffer force, as requested by Juba as the basic condition for its military withdrawal. Instead, there has been merely rhetorical posturing; and again the Obama administration—and President Obama himself—have seemed especially culpable, particularly in light of earlier (2010) deeply misguided administration efforts to compel Juba to “compromise” further on the nearby Abyei region.

At the time, efforts by Secretary of State Hillary Clinton, special envoy Scott Gration, and part-time envoy Senator John Kerry attempted to foist on Juba more “compromises” than were already embodied in the Abyei Protocol of the Comprehensive Peace Agreement (CPA, 2005) and the ruling by the Permanent Court of Arbitration (PCA) on Abyei's boundaries (July 2009). Nor, we should recall, did the U.S. object meaningfully when the findings of the Abyei Boundaries Commission were peremptorily rejected by Khartoum (July 2005), or when Khartoum's regular and militia forces mounted a brutal assault on Abyei town and its surroundings (May 2008). Failures of U.S. policy in Sudan have been thoroughly bipartisan, despite the critical U.S. role in securing the CPA.

Given the tense history of the region, SAF military seizure of Abyei represented an extraordinary provocation, as did the consequent forced displacement of more than 100,000 Dinka Ngok into South Sudan. Juba did not respond militarily, and yet watched in deepest anger. For the international community was in effect sanctioning the permanent displacement of these indigenous people; certainly in the significantly reduced area defined as “Abyei” by the PCA, the Dinka Ngok were

unquestionably the only “residents” and thus the only ones guaranteed (by the CPA) the right to vote in the self-determination referendum scheduled for January 9, 2011.

Encouraged by misguided U.S. policy expediency on Abyei, Khartoum all too predictably refused to allow the Abyei self-determination referendum to take place. Unsurprising, given its previous diplomatic posture, the Obama administration largely ignored this abrogation of the Abyei Protocol, evidently in the interests of preserving at all costs the self-determination referendum in the South. Southerners, for their part, may be forgiven for believing that the U.S. justified such acquiescence before Khartoum’s unilateral decision on the basis of Juba’s “refusal to compromise” yet further on Abyei in fall 2010.

Khartoum watched this history of Abyei unfold over a period of six years, calculating that there would be minimal consequences for a final abrogation of the Abyei Protocol. After its military seizure of Abyei, the regime also calculated that it could sign an agreement on June 20, 2011—committing it to withdraw its forces from Abyei with deployment of an Ethiopian peacekeeping brigade under UN auspices—and then simply renege on the agreement, also without consequences. Yet again, this cynical calculation proved all too accurate.

## **Implications**

Certainly the leadership in Juba has taken stock of what has transpired over the past ten days, and is even now re-calibrating what it can and cannot count on from the international community. The Southern leadership has seen its extraordinary military forbearance over the past eighteen months essentially dismissed, even as Khartoum continues to test that forbearance by means of ever more provocative actions.<sup>179</sup> These re-calibrations by Juba will be tough-minded, fully prepared to encounter future international hypocrisy, and even more determined to protect the territorial integrity of South Sudan. Certainly the international community will no longer have the influence it had even a month ago.

Khartoum is also recalibrating its military policies, and the largest conclusion the regime has drawn is that it may continue its longstanding military policy of aerial attacks on civilian and humanitarian targets in the sovereign territory of South Sudan without meaningful consequences, and that it can continue its campaigns of annihilation in South Kordofan and Blue Nile. The regime has been persuaded, on the basis of ample evidence, that even South Sudan’s putative friends regard “sovereignty” as one thing for Khartoum and quite another for Juba.

It is hard to see a greater encouragement to war.

## June 25, 2012: Why the Khartoum Regime Will Fall

The success of the [current rapidly growing rebellion](#) in Khartoum and elsewhere in Sudan is far from assured. The National Islamic Front/National Congress Party regime—facing a serious domestic challenge for the first time in years—will use all the considerable force at its disposal to retain full control over national wealth and power. Brutality has already increased with the number and determination of protestors, who now include not only students but also [lawyers](#) and other civilian constituencies. As the protests spread—to Omdurman and other parts of central Khartoum, to [Sennar, el-Obeid, Wad Medani, Damazin \(Blue Nile University\), Gedaref, Kosti, and Port Sudan](#)—there is even more pressure on this ruthlessly survivalist regime to emulate the tactics of Gaddafi in Libya and al-Assad in Syria. The coming days and weeks are likely to be extremely bloody.

Still, the Sudanese with whom I have spoken in recent days are unanimous in their conclusion that now is the moment—that having come this far, there is no turning back. If the moment is lost, another may not come again soon. There is also a growing sense of the regime’s vulnerability—a belief that after 23 years of NIF/NCP tyranny, the regime’s leadership cannot react to the current economic crisis except with the most savage methods of repression. This in turn will only alienate more of the civilian population. What is certain is that insofar as this is a rebellion sparked most immediately by rapidly rising consumer prices, the regime is out of options. The [broader economy continues an implosion](#) that began over a year ago and is now accelerating; this is nowhere more conspicuous than in the rapid increase in the inflation rate.

At the same time, long pent-up political grievances on the part of the various marginalized peoples of Sudan have created a super-charged environment for the uprising. Bitter discontent and anger runs deep in the eastern states (Red Sea, Kas-sala, Gedaref). In Darfur the Doha “peace agreement” has failed miserably, and millions of Darfuris continue to suffer in camps and insecure rural areas. In the Nuba Mountains of South Kordofan and in Blue Nile engineered famine has begun to bite deeply, and the refugees pouring into South Sudan convey innumerable tales of horror and desperation. Nubia in the far north has also long been restive, and North Kordofan is no bastion of support for the NIF/NCP. Decades of economic neglect and abandonment—the failure to provide development aid, schools, hospitals, roads, and other basic elements of infrastructure—are now energizing the economically driven rebellion.

As the uprising in Sudan continues to spread and intensify during its second week, there are several key indicators of how well it is succeeding, and how likely it is to achieve its central goal of regime change.

[1] Some stop-gap appeasement measures may be adopted by the regime, and prices for consumer goods may be manipulated over the short term in order to take steam out of the uprising. But these efforts cannot be too great or the regime will be seen as capitulating and demands will only grow. In refusing to consider reinstating the [fuel subsidy, the regime today dug its heels in deeply](#). For as even the NIF/NCP recognizes, the extraordinary economic pressures that brought about the highly unpopular decision to remove subsidies can no longer be resisted. Instead, they derive from budgetary realities that cannot be changed. The fuel subsidy alone has cost approximately \$2 billion annually.<sup>180</sup> Budgetary woes would only be exacerbated by short-term measures. The upshot is that inflation is rising steeply and inexorably in Sudan, and will continue to do so for the foreseeable future.

The \$2.4 billion budget gap created by the loss of oil revenues from South Sudan simply cannot be closed, even with an end to the fuel subsidy. In fact, the economy is projected by the IMF to contract by over 7 percent this year, further diminishing the revenue base for the regime.<sup>181</sup> Without the ability to borrow money to cover this growing shortfall, the regime will have no choice but to print more money. This is the fastest and surest route to higher, and accelerating, inflation. The continuing and substantial fall in the exchange value of the Sudanese pound is only the most conspicuous measure of international assessment of the currency at present. When the printing presses are cranked up, the pound will go into free fall.

If those economists who suggest inflation is already running at over 40 percent are correct, then adding to the budget deficit—as any significant re-instatement of subsidies would do—only increases the rate of inflation.<sup>182</sup> Moreover, although the regime has vaguely promised to cushion the blow of inflation for food purchases, there are simply no means available to halt the effects of inflation, even for food. A typical food basket that today costs what is deemed an exorbitant 30 Sudanese pounds could very soon cost 60 pounds; and any stabilizing (i.e., subsidizing) of *this* price at previous price levels (in non-inflated pounds) will then be twice as expensive and will create an even greater budget gap—and more inflation. This is the engine of what economists call “[hyper-inflation](#),” and it will destroy not only the value of the Sudanese pound but the broader economy as well.

If hyper-inflation occurs, savings will be wiped out in a matter of weeks; banks will experience runs and soon fail; and there will be no viable currency for international trade, even as there is exceedingly little in the way of foreign exchange reserves. Even domestic commercial transactions will be impossible and there will be a rapid move toward a barter economy. The desperate flight to what hard currency remains available on the black market will further exacerbate inflation.

The political ramifications of the economic implosion are many. It has already

proved impossible for the regime to sustain the vast and expensive patronage network that over the years has provided critical political support; that network is now shrinking even further, eroding political support when it is most needed. Regime promises about streamlining government and the bureaucracies—even if carried out—are not remotely sufficient, but will certainly alienate many NIF/NCP loyalists. At the same time, the army and security services take up approximately half the budget (perhaps more); they are now being paid with an inflated currency that is increasingly worthless; and large-scale desertions and defections will soon occur, particularly among soldiers recruited or conscripted from the marginalized regions (this is already occurring in the Nuba Mountains).

[2] A huge question looming over the current crisis is what position the army will take as protests grow. The National Intelligence and Security Services (NISS) are likely to remain loyal to the end, but the army is potentially another story, especially given the evident rift between the most senior generals now exercising greatest political power in the regime, and the [mid-level officer corps](#). The NIF/NCP ruthlessly purged the army on coming to power in 1989, and effectively destroyed it as an institution in the Egyptian mold. The army has never regained a true *esprit de corps*, and disaffected officers up to the rank of colonel may soon refuse to obey orders to use violence against protesting civilians.

So far the protestors have used no weapons beyond burning tires, blocking streets, and hurling rocks. But there are many weapons hidden away in and around Khartoum and the other cities in which protests have occurred. If civilian casualties begin to mount, these weapons may well make an appearance, rapidly escalating the military and political stakes. Any such armed insurrection will be, in the regime's view, justification for rapid and extremely violent counter-measures. At this point a reprise of rebellion in Libya and Syria will be fully in evidence, although Sudan is vastly larger geographically than either (especially if Libya is understood to mean the coastal regions where more than 95 percent of the people live). Rebellion in areas as remote as Nubia, Port Sudan, el-Obeid, and Gedaref will be difficult to confront simultaneously, especially since the Sudan Armed Forces are taking a ferocious beating in the Nuba Mountains, and are spread thin in Darfur, Blue Nile, and the border regions with South Sudan, including areas immediately adjacent to Abyei.

Once desertions and defections begin, they will cascade. Morale is low among most of the front-line troops, and there is little desire to support a failing regime. If the NIF/NCP loses the unified support of the army, or even the mid-level officer corps, its days are numbered.

[3] The “Kauda coalition” that created the Sudan Revolutionary Front (SRF)

now takes on particular significance. It fashions a significant military alliance between the Sudan People's Liberation Army/Movement-North and Darfuri rebel groups, including the Justice and Equality Movement (JEM), as well as the Beja Congress in the east. The military implications of the new alliance are potent. But even more significant is the political framework agreement negotiated by SRF elements: this provides a model for how other political constituencies can begin negotiations over transitional and power-sharing arrangements even before the regime falls.

The inclusion of JEM in the SRF is particularly significant, given its Islamist background and troubling ties to the Popular Congress Party of Hassan al-Turabi. Djbril Ibrahim, the new leader of JEM, may well be more pragmatic than his brother Khalil, who was killed in a suspiciously sophisticated air strike late last year; moreover, Djbril does not carry the same grim baggage Khalil did from the North/South civil war, in which Khalil was complicit in many of the atrocity crimes committed against Southerners. If the kind of political negotiations that created the SRF can be replicated among other northern political constituencies, then a post-NIF/NCP government need not be as chaotic as some are predicting.

Indeed, the predictions of a "new Somalia" in Sudan if the regime falls have been consistently glib and tendentious, taking little account of the singular rapidity with which clan warfare developed, and enveloped, Somalia and Mogadishu in particular. The political culture in Sudan is richer and deeper, even if the opposition has been too compliant and ultimately feckless since the military coup that brought the NIF/NCP to power in June 1989. Here it is worth remembering that Sadiq el-Mahdi's (then) ruling Umma Party and the Democratic Unionist Party of Mohamed Osman Mirghani had come to terms on a peace agreement with the rebel movement in South Sudan (the SPLM/A) by June 1989. Indeed, it was precisely to abort this prospective peace agreement that the NIF launched its coup earlier than planned.

The political transition will be enormously difficult in the wake of the power vacuum produced by deposing the NIF/NCP. It will be a moment of profound historical truth for Sudan—but also for the international community.

[4] The international response is perhaps the greatest uncertainty at present. If important international actors continue to respond to the crisis on the basis of the perceptions that have guided U.S. Sudan policy during the Obama administration, the regime may well believe that it can triumph if it simply remains brutal enough. Khartoum finds the example of Syria is powerfully encouraging. Dismayingly, the U.S. continues to cleave to the judgment of special envoy Princeton Lyman as expressed in an interview with Asharq Al-Awsat:

[**Asharq Al-Awsat**] The U.S. administration has welcomed the Arab Spring which has overthrown a number of dictatorships in the Middle East and led to free and fair elections being held. Are you calling for the Arab Spring to encompass Sudan, as well? [**Lyman**] This is not part of our agenda in Sudan. Frankly, we do not want to see the ouster of the [Sudanese] regime, nor regime change. We want to see the regime carrying out reform via constitutional democratic measures. [**Asharq Al-Awsat**] The SPLM has said that it wants to bring the Arab Spring to Sudan. Do you oppose this? [**Lyman**] We want to see freedom and democracy [in Sudan], but not necessarily via the Arab Spring.<sup>183</sup>

It would appear not to matter to Lyman that the overwhelming majority of Sudanese have long wanted regime change, and are now explicit in expressing this goal. Their seriousness can be measured by the increasing willingness to risk their lives and well-being to achieve such change. But the expedient and disingenuous declaration that the U.S. wants “to see the regime carry out reform via constitutional democratic measures” is a measure of how morally bankrupt the Obama administration’s Sudan policy has become. There is no historical evidence that the NIF/NCP has the slightest interest in “reform via constitutional measures”—and Lyman and the Obama administration know this full well. No doubt Lyman felt that questions about an “Arab Spring” in Sudan were entirely hypothetical and that he could dodge the question with another expedient and disingenuous answer. However, the “Arab Spring” has begun in Sudan; agnosticism, neutrality, and expediency are simply no longer policy options.

This is just as true for other important international actors, including the UN, the EU, as well as the African Union and the Arab League, though the latter two seem hopelessly compromised by their longstanding support for Khartoum. What is certain is that “neutrality” in present circumstances offers tacit support to the regime; such “neutrality” and would seem to suggest that the U.S. is not alone in believing Khartoum capable of “carrying out reform via constitutional democratic measures.” Yet present realities cannot be ignored: the regime is showing its true colors now that is threatened by democratic forces. As Amnesty International declared (June 22, 2012):

“The Sudanese government is showing zero tolerance for demonstrations and continues to deny the Sudanese people its right to peaceful assembly,” said Paule Rigaud, Amnesty International’s Deputy Director for Africa.<sup>184</sup>

Moreover, for more than a year newspapers have experienced ever greater censorship, closures, fines, and confiscation at the hands of the regime. Any newspaper daring to report independently on the uprising risks the severest reprisals. Indeed, there are a number of reports that the regime has already shut down Internet and cell phone service, or will soon do so.

If the international community is honest and committed to furthering democracy and reform in Sudan, it is time for a fundamental recalibration of political equities. Moreover, this cannot be done on the basis of a purely “regional” assessment of how “acceptable” the current regime is. Libya has yet to emerge from the throes of its convulsive deposing of Gaddafi. Chad is ruled by the expedient Idriss Déby, whose attitude toward the regime in Khartoum is defined wholly by his own vicious survivalism. Central African Republic is a failed state. Khartoum is at war—economically and militarily—with its southern neighbor, South Sudan. Ethiopia and Eritrea both see Khartoum exclusively through the lens of a narrowly conceived national self-interest (although Ethiopian president Meles Zenawi [has told the U.S. that he thinks that regime change](#) is the only solution to the ongoing crises in Sudan). Egypt is a state in transition, and it is simply not clear how Egypt’s past neo-colonial attitude toward Sudan during the Mubarak years will change with a new president facing severe constraints imposed by the army.

The world cannot stand at a safe diplomatic distance, hiding behind absurd claims about the democratic capabilities of the NIF/NCP regime, or tendentious characterizations of “regional views”—or doubts about the “legitimacy” of the aspirations of those now rebelling against decades of tyranny. Support for those working for democracy and freedom in Sudan must be urgent, unambiguous, and tough-minded. Condemnation of *and response to* the regime’s brutality must be vigorous and consistent. And this condemnation and response must forcefully address *all* the atrocity crimes that the regime continues to perpetrate—in the Nuba Mountains, in Blue Nile, in Darfur, and in the form of [relentless aerial attacks on civilians](#) in north and South Sudan. There can be little doubt that this is indeed the moment of truth for both Sudan and for the international community.

Libya and Syria offer telling examples of what happens when the world underestimates the ruthlessness of tyrants who will use any degree of force and violence to sustain themselves in power. The “Arab Spring” in Sudan offers a moment in which we may assess whether the world has learned anything about the costs of accommodating such tyranny.

## July 16, 2012: Why Do People Want Change in Sudan? A barbaric penal code is one reason

*Hudud*, a specific category of punishment within the penal code of *sharia* (Islamic law), is unspeakably barbaric in Sudan. This barbarism has not diminished in recent years, despite claims in some quarters that Islamism is on the wane in Sudan, still a vast and highly diverse country. The NIF/NCP regime is as committed as ever to an extremely aggressive interpretation of *sharia*, as well as its uniform imposition. Under the penal provisions of *hudud* in Sudan, women are regularly sentenced to be flogged (a punishment that can be fatal) for crimes ranging from brewing beer to support a family to wearing insufficiently “modest” clothing. Even more shockingly, women—and girls—are sentenced to be stoned to death under Sudanese *hudud* for adultery. Although sentences are typically commuted in the judicial proceedings, commutation is entirely arbitrary and seems to depend upon the degree of international attention focused on a given case. The execution itself is carried out by a crowd throwing stones at the victim, who is buried up to her chest with her hands tied. It is a slow, grim, and agonizing death.

Cross-amputation—the amputation of the right hand and left foot—is almost incomprehensibly cruel, yet it too persists. A case from several years ago gained prominence in the human rights world because the sentence was handed out to a 16-year-old boy.<sup>185</sup> Most of these cases go unreported, but not always (the [link here is to a horrific photograph](#) of four Darfuri men who have had the sentence of cross-amputation imposed; I urge caution in deciding whether or not to view this disturbing photograph). There is no sign that the imposition of this brutally destructive assault on human flesh and spirit will end soon.

Crucifixion is also a punishment under Sudanese *hudud*. It is the punishment for apostasy (leaving the faith of Islam), but other crimes as well. The African Centre for Justice and Peace Studies reported on the cases of seven men last November:

On 28 November 2011, Judge Altyeb Alamin Elbashir of the Special Criminal Court in North Darfur *sentenced seven individuals to death and ordered them crucified following their execution. The purpose of crucifixion is to draw attention to their crimes.* The group, affiliated with the Justice and Equality Movement (JEM), was on trial for a car-jacking committed on 3 May 2010.<sup>186</sup>

If the current regime in Khartoum and its president, Omar al-Bashir, have their way, all this will continue. Having allowed the South to secede a year ago, the regime confronts increasing pressures from both the more radical Islamists and the

more thuggish of military hardliners. These pressures are reflected in al-Bashir's promise about Sudan's new constitution and the laws that will govern all Sudanese, Muslim and non-Muslim alike:

Sudan constitution to be "100 percent Islamic": President Omar Hassan al-Bashir said on Saturday Sudan's next constitution would be "100 percent Islamic" to set an example for neighbouring countries, some of which have seen religious parties gain power after popular uprisings. The secession of mostly non-Muslim South Sudan a year ago sparked predictions that Sudan, which hosted former al Qaeda leader Osama bin Laden in the 1990s, *would start implementing Islamic law more strictly*. In a speech to leaders of the mystical Islamic Sufi tradition in Khartoum, Bashir suggested Sudan's new, post-secession constitution could help guide the region's political transformation. "We want to present a constitution that serves as a template to those around us. And our template is clear, a 100 percent Islamic constitution, without communism or secularism or Western (influences)."<sup>187</sup>

This is the president of the regime that the Obama administration believes is capable of "carrying out reform via constitutional democratic measures" in Sudan.<sup>188</sup> But without regime change, [and the success of the current uprising](#), al-Bashir has given us all too clear an understanding of the future of "constitutional reform" and source of "law" for all in Sudan, Muslim and non-Muslim alike.

At the same time, one of the most remarkable features of the "Arab Spring" now spreading throughout Sudan is the increasingly courageous and adamant stand of women against the brutal excesses of Sudanese *sharia* (other, even more uniformly Muslim countries follow versions of *sharia* that are not nearly so severe).<sup>189</sup> Women have been at the center of the year-old resistance movement [Girifna](#), and have made their voices heard in increasingly public fashion. One of the videos linked below provides a clandestine view of women exuberantly protesting flogging while actually in prison. It is the very spirit of political resistance to tyranny, political and religious.

It is worth noting that in Sudan, the regime's respect for *sharia* does not extend to forbidding torture of the most savage sort. Having read numerous personal statements by victims of torture as part of my work on Sudanese asylum cases, and having spoken with some of these victims, I find an obscene disconnect between the *Quran's* repeated speaking in "the name of Allah, the Compassionate, the Merciful," and the realities of Kober Prison and the various "ghost houses" in which Sudanese continue to endure unspeakable pain and suffering—brutal torture that is

sanctioned by not a single passage in the *Quran*. I will not include their terrifying accounts here, but should anyone doubt the extremity of torture in Sudan, I would urge a reading of Chapter 20 of Halima Bashir's searing memoir, *Tears of the Desert* (2008).

Nor should we forget that the Khartoum regime's version of *sharia* is imposed on all, whether or not they are Muslim. The U.S. Commission on International Religious Freedom found in its most recent assessment (March 2012) that violations of religious freedom in Sudan included:

[T]he criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of "indecency" and "immorality"; the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.<sup>190</sup>

In fact, the confiscation of Christian church lands and resources, attacks on churches and church properties, harassment of clergy and parishioners, and the intimidation of Christian religious authority generally saw a marked increase following the independence of South Sudan in July 2011—this despite the long and distinguished tradition of a Christian presence in Sudan. USCIRF found that:

A number of churches were attacked in this reporting period. On January 15, extremists burned down the Presbyterian Church of the Sudan; another group burned down a church in Omdurman on June 28. A mob attacked the congregation of the Sudanese Church of Christ on Omdurman West on August 5 as congregants attempted to build a church. The mob threw stones at the members of the congregation and said that they did not want Christians in their neighborhood. In October, a religious statue in a Catholic church in Kosti, White Nile state, was defaced. In a meeting with USCIRF in October, Anglican Bishop Ezekiel Kondo said that numerous churches were razed this year. The government has not responded to any of these attacks.

There were threats to additional Christian houses of worship. On September 11, officials from the Ministry of Physical Planning and Public Util-

ities threatened to demolish the Sudanese Church of Christ, the Episcopal Church of Sudan, and the Roman Catholic Church in Omdurman if the churches continued to conduct services. The officials, who marked the church doors with a red X, said that the churches were operating on government land without permission. In addition to these threats, church leaders report that Ministry of Guidance and Religious Endowment officials have asked them to reveal information about church activities and church members. At the end of the reporting period, no action had been taken against the churches.<sup>191</sup>

USCIRF also reports that

religiously-based attacks on the Christian community reportedly amounting to ethnic cleansing occurred in the fighting in Southern Kordofan; more than 150 persons were arrested for apostasy and many forced to renounce their faith; Christian leaders and houses of worship were attacked and threatened; and a new constitution is predicted to remove religious freedom and human rights protections included in the Interim National Constitution.

In 2011, nearly 170 persons were imprisoned and charged with apostasy, a crime punishable by death in Sudan. In the past, suspected converts were subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel. On May 8, Sudanese intelligence officers arrested Hawa Abdulla Muhammad Saleh, a Christian, for apostasy, proselytizing, “Christianization of minors,” and other crimes. Upon her arrest, the government posted a picture of Hawa holding a Bible in her hand, putting her life in danger. She was later released and remains in the country. On July 29, 150 people were arrested and 129 were charged with apostasy, disturbance of the public peace, and being a public nuisance. The individuals are members of the Darfur Hausa ethnic group and practice a version of Islam different than the one propagated by the ruling NCP; they follow the Qur’an but not the sunna. The individuals were released in September only after they renounced their faith and agreed to follow the government’s interpretation of Islam.

Most Muslims—certainly in the West—disavow torture and deny that it is justified in the *Quran* or other sources of Islamic theological commentary. From a personal point of view, I abhor torture and condemn it under all circumstances. At

the same time, there can be no denying that there are passages in the *Quran* that seem to sanction many of the features of *hudud* that seem tantamount to torture—at least as *hudud* is incorporated into *sharia* in Sudan and some other Muslim societies. These would include (among others) cross-amputation, flogging, and stoning to death. What seems clear to me on the basis of my own limited understanding of Islam’s sacred text is that there is no justification for the kind of torture inflicted upon *political* dissidents and undesirables by the Khartoum regime. Yet as the current political uprising accelerates, reports of torture are becoming increasingly frequent. The security forces are seeking to instill ever-greater fear in a population that is desperately weary of the tyranny and economic failures of the NIF/NCP.

This said, it is important to recognize that there are *suras* (chapters) in the *Quran* that may be interpreted as justifying punishments that are *ipso facto* torture, and other that are highly xenophobic in character. To avoid the growing controversies about the meaning of the original Arabic and the character of Islam, I have deliberately chosen an older but well-received translation of these *suras* from 1956, by N.J. Dawood (Penguin Classics; revised edition, September 28, 2004).

Those that make war against Allah and His apostle and spread disorders in the land *shall be put to death or crucified or have their hands and feet cut off on alternate sides*, or be banished from the country. They shall be held to shame in this world and sternly punished in the next: except those that repent before you reduce them. For you must know that Allah is forgiving and merciful. (5:33)

Flogging for adultery is explicitly addressed in 24:2:

The adulterer and the adulteress *shall each be given a hundred lashes*. Let no pity for them cause you to disobey Allah, if you truly believe in Allah and the Last Day.

While pregnancy in a woman is often the only evidence necessary to convict her, it is notable that a subsequent part of the same passage accords an equal opportunity for exoneration and mercy to women, one that finds no parallel in the modern *sharia* of Sudan:

If a man accuses his wife but has no witnesses except himself, he shall swear four times by Allah that his charge is true, calling down upon himself the curse of Allah if he is lying. But if his wife swears four times by Allah that his charge is false and calls down His curse upon herself if it be true, she shall receive no punishment. (24:6)

I know of no case of adultery in Sudan in which a woman sentenced has been afforded this opportunity of defense. Indeed, one of the most shocking features of trials for adultery in Sudan is that many female defendants have weak or no Arabic language skills, and yet are often left to fend for themselves at critical moments in judicial proceedings. Moreover, the evidentiary requirements for adultery among men have also been distorted in Sudan's version of *sharia*.

The brutality of many passages in the *Quran*, as well as its xenophobia, can of course be matched all too readily with comparable passages from the Old Testament and other sacred texts. Nonetheless, the emphasis on maiming and the cutting off of limbs is a recurrent theme in the *Quran*:

Allah revealed His will to the angels, saying: "I shall be with you, Give courage to the believers. I shall cast terror into the hearts of the infidels. *Strike off their heads, main them in every limb.*" (8:12)

But as many Islamic scholars have noted, while the *Quran* clearly views apostasy as one of the greatest human sins, it does *not* prescribe death or any specific physical punishment. The historically subsequent view that *sharia* must regard apostasy as a capital crime, requiring capital punishment, depends upon an expansive reading of verses that nowhere explicitly specify a physical punishment.<sup>192</sup>

Just how far interpretive freedom may extend for Islamic exegetes became clear several years ago when an influential Shi'a religious leader, with whom Iranian President Mahmoud Ahmadinejad reportedly consults, argued that "coercion" by means of rape, torture and drugs is acceptable against all opponents of the Islamic regime. The perverse legal justification for such "coercion" in Iran has been assessed in detail by Ervand Abrahamian.<sup>193</sup>

The same "coercion"—without any scriptural or theological justification—is continually reported by those who survive the brutal methods of torture used by the National Intelligence and Security Service (NISS) and other security forces of the regime. In my own view—and I am familiar with the *Quran* only in translation—even the most contorted reading of this holy book cannot be made to support the torture of political dissidents.

## **July 24, 2012: UN Investigators Confirm Khartoum’s Renewed Bombing of South Sudan: Implications for Negotiations in Addis Ababa**

Associated Press reports today ([July 24, 2012](#)) that the UN Mission in South Sudan (UNMISS) has confirmed an aerial attack by Khartoum’s military aircraft on the sovereign territory of South Sudan (near Rumaker, Northern Bahr el-Ghazal state). This attack occurs as negotiations between Khartoum and Juba are presently underway in Addis Ababa to resolve outstanding bilateral issues:

Six bombs that Sudan maintains were aimed at rebels in its own territory instead landed across the border inside South Sudan, according to a United Nations report. UN observers who visited the site found six bomb craters 1.16 kilometers (.72 miles) inside South Sudan’s territory, according to the internal report obtained by The Associated Press on Tuesday. South Sudan officials told the UN team that a man who was wounded in the bombing later died. The timing of the incident is crucial because South Sudan and Sudan are currently meeting in Ethiopia to negotiate outstanding issues from their peaceful split last year. The UN Security Council says the issues—including an agreement on the full demarcation of a border and how to share oil revenues—must be resolved by August 2.

After the bombing allegations, the African Union—which is overseeing the Sudan-South Sudan negotiations—said it would investigate. The AU reported that Sudan said its forces attacked a group of Darfur rebels “within the territory of Sudan.” The UN team said the six bombs created small craters where they came down in Northern Bahr el Ghazal state early Friday. “The craters are almost in one line, possibly indicating a bombing run by an aircraft. Bomb fragments and debris was visible in and around the craters. The smell of ‘gunpowder’ was also evident,” the report said. South Sudan has said the Sudanese military dropped the bombs from Antonov planes. The UN report also said that an Antonov military aircraft was spotted flying over the South Sudan city of Bentiu, in Unity State, on Saturday. South Sudan does not have Antonov planes.

Since the UN Security Council imposed an August 2 deadline for the completion of these negotiations, the timing of the bombing attack requires explanation, for the authority of the confirmation in this case cannot be doubted. Ordinarily,

the African Union would expediently declare that it was “investigating,” and then simply accept at face value Khartoum’s denial. For its part, the UN would not make public its findings, leaving the situation unresolved and the Government of South Sudan (GOSS) convinced that the international community simply does not wish to hear about such attacks, even when there are civilian casualties. But again, this attack has been explicitly confirmed by UN investigators:

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Why would Khartoum engage in such a provocative attack and justify it after the fact with the ludicrous claim that the attack was directed at the Justice and Equality Rebel (JEM) movement? The attack—according to the SPLA—occurred around 3am in the morning on July 20, 2012 when darkness would have been complete. Antonovs have no militarily purposeful precision, even in daylight; they are retrofitted Russian cargo planes from which shrapnel-laden barrel bombs are simply rolled out the back cargo bay. An attack in complete darkness by an Antonov is the very embodiment of “indiscriminate.”

And who ordered this attack? This was not executed on the initiative of a regional military officer but on the basis of an order from Sudan Armed Forces (SAF) headquarters in Khartoum. These senior officers would certainly have known both that the UN Security Council deadline was approaching and that such an attack would be provocative in the extreme. Unsurprisingly, the attack led the GOSS delegation to break off direct talks with the Khartoum regime leadership, even as it was prepared to make Khartoum [a generous offer on the issue of oil revenues](#). This offer included:

- forgiving the debt accrued by Khartoum through the withholding or sequestering of oil revenues. (\$815 million since independence in July 2011);
- \$3.2 billion in assistance to Khartoum to close the budget gap created by the regime’s loss of oil income;

- and exceedingly generous transit fees: \$9.10 per barrel for the Greater Nile Petroleum Operating Company pipeline (from what was formerly Western Upper Nile) and \$7.26 per barrel for the Petrodar pipeline from Upper Nile.

In less than a day, [Khartoum had rejected the deal](#).

With such an eminently reasonable, indeed generous deal about to be tabled, why would Khartoum—desperate for resumed oil revenues—choose to bomb South Sudan and to [reject Juba’s offer almost immediately](#)? How can the regime insist that “security issues” are paramount even as it violates the security of South Sudan on a regular basis both with aerial attacks and grounds attacks, the former going back to November 2010? In the immediate wake of the attack of July 20, the answer was provided in the form of another question by South Sudan’s Information Minister, Barnaba Marial Benjamin: “[m]aybe certain extremists do not want the talks,” said Marial. “Why would they continue bombing?”<sup>194</sup> SPLA spokesman Philip Aguer connected the bombing attack to a desire to abort the direct talks between Juba and Khartoum:

“There was bombing yesterday morning at a place called Rumaker,” in Northern Bahr el Ghazal, South Sudan’s military spokesman Philip Aguer told AFP earlier, adding that “this might have implications because maybe that is the intention of Sudan to bomb us and to stop talking.”<sup>195</sup>

Who are the “extremists” that Marial and Aguer are referring to? Evidence has mounted steadily for over a year that senior military officials within the National Islamic Front/National Congress Party have become increasingly influential—indeed decisive—in the key decisions about war and peace.<sup>196</sup> Last May, shortly before the regime’s military seizure of Abyei, two generals demanded of President Omar al-Bashir that they be given this decision-making power: Major General Mahjoub Abdallah Sharfi—[head of Military Intelligence since 2008](#)—and Lt. Gen. Ismat Abdel Rahman al-Zain, implicated in Darfur atrocity crimes because of his role as SAF director of operations in Khartoum.<sup>197</sup> A third member of the military with outsize influence in regime decisions is Major General Bakri Salih—former Defense Minister and [now senior minister for presidential affairs](#). These are the men who are making the key decisions and moving Sudan and South Sudan closer to war.

The most conspicuous evidence of this shift in political power became clear a year ago. On June 28, 2011 senior NIF/NCP political figure and presidential assistant Nafi’e Ali Nafi’e signed a “framework agreement” with the Sudan People’s

Liberation Movement/Army-North (SPLM/A-N), committing the two sides to negotiate outstanding political issues (that were to have been settled in the aborted “popular consultations” for Blue Nile and South Kordofan) and a cease-fire. Three days later, al-Bashir—just back from a state visit to China—announced a precipitous reversal of Khartoum’s commitment to the “agreement.” There would be no negotiations with the SPLA/M-N, no halt to fighting, and no humanitarian access to civilians in rebel-held parts of South Kordofan (Khartoum at this point had not yet begun its military seizure of Blue Nile).

These conspicuous truths seem not to be of interest to African Union mediators or UN officials: they are simply too inconvenient to be frankly acknowledged. Instead, there is a default decision to blame both parties, to indulge yet again in a destructive “[moral equivalence](#),” whatever the circumstances or evidence demonstrating a preponderance of culpability. Indeed, the African Union is clearly minimizing the significance of the bombing, despite its place in a pattern of disturbing trends in the decisions made by Khartoum. Before the Associated Press report, the AU announced that it would “investigate” the bombing, but that negotiations would continue. Ordinarily the phrase “will investigate” coming from the AU with respect to bombing in Sudan or South Sudan is meaningless, but UN confirmation of such bombing should occasion at least a more consideration and response. To date this has not occurred. It is not hard to understand why the Government of South Sudan refuses to accept this diplomatic massaging and disingenuousness, and has made its point by breaking off direct negotiations with the Khartoum regime. Until the AU—and the UN and other international actors of consequence—take seriously the implications of attacks such as that on Rumaker, it will find that Juba is increasingly doubtful that there is any real balance or fairness on the part of the mediators in Addis.

## Notes

- 1 [Briefing to Senior Administration Officials on Developments in Sudan, November 8, 2010.](#)
- 2 Email to the author, received November 2, 2010.
- 3 Reuters [UN/New York] October 27, 2010.
- 4 Reuters [UN/New York] October 22, 2010.
- 5 [African Centre for Justice and Peace Studies Publications.](#)
- 6 [Human Rights Watch, “Halt Wave of Attacks on Civilians in Darfur,” November 11, 2010.](#)
- 7 <http://www.shrig.org.sd/news-archive/darfur-news/2352-defense-minister-declares-darfur-free-of-insurgency-.html> (dead link).
- 8 This JEM press release came from Suleiman Jamous, humanitarian coordinator for the rebel group; he is without question the most reliable and honest of rebel interlocutors. [A Statement from the Office of Humanitarian Affairs of JEM, November 10, 2010.](#)
- 9 Reuters [el-Fasher] October 7, 2010.
- 10 [Foreign Policy \[online\], November 11, 2010.](#)
- 11 [Radio Dabanga, “Former envoy: Obama team in cover-up of Darfur aid documents,” November 11, 2010.](#)
- 12 See the compelling research on arms in the South Kordofan region by the Sudan Human Security Baseline Assessment ([Small Arms Survey](#).)
- 13 [Africa Confidential](#), November 19, 2010, Vol. 51 No. 23.
- 14 Agence France Press [Kadugli, South Kordofan] January 13, 2011.
- 15 For an excellent account of the regime’s ominously large military resources close to Abyei, see the [March 2011 update from Small Arms Survey](#), “Armed Entities in South Kordofan.”
- 16 SSP, “[Satellite Images Reveal Movement of More Forces Backed by Government of Sudan into Contested Abyei Region](#),” March 22, 2011.
- 17 Agence France-Presse, Radio Netherlands, March 14, 2011.
- 18 AP [Juba] March 23, 2011.
- 19 Al-Bashir’s statement report by Reuters, April 26, 2011.
- 20 Sudan Vision [Khartoum] May 1, 2011.
- 21 Compromise beyond that stipulated by the Permanent Court of Arbitration and the Abyei Protocol of the CPA; for a superb account of this diplomatic disaster in historical perspective, see “[The Road Back from Abyei](#),” by Douglas Johnson.
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- 23 SSP, "Satellite Images Reveal Movement of More Forces Backed by Government of Sudan into Contested Abyei Region," March 22, 2011.
- 24 SSP, April 7, 2011 report.
- 25 Reuters, April 29, 2011.
- 26 SAS profile of George Athor, April 2011.
- 27 *Sudan Tribune*, "South Sudan army accuses Khartoum of backing clashes in Unity state," April 22, 2011.
- 28 *Sudan Tribune*, April 29, 2011.
- 29 *Africa Confidential*, April 1, 2011, Volume 52, No. 7.
- 30 *Sudan Tribune*, April 20, 2011.
- 31 Military and security expenditures continue to consume 75 – 80 percent of the annual budget, according to the economic consultancy firm UNICONS.
- 32 *The Guardian*, January 8, 2011.
- 33 Pax Christi, Comprehensive Peace Agreement, Alert No. 3; Julie Flint, "The Nuba Mountains: Central to Sudans Security" (January 2011).
- 34 Tchalian is now chief of staff in the Darfur peacekeeping force UNAMID.
- 35 This violence had also forced the UN World Food Program to suspend operations in a number of key areas in Jonglei, as well as Lakes State.
- 36 Bloomberg, "Sudanese President Gives Army 'Free Hand,' in Border State, SUNA Reports," June 9, 2011.
- 37 Sudan News Agency [SUNA/Khartoum] June 8, 2011.
- 38 Radio Netherlands Worldwide, June 9, 2011.
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Map No. 4458 Rev.2 UNITED NATIONS  
March 2012

Department of Field Support  
Cartographic Section



*Photography credit: Enough Project*

### BURNED DWELLING IN TODACH, ABYEI (MARCH 2011)

A burned dwelling in Todach, a village torched by northern PDF (Peoples' Defense Forces) and SAF (Sudan Armed Forces) troops. It was certainly clear by this point that Khartoum could launch an overwhelming military assault and seize all of Abyei at any time. The international community did nothing to warn them against such a highly destabilizing action.



*Photography credit: Enough Project*

### DESTRUCTION IN TAJALEI (ABYEI) (MARCH 2011)

Tajalei village, burned to the ground by northern PDF (Peoples' Defense Forces) and SAF (Sudan Armed Forces) troops.



*Photography and copy credit: Enough Project*

### WOMEN AND CHILDREN LEAVE ABYEI (MARCH 2, 2011)

Women and children flee Abyei town. Recent fighting between Arab militias and Abyei police have left over 100 dead, and rumors of an imminent attack on Abyei town by Arab militias and SAF have caused citizens of Abyei and surrounding villages to flee south en masse.

The Dinka Ngok of Abyei had a much clearer sense of what was impending than the international community; on May 21, 2011, Abyei was seized in its entirety by Khartoum's Sudan Armed Forces and Arab militia allies—ER



*Photography and copy credit: Enough Project*

**WOMEN AND CHILDREN WALK SOUTH ON FOOT, CARRYING THEIR BELONGINGS (MARCH 2, 2011)**

Women and children carry their belongings on their heads as they flee Abyei town. Recent fighting between Arab militias and Abyei police have left over 100 dead, and rumors of an imminent attack on Abyei town by Arab militias and SAF have caused citizens of Abyei and surrounding villages to flee south en masse.



*Photography credit: Enough Project*

### ADDITIONAL FORTIFICATIONS AND MORE TENTS AT BONGO ENCAMPMENT, ABYEI REGION (DIGITALGLOBE IMAGE TAKEN MARCH 19, 2011)

The international community knew full well that military seizure of Abyei by Khartoum's forces was imminent; by March 2011, there could not longer be any doubt, thanks in part to satellite photography of extending SAF military fortifications. In short, the world chose not to confront Khartoum over its impending military abrogation of the Comprehensive Peace Agreement. The leadership in South Sudan has not forgotten.



*Photography credit: Enough Project*

DIGITALGLOBE IMAGE OF FORTIFIED ENCAMPMENT AT GOLI (ABYEI) SUDAN  
(MARCH 21, 2011)



*Photography credit: Enough Project*

### DIGITALGLOBE IMAGE OF FORTIFIED COMPOUND NEAR DIFFRA IN ABYEI REGION (MARCH 16, 2011)

At this point, the fate of Abyei should have been fully clear to the international community; and that knowledge should be prompted a strong warning to Khartoum not to move militarily on the contest region. It did not, and the consequences were soon conspicuous.



*Photography credit: Enough Project*

AND IN THE END THE PEOPLE OF ABYEI WERE RIGHT TO FLEE (MAY 23, 2011)  
On May 21, 2011 Khartoum's Sudan Armed Forces and Arab militia allies seized all of Abyei militarily. Burning and looting proceeded apace, and most of Abyei was looted and burned to the ground by May 23, the date of this photograph. More than 100,000 Dinka Ngok were made refugees almost overnight.



*Photography credit: Enough Project*

ABYEI TOWN IN FLAMES (MAY 23, 2011)



*Photography credit: Enough Project*

SMOLDERING REMAINS OF RAZED STRUCTURES  
IN ABYEI TOWN (MAY 23, 2011)



*Photography and copy credit: Enough Project*

### REMAINS OF ABYEI TOWN (JUNE 2, 2012)

A year after the May crisis, most of Abyei town stands in ruins, stripped of its civilian population and dotted with the skeletal remains of what once were market stalls, homes, schools, and office buildings. During the Sudan government incursion, the military and government-backed militias ransacked the town.”

Many tens of thousands of Dinka Ngok long to return to their homes, but are too fearful of further attacks by Khartoum’s Sudan Armed Forces and Misseriya militia allies—ER



*Photography and copy credit: Enough Project*

**AGOK, WARRAP STATE (SOUTH SUDAN) (MAY 26, 2011)**

The deserted Aniet market in Agok near Abyei region. Residents of the town fled further into the South after Sudan Armed forces occupied Abyei town and threatened to push southward.



*Photography credit: Enough Project*

### AGOK AIRSTRIP (MAY 27, 2011)

Like many other airstrips during the rainy season, the Agok airstrip was badly affected, making it difficult—sometimes impossible—for planes to land.



*Photography credit: UNHCR*

MANY OF THE REFUGEES ARRIVING IN UPPER NILE FROM  
BLUE NILE ARE TERRIBLY WEAKENED



*Photography and copy credit: Enough Project*

### MIRIAM AND FATIMA (OCTOBER 23, 2011)

Miriam and her 16 year-old daughter Fatima. Miriam had previously spent 14 years in Sherkole [Ethiopia] because of the civil war [in South Sudan]. She left Sherkole in 2010 only to return a year later because of war in Blue Nile. “Even though [this place] looks familiar, but it is still difficult for me,” she said. “My husband is not here, I’m focusing on raising five kids by myself, with no job or salary. That is where my focus is. But if I tell you what’s in my heart, it will be a long story.”

Miriam is speaking from a refugee camp in Upper Nile State, South Sudan.



*Photography credit: unknown*

### SUDANESE REFUGEES ARRIVING IN UPPER NILE (SOUTH SUDAN) DURING THE START OF THE RAINY SEASON (2012)

Conditions were extraordinarily difficult, with an acute lack of clean water. More refugees will surely pour into this very challenging region once the terrain starts to dry out from the rainy season.



*Photography credit: unknown*

REFUGEES IN SOUTH SUDAN FACE EXTRAORDINARY DIFFICULTIES, ESPECIALLY  
IN SECURING ADEQUATE CLEAN WATER



*Photography credit: unknown*

FORCES OF THE SUDAN PEOPLE'S LIBERATION ARMY/NORTH IN THE NUBA MOUNTAINS.

These people will not be defeated; Khartoum may starve them to death, but will not defeat them militarily.



*Photography and copy credit: Enough Project*

### WOMEN CARRYING BELONGINGS TO TEMPORARY HOMES IN CAMP

Women from Blue Nile carry the few possessions brought with them from over the border in the move to their temporary homes in Batil camp (Upper Nile, South Sudan).

Batil camp is one of the very most distressed of the refugee camps to which almost 200,000 people have fled from Blue Nile and South Kordofan (northern Sudan). Clean water is an overwhelming problem at this point in the rainy season (August 2012). Humanitarian transport access is virtually impossible overland to this region of Upper Nile—ER



*Photography and copy credit: Enough Project*

### HAJIBA AND JABRIL

Hajiba, an elderly woman, and her son, Jabril, from the town of Khor Gidat [Blue Nile], said government [of Sudan] soldiers abducted three women from their family, among others from their town. “I did not see the jallaba coming, but you hear the guns. I was lying on the ground, then I ran. I was afraid,” Hajiba said of the government attack. “They came at night and took people from the community.” “I left a lot of cows,” said Jabril. “We ran with nothing, we left everything there.” “I don’t know if they are alive or dead,” he said of his three sisters who were taken.



*Photography and copy credit: Enough Project*

### FATIMA AND HER FAMILY IN BATIL CAMP (JULY 1, 2012)

“They kill everybody if you are SPLA supporters, even civilians, women, and children,” said Fatima from Jam, who said she saw SAF soldiers and militias enter her town. Fatima, who was pregnant when she was displaced, gave birth two months ago to a baby boy named Ibrahim. She her children had just arrived in Batil camp the day before.



*Photography and copy credit: Enough Project*

### NEWEST BLUE NILE REFUGEES LINE UP TO REGISTER (JUNE 30, 2012)

Fresh arrivals line up in the hot sun for the registration process at Batil camp. Long lines for food and water are one of the constants of refugee and displaced persons camps created by Khartoum's wars against the marginalized populations of Sudan.



*Photography credit: United Nations*

### SUDAN'S CONFLICT IN SOUTHERN KORDOFAN & BLUE NILE

These South Sudan refugees, as well as civilians within Southern Kordofan and Blue Nile, continue to bear the brunt of the conflict with no abatement in sight. Yida refugee camp, South Sudan.

THE SMALL ARMS SURVEY (GENEVA) has established itself as [the leading authority on the flow of weapons in greater Sudan](#). These photographs, used by permission, indicate some of SAS's most telling findings concerning the origin of weapons used by the non-governmental militia groups operating in South Sudan. The weapons photographed here are primarily of Chinese manufacture, which is the case throughout Sudan and South Sudan. But a number of Russian small arms have been found, as well as some Iranian weapons. Although these are considered "small arms," they have a devastating impact on civilian lives.



Four relatively new Chinese-manufactured Type 80 general-purpose machine guns (copy of the Russian PKM), seized by SPLA forces during fighting in Riyak payam, Mayom county, Unity state. Identical models were seized from Athor's forces in Jonglei state in the same month.



Eight RPG-7 launchers, bearing no markings, seized in Unity. Their construction is similar to launchers manufactured in Iran.

*Photographed April 2011*



Brand new 82 mm mortar tube with bipod and baseplate reportedly seized from Gadet's forces in May in Unity State (left). The SPLM-N reportedly captured a relatively new 82 mm mortar tube and identical bipod and baseplate from SAF in September 2011 in Blue Nile (right). Neither items bear discernable marks and serial numbers, making their origins difficult to identify.

*Photographed April 2011*



125 newly manufactured Chinese Type-56-1 assault rifles (copy of the Russian AKS-47) seized by the SPLA during fighting in Riyak payam, Mayom county, Unity. Gadet's soldiers possessed identical rifles were in videos posted on the Internet. The SPLA also seized identical rifles from Athor's forces in Jonglei in the same month.

*Photographed April 2011*



Russian manufactured 82 mm mortars with lot number 01-10 were captured from Gadet's forces in May 2011 in Unity (left). The rounds contained charges that were manufactured in Sudan in 2007 (right). The Sudan People's Liberation Movement-North (SPLM-N) reportedly seized identical 82 mm mortar rounds from the Sudan Armed Forces (SAF) in September 2011 in Blue Nile (bottom), bearing sequential lot numbers 01-06 and 01-07.

Note: The Roman lettering on the 82 mm 0-832 series High-Explosive (HE) fragment bombs reveals they are Russian produced for export.

*Photographed June 2011*



Chinese manufactured Type 85 12.7 mm heavy machine gun mounted on a technical reportedly captured in al Hamra in July 2011 (left). The SPLA reportedly captured an identical Type 85 from the forces of George Athor in Jonglei in early 2011 (right).



Russian manufactured AGS-17 multiple grenade launcher reportedly captured in al Hamra in July 2011 (left and right). This is the first such weapon observed by the Small Arms Survey in Sudan.

*Photographed September 2011*



Chinese manufactured Type 85 12.7 mm heavy machine gun mounted on a technical reportedly captured in al Hamra in July 2011 (left). The SPLA reportedly captured an identical Type 85 from the forces of George Athor in Jonglei in early 2011 (right).



Russian manufactured AGS-17 multiple grenade launcher reportedly captured in al Hamra in July 2011 (left and right). This is the first such weapon observed by the Small Arms Survey in Sudan.

*Photographed September 2011*



*Photography credit: Enough Project*



IT WOULD BE A MISTAKE to underestimate the improvements to the SPLA over the past decade—in training, logistics, and armaments. Morale—though weakened by lack of regular pay for many troops—is much greater than that of the SAF. Fight in the oil regions would be extremely violent and destructive of civilian lives and livelihoods.





IMPROVEMENTS IN THE SPLA'S EQUIPMENT, including modern military weaponry, have been substantial. The SPLA has no air force but is likely to obtain sophisticated anti-aircraft weaponry in the near future.



*Photography credit: unknown*

MEMBERS OF THE SPLA, guarding a relief convoy against attack by Khartoum-backed renegade militia groups