

# **THE SPLA AND HUMAN RIGHTS IN SUDAN**

**1 Northumberland Avenue  
London WC2N 5BW  
England**

**Telephone: 44 0207 872 5434  
Telefax: 44 0207 753 2848**

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## Introduction

The issue of human rights is a crucial one within any country, and particularly within countries such as Sudan which have been caught up in civil conflict. It is perhaps right that there has been a considerable focus over the years on the present government in Sudan and its position and role in the on-going civil war in that country. It is after all the most visible and accessible actor in political events in Sudan. At the same time, for a variety of reasons, there has perhaps been too little attention paid to the activities, position and role of Dr John Garang and the Sudan People's Liberation Army (SPLA) within the Sudanese conflict.

The need for this scrutiny is particularly important for several reasons. One is that the SPLA is being presented by the United States government, and others, as a vital political force within any future dispensation within Sudan. Given this international projection there are several aspects of the SPLA, its policies and its behaviour which must be candidly examined. Perhaps more importantly, the SPLA is not in anyway accountable for its actions within those areas of rural Sudan which it operates within, and dominates from time-to-time. Independent evidence of the SPLA's behaviour within these areas is difficult to come across. What little that has emerged presents a disturbing picture.

In examining the human rights record of the SPLA this study has relied upon the work of internationally respected human rights organisations such as Amnesty International, Human Rights Watch/Africa (including work it produced in earlier days as Africa Watch) and African Rights. It also includes material from *The Politics of Liberation in South Sudan: An Insider's View*, written by Dr Peter Adwok Nyaba and published in 1997. Dr Nyaba joined the SPLM/A in 1986, served as a SPLA officer and is currently a member of the SPLM National Executive Council. He can therefore be seen as an inside source and his description of the SPLA is a harrowing one.

## A background to conflict

The Sudan People's Liberation Army came into being in 1983, following a mutiny by southern members of the Sudanese army at Bor in southern Sudan. The mutiny was a reaction to the Nimeiri dictatorship's decision to change some of the understandings and structures settled by the 1972 Addis Ababa agreement, which had in turn ended the first Sudanese civil war which had been fought since before independence in 1956. The Nimeiri dictatorship had sought to interfere with some of the key powers granted to the Southern Sudanese regional government under that settlement. Southern resentment was heightened by the introduction later that year of Islamic *sharia* law throughout Sudan, including the largely non-Muslim south.<sup>1</sup>

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<sup>1</sup> See for example US Department of State *Background Notes: Sudan* at [www.info.usaid.gov](http://www.info.usaid.gov). There is a certain amount of divergence in respect of estimates of the religious breakdown of the southern population. *The Economist Intelligence Unit* in its report entitled 'Sudan: Country Profile 1994-95', puts the Christian population of southern Sudan at 15 percent. This figure is cited by Human Rights Watch/Africa in its 1996 study of Sudan. The definitive United States government guide *Sudan - A Country Study*, published by the Federal Research division and Library of Congress, states that "In the early 1990s possibly no more than 10 percent of southern Sudan's population was Christian". The internet reference for the above is [cstdy:\[DOCID+sd0056\]@tlcweb2.loc.gov](mailto:cstdy:[DOCID+sd0056]@tlcweb2.loc.gov). Animists of various kinds account for the rest of the population.

From its very inception, the SPLA was based predominantly on Dinka communities in southern Sudan. From 1983 until 1991, the SPLA was based in Ethiopia and extensively assisted by the totalitarian Mengistu *regime* in that country. And from the very start the SPLA was closely associated with human rights abuse.

The SPLA has waged war against several governments in Sudan, democratic and otherwise. The Nimeiri dictatorship was overthrown in 1985 and replaced by a transitional military government, which was in turn replaced in 1986 by the democratically-elected multi-party coalition government led by Sadiq al-Mahdi, a government dominated by the sectarian Umma and Democratic Unionist parties. The al-Mahdi government was overthrown in mid-1989 by a military government, a government which has gradually civilianised and democratised itself, having held, for example, presidential and parliamentary elections in 1996.

The SPLA reached a zenith of military activity in the late 1980s up until the collapse of the Mengistu administration in Ethiopia in 1991 which severely dislocated the organisation. In addition the SPLA itself fragmented into several groups that year. The war de-escalated dramatically. From 1995 onwards, however, the United States government re-energised the SPLA militarily, diplomatically and financially. With American encouragement Ethiopia reopened SPLA bases, as did Eritrea and Uganda.

### **Human Rights abuses within the SPLA**

It perhaps follows on from Garang's association with totalitarian politics that democracy and debate within the SPLA was clamped down upon very firmly. This intolerance dates back to the earliest days of the organisation. African Rights records, for example, that the initial political leadership of the Sudanese People's Liberation Movement (SPLM) was made up of Southern politicians and former ministers such as Akuot Atem, Martin Majjer, Samuel Gai Tut and Joseph Oduho. John Garang was named the head of the military wing, the Sudanese People's Liberation Army. Samuel Gai Tut and Akuot Atem subsequently withdrew from the SPLM in the wake of attempts to interfere with democratic decisions and transferred their allegiance to a rival Southern opposition group: Samuel Gai Tut was subsequently killed by SPLA forces. Garang then took for himself the chairmanship of the SPLM as well as being the SPLA commander-in-chief. African Rights summed up the intolerance within the SPLA: "It is hard to see how the SPLA could have become more authoritarian than it was in the 1980s".<sup>2</sup>

African Rights records some of institutionalised human rights abuses:

Southern intellectuals and politicians who wanted to join the SPLM were subordinated to the military... some of them were arrested and detained without trial...According to a liberal-democratic view, they were victims of human rights abuses because they challenged autocratic leadership. The shadow of these early violations still hangs over the Movement.<sup>3</sup>

Further abuses followed:

Political discussion within the SPLA was curtailed. The two remaining civilian politicians on the SPLM's original Provisional Executive Committee (PEC) - Joseph Oduho and Martin Majjer - were imprisoned from 1985 to 1992... The PEC was turned into a 'Political-Military High Command' (PMHC) composed only of soldiers. Two of the five original members of the PMHC (Kerubino Kuanyin and Arok Thon) were then incarcerated because they acted independently of Garang.<sup>4</sup>

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<sup>2</sup> *Food and Power in Sudan*, African Rights, London, 1997, p.92.

<sup>3</sup> *Ibid*, p.68

<sup>4</sup> *Ibid*, p.69.

Joseph Oduho, a respected, long-standing southern Sudanese political figure, was released and then murdered by the SPLA. Martin Majier, a judge and politician with considerable standing among the southern Bor Dinka, was also subsequently murdered by the SPLA. The SPLA claim he was shot while trying to escape. Other rival Southern opposition leaders were dealt with equally ruthlessly. Kawac Makuei was imprisoned in appalling circumstances from 1984 to 1992. Lakurnyang Lado, the chairman of the Front for the Liberation of South Sudan, was detained and publicly killed by the SPLA. African Rights also talks of “many allegations of other extra-judicial killings”. Southern Sudan had few enough political leaders of any substance and integrity. It is a simple matter of fact that the SPLA murdered most of them.

The Sudanese People’s Liberation Army as originally led by Garang fragmented in August 1991. SPLA forces in the Upper Nile area led by Dr Riek Machar Teny-Dhurgon, Dr Lam Akol Ajawin and Gordon Koang Chol broke away from the SPLA, accusing John Garang of dictatorial behaviour and human rights abuses. Dr Machar and Dr Akol came to head that grouping known as SPLA-Nasir. Garang then renamed what remained of the SPLA as SPLA-Torit and then SPLA-Mainstream. Further dissatisfaction with Garang led to an additional fragmentation of what remained of his SPLA grouping when Garang’s deputy, William Nyoun Bany, left and formed another grouping called SPLA-Unity. Riek Machar’s SPLA-Nasir and Nyoun’s Unity groups then merged in March 1993 to form SPLA-United. SPLA-United then itself divided.<sup>5</sup>

### **The SPLA and Human Rights abuses in Sudan**

As we have seen, it is a matter of record that the SPLA has been associated with systematic human rights abuses from its very formation. The 1995 Amnesty International report on Sudan, *The Tears of Orphans: No future without human rights*, stated:

(S)ince its inception in 1983 the SPLA’s approach to human rights issues has been characterized by ruthlessness, a lack of accountability and a complete disregard for the principles of humanitarian law... Deliberate attacks... have been... responsible... for the destruction of rural communities. Prominent internal dissidents have been detained and some have been deliberately killed. Prisoners have been tortured, in some cases to death. Prison conditions in SPLA jails have been harsh to the extent of cruelty. Military discipline is only loosely maintained.<sup>6</sup>

The human rights situation within those areas of southern Sudan controlled by the SPLA is particularly disturbing. Garang’s involvement in the murder and imprisonment without trial of several early SPLA leaders and officials within the SPLA itself was perhaps an early indication of the larger-scale human rights abuses that were later to follow within Sudan itself. Some respected international observers have presented a birds-eye picture of SPLA behaviour within several of those areas of Sudan under its control. John Prendergast is one such commentator. He is a development expert and veteran analyst of north-east African affairs, and served as the director of the Horn of Africa project at the Center of Concern in Washington-DC. His 1997 book *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*, examines several important aspects of the Sudanese situation. He has a working knowledge of the SPLA, which is described as having:

attained possession of adequate means of coercion and has terrorized the southern population into passive compliance. The predominant instruments

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<sup>5</sup> Dr Machar came to head the South Sudan Independence Movement (SSIM) and Dr Akol continued as the chairman of SPLA-United.

<sup>6</sup> *The Tears of Orphans: No future without human rights*, Amnesty International, London, 1995, p.87.

of the movement since 1983 have been and still are coercion and corruption. It has not managed to integrate society around any positive values.

The movement has been able to persist only as long as it successfully coerces, and demoralises social groups in the region. Because the cooperation of the civil population is needed, at times, in order to carry out the liberation struggle, coercion has not been a successful strategy. Corruption, in various doses, might have worked for some time, but it demoralizes both the commanders and the people... Institutionalization of the top-down arrangements by the socialist group who initially established the SPLM/A has led to a permanent oppression of those persons in the area under the control of the movement.<sup>7</sup>

African Rights has touched on the SPLA's close association with the ruthless Mengistu regime and the implications that relationship had on those areas of southern Sudan the came to dominate militarily:

The SPLA strategy was not to mobilise the people in pursuit of a political aim, so much as to capture state power, and then use that power to effect a radical transformation of Sudanese society. This reflected the state socialist (or, less kindly, 'Afro-Stalinist') approach of Mengistu. *While Mengistu ruled Ethiopia, the SPLA used Ethiopian state power as part of its structures of control and transformation. In the Ethiopian refugee camps, the SPLA was a government. In rebel-held areas of Sudan it sought to recreate these conditions* (our italics).<sup>8</sup>

Amnesty International has also documented that the SPLA is ruthless in preventing civilians from leaving its areas for refuge in government-controlled areas. In the Nuba mountains, for example, the SPLA imposed a "civilian exclusion zone" around areas it dominated in order to deter civilians leaving. Those leaving were murdered by the SPLA.<sup>9</sup>

African Rights has commented that:

All military training is, in a sense, dehumanising. It prepares people to kill others. But the SPLA took this to an extreme. It inculcated a callous attitude towards civilians... At times, the elevation of the military verged on a nihilistic attitude towards civilians and existing social structures.<sup>10</sup>

An even more chilling account, which directly echoes that of African Rights, is provided by Dr Peter Nyaba, a former SPLA military officer and now SPLM executive member:

Independent and liberal political opinion was throttled by the security apparatus - the 'Combat Intelligence' - an equivalent of Nimeri's defunct 'State Security Organ'... The 'Combat Intelligence', in its ruthless 'anti-people' mentality and instantaneous obedience to the SPLM/A leadership, created, in the Movement in general, and among the combatants in particular, an atmosphere of mutual distrust, suspicion, fear, indifference, apathy and outright demoralisation... This... attitude was manifest first in the training camps, and then in areas that fell under SPLA administration. The SPLA training camps themselves resembled concentration camps in which the recruits and prospective SPLA soldiers are brutalised, dehumanised and de-revolutionised... It was here that the SPLA officers and

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<sup>7</sup> Prendergast, *Crisis Reponse: Humanitarian Band-Aids in Sudan and Somalia*, Pluto Press, London, 1997, p.57.

<sup>8</sup> *Food and Power in Sudan*, op cit., p.63.

<sup>9</sup> *The Tears of Orphans: No future without human rights*, op. cit., p.89.

<sup>10</sup> *Food and Power in Sudan*, op cit., p.82.

men internalised oppression and brutality. Once they were deployed at the war front, their first victims became civilians, whom they now terrorised, brutalised, raped, murdered and dehumanised.<sup>11</sup>

Given his background, Nyaba is in a unique position to describe the behaviour of the SPLA within those areas of Sudan in which it controlled or operated within. He himself quotes a senior SPLM/A administrator as saying that the SPLA “looked down upon the people without arms like conquered people at their mercy”. Nyaba then goes on to record that:

(W)ithout sufficient justification, the SPLA turned their guns on the civilian population in many parts of the South. The consequence of this was that many communities turned against the SPLA and migrated *en masse* to the government garrison towns... As a consequence of all these factors, the SPLM/A... degenerated into an agent of plunder, pillage and destructive conquest... an SPLA soldier operating in any area different from his own home saw no difference between the civil population... and the enemy. The SPLA became like an army of occupation in the areas it controlled and from which the people were running away.<sup>12</sup>

Within this SPLA regime in areas of southern Sudan occupied by the SPLA, Nyaba further records that:

Encouraged by the examples of grabbing, looting, murder and rape committed by some senior officers in the Movement, many of the commanders at various fronts turned their attention to amassing wealth looted from the civilian population... In many places, the civilians fled from the so-called ‘liberated’ areas, which had become nothing but ruins.<sup>13</sup>

Nyaba is also able to give a stark account of SPLA human rights abuses inside Sudan:

It was not uncommon to find an SPLA trail littered with serious and horrendous human rights abuses and violations: murder, rape, looting and irrational waste of resources, mainly grain and livestock. The arrogance and power of carrying an AKM rifle made them wasteful and brutal to the civilian population.

Nyaba described one incident in which SPLA forces were initially welcomed into a village, whose inhabitants “lavishly served the soldiers with beef, grain, sorghum beer, alcohol and tobacco”. The SPLA men then “went on a drunken looting and raping spree which resulted in several murders.” It is chilling to note that Nyaba described this incident as representing “a common feature of the initial interaction between the SPLA and the civil population... .This unfortunate incident repeated itself in many other places in South Sudan wherever the SPLA ventured to set foot, without being corrected of the perpetrators punished.”<sup>14</sup>

In his 1996 report, the United Nations Special Rapporteur on human rights in Sudan, documented an incident which had taken place on the evening of 30 July 1995. SPLA forces had attacked two villages in Ganyiel region in southern Sudan. SPLA gunmen killed 210 villagers, of whom 30 were men, 53 were women and 127 were children. The Special Rapporteur stated that:

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<sup>11</sup> Peter Nyaba, *The Politics of Liberation in South Sudan: An Insider's View*, Fountain Publishers, Kampala, 1997, p.49-50.

<sup>12</sup> *Ibid*, p.52.

<sup>13</sup> *Ibid*, p.58.

<sup>14</sup> *Ibid*, p.36.

Eyewitnesses reported that some of the victims, mostly women, children and the elderly, were caught while trying to escape and killed with spears and pangas. M.N., a member of the World Food Programme relief committee at Panyajor, lost four of her five children (aged 8-15 years). The youngest child was thrown into the fire after being shot. D.K. witnessed three women with their babies being caught. Two of the women were shot and one was killed with a panga. Their babies were all killed with pangas. A total of 1,987 households were reported destroyed and looted and 3,500 cattle were taken.<sup>15</sup>

Africa Watch also placed on record that the SPLA has murdered government soldiers taken as prisoners of war. After capturing the town of Bor in March 1989, for example, Africa Watch stated that there were "reports that a large number of captured soldiers, possibly running into the hundreds, were executed by the SPLA immediately following the capture." Africa Watch also quoted a SPLA source who stated that government soldiers captured after fighting were routinely killed. The human rights group also recorded that there were "no accounts of the SPLA holding prisoners of war from (pro-government) militias." It stated that it was likely they were not afforded an opportunity to surrender or were killed after capture.<sup>16</sup> This then is perhaps a more realistic picture of those areas of southern Sudan dominated by the SPLA than that afforded to the outside world by their fellow-travellers.

In 1990 Africa Watch also reported that the SPLA was responsible for human rights abuses within those parts of Ethiopia in which it was based. In one instance, SPLA units were involved in the massacre of over 500 Ethiopian civilians in the lower Omo valley of southwest Ethiopia. The SPLA had previously been involved in cattle-raiding activities in the area.<sup>17</sup> Africa Rights also records that the Ethiopian regional authorities in Gambela "delivered stern warnings about the SPLA's failure to stop its soldiers abusing the local people". The organisation reported one such incident in September 1989 when twenty Ethiopians were murdered and more than twenty houses were set on fire by SPLA gunmen. Earlier, in March that year, there had been a meeting "to resolve many complaints by local Ethiopians against SPLA lawlessness in the border region".<sup>18</sup> Dr Nyaba also reveals that the SPLA was implicated in further widespread abuses of human rights in Ethiopia:

In August 1989, it became the turn of the Ethiopian Anyuaks to suffer the brutality of the SPLA. For reasons and motives which could not be established, a contingent of the SPLA went into action against the Anyuaks, both civilians and Ethiopian government militia in Itang and Piny-udo, in which nearly two hundred people, including women and children, were massacred.<sup>19</sup>

### **The SPLA claim to a legal code**

In an effort to offset allegations of human rights abuse, the SPLA claim to follow legal codes it has drawn up. The SPLA, for example, published a legal code in 1983, and produced new guidelines in 1994, and claimed to use them as models within parts of Sudan. In 1995, however, Amnesty International declared that the legal system "operating in SPLA-controlled areas fails to satisfy minimum international standards of fairness in almost every respect. The courts are not independent or impartial, it is not clear what law is applied... The administration of justice through courts-martial has been arbitrary and chaotic... The court system is characterized by an inadequate separation of

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<sup>15</sup> *Situation of human rights in the Sudan: Report of the Special Rapporteur*, Mr Gaspar Biro, submitted in accordance with Commission on Human Rights resolution 1995/77, E/CN.4/1996/62, 20 February 1996.

<sup>16</sup> *Denying "The Honor of Living": Sudan A Human Rights Disaster*, Africa Watch, New York, 1989, p.155.

<sup>17</sup> *Ibid*, p.158.

<sup>18</sup> *Food and Power in Sudan*, *op cit.*, p.83 and 87.

<sup>19</sup> Nyaba, *op cit.*, p.37.

powers between the executive and the judiciary: in a situation where the military is totally dominant it is easily abused.” Amnesty International went on further to cite a former Garang SPLA officer “who was involved in the administration of justice” as saying that:

The code is next to useless... There is no real judicial system”<sup>20</sup>

Amnesty further recorded that:

None of the political detainees arrested between 1984 and 1993 are known to have received a trial. Some cases were investigated - although most frequently investigations appear to have focused on extracting information rather than building a legal case.<sup>21</sup>

In 1997, African Rights stated that “despite much talk about the importance of the judiciary, transparency and accountability” the SPLA has not “made a serious effort to improve the situation.”. One result of this was said to be “an increasingly marked abuse of the property and persons of NGOs. Nothing has ever been done about it... They put everything under the carpet, and it gets worse and worse.”<sup>22</sup>

### **The SPLA and ethnic cleansing**

For all its claims to be a nationally-based movement, it is clear that the Sudan People’s Liberation Army is essentially based upon, and dominated by the Dinka tribe, one of southern Sudan’s many ethnic groupings. Since its inception Garang’s SPLA was essentially based upon Dinka communities in Upper Nile, especially the Bor Dinka, and the Dinka in Bahr el Ghazal. Nyaba confirms the unambiguously tribal origins of the SPLA:

Initially, political mobilisation for the SPLM/A in 1983/4 was along the lines that the Bor and the people of Kongor would have an opportunity to acquire weapons they needed to fight back, or revenge the cattle rustling practised against them by the Murle. This mobilisation that took more than ten thousand Bor youth to SPLA training camps in 1983 was not for the national agenda of liberation but to settle local scores with their neighbours, the Murles or the Nuers.<sup>23</sup>

Amnesty International, amongst other international organisations, documented the August 1991 split in the old SPLA, when the SPLA divided into two and then three factions. As mentioned above these were known for a time as the Torit and then Mainstream faction, controlled by John Garang, the Nasir faction led by Riek Machar, and the SPLA-Unity faction led by William Nyoun. Amnesty International recorded that “most SPLA-Torit support was drawn from Dinka”. The SPLA-Nasir faction was said to derive its support from the Nuer and Shilluk tribes of southern Sudan.

Following the 1991 split, Amnesty International stated that the two groups attacked each other and civilian groups “for ethnic reasons”.<sup>24</sup> Amnesty International also stated that John Garang’s group victimised civilians belonging to ethnic groups suspected of supporting the other faction:

In the early part of 1993 SPLA-Torit began an operation which involved the destruction of villages thought to be sympathetic to the Unity group. In January, 17 Latuka villages around the Imatong and Dongotona mountain

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<sup>20</sup> *The Tears of Orphans: No future without human rights, op cit.*, p.100/101.

<sup>21</sup> *Ibid*, p.102.

<sup>22</sup> *Food and Power in Sudan, op cit.*, p.330/31.

<sup>23</sup> Nyaba, *op cit.*, p.24.

<sup>24</sup> *Sudan: The Ravages of war: political killings and humanitarian disaster, op.cit.*, p.21.



ranges were destroyed, displacing tens of thousands of people. In the same month Torit faction forces moved further north and attacked Pari villages around the densely populated area of Jebel Lafon, some 100 kilometres east of Juba. Scores of civilians remain unaccounted for and are alleged to have been killed.<sup>25</sup>

Prendergast's *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia* also documented SPLA tactics aimed at destroying civilian centres in areas not controlled by the Garang faction. The SPLA sought to "weaken the subsistence base upon which (opposing groups) depend, utilizing village burning, cattle and crop stealing and destruction, denial of food aid".<sup>26</sup> A distinct ethnic undercurrent was also placed on record by Prendergast, who stated that there had been strained relations between the SPLA and communities in Equatoria ever since the SPLA came into being in 1983. Since then, depending on circumstances, the SPLA has shown "absolute disregard for their human rights."<sup>27</sup>

### **The SPLA, slavery and slavery-like practices**

Most organisations and commentators date the "slavery" issue to the mid-to-late 1980s, when the Umma party government of Sadiq al-Mahdi and the SPLA armed long-standing tribal enemies, and organised them in loose militia form and encouraged them to fight each other on their behalf. This in effect renewed the culture of hostage taking, ransoming and abduction - which unfortunately continues to this day despite concerted attempts to stop it.

It is very clear that by Human Rights Watch/Africa's own working definition, and that of groups such as CSI, the Sudan People's Liberation Movement/Army led by John Garang is unambiguously identified with slavery and slavery-like practices. The SPLM/A has abducted tens of thousands of Sudanese men, women and children and used them as forced labour. As we have also seen, the SPLM/A is a resolutely centralised organisation: Garang has led the SPLA since 1983 and is therefore directly accountable for the kidnapping, abductions, forced labour, forced conscription and other slavery-related practices his organisation has been party to.

In *Denying "The Honor of Living": Sudan A Human Rights Disaster*, Africa Watch's 1989 report on Sudan, this human rights group recorded that:

accounts of hostage-taking and forced labor suggest that the SPLA may be taking captives and civilians in occupied areas that can degenerate into slavery. There are also accounts of the treatment of captives that suggest a situation that has already degenerated into *de facto* slavery.<sup>28</sup>

Africa Watch recorded in 1989 that "the people subject to enslavement mostly comprise Tigrayans from northern Ethiopia".<sup>29</sup> The 1990 United States State Department's *Country Reports on Human Rights Practices* stated that "the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids". The role of the SPLA in creating the circumstances for slaving was touched on in the 1991 *Country Reports on Human Rights Practices* which recorded that: "It was not clear at year's end whether the intra-SPLA fighting, marked by Nuer-Dinka tribal rivalries, would also result in the taking of slaves".<sup>30</sup>

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<sup>25</sup> *Ibid*, p.24

<sup>26</sup> Prendergast, *op cit.*, p.45.

<sup>27</sup> *Ibid.*, p.57.

<sup>28</sup> *Denying "The Honor of Living": Sudan A Human Rights Disaster*, *op cit.*, p.162.

<sup>29</sup> *Ibid*, p.160/61.

<sup>30</sup> *Country Reports on Human Rights Practices*, 1991, US Department of State, Washington-DC, 1992, p.391.

In its 1994 report *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, Human Rights Watch/Africa documented the SPLA's use of "forced unpaid farm labor on SPLA-organized farms". Human Rights Watch/Africa also reported that "The SPLA has conducted forcible recruitment...since at least the mid-1980s" and that "Forcing civilians to porter supplies for the SPLA is a chronic abuse."<sup>31</sup>

### **The SPLA and Sudan's Missing children**

The SPLA has long been identified with a planned, long-term policy of abducting children for use by their organisation. The SPLA's direct role in abducting more than fifteen thousand young southern Sudanese boys and holding them against their will in abysmal conditions has been well-documented. The 1991 *Country Reports on Human Rights Practices* placed on record that the SPLA had "forcibly conscripted at least 10 000 male minors"<sup>32</sup> and reiterated that the SPLA/M continued to use southern men for forced labour and portering. Human Rights Watch/Africa and the Children's Rights Project published *Sudan: The Lost Boys* which described the removal of young boys from southern Sudan by the SPLA in what has been described as the "warehousing" of children for subsequent use in the war.<sup>33</sup> These children are unaccompanied and the SPLA have refused any attempts at family reunification. Once suitably isolated these children are then used for forced labour and then forcibly conscripted into the SPLA.

The SPLA's purposeful abduction and isolation of southern Sudanese children can be seen as a corrupted and less sophisticated version of the Nazi use of youngsters for political and military ends, the result of which is a grouping of child soldiers within the SPLA known as the "Red Army". The SPLA's abduction and gathering of children, and their subsequent treatment, is dealt with over almost thirty pages in *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*.<sup>34</sup> In a separate study, Human Rights Watch/Africa concluded that:

The primary purpose, however, of luring and keeping thousands of boys away from their families and in separate boys-only camps was, in the judgement of Human Rights Watch, a military purpose. This resulted in the training and recruitment of thousands of underage soldiers who were thrust into battle in southern Sudan and briefly in Ethiopia.<sup>35</sup>

In late 1994, Human Rights Watch/Africa and its Children's Rights Project published *Child Soldiers and Unaccompanied Boys in Southern Sudan*. The report was based on a fact-finding visit to Sudan, Kenya and Uganda. Human Rights Watch/Africa documented the SPLA's use and abuse of boys as young as seven years of age. Thousands of these children were held in SPLA camps in Ethiopia and elsewhere. Human Rights Watch/Africa reported that "the conditions in some of these camps have been described as 'heartrending': no schooling, no hygiene, few caretakers, ragged clothing, disease and little food."

Human Rights Watch/Africa returned to this issue in September 1995. In a press release it stated that:

The rebel SPLA has long had a policy of separating boys from their homes and families for military training... Thousands of boys went to the Ethiopian refugee camps hoping for an education and received mostly military training in segregated facilities for "unaccompanied boys." The SPLA inducted boys as young as eleven into its ranks. The separation of unaccompanied boys

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<sup>31</sup> *Civilian Devastation: Abuses by all Parties in the war in Southern Sudan*, Human Rights Watch/Africa, New York, 1994, pp. 174, 189 and 192.

<sup>32</sup> *Country Reports on Human Rights Practices*, 1991, US Department of State, Washington-DC, 1992, p.382.

<sup>33</sup> *Children of Sudan*, *op cit.*, p.75.

<sup>34</sup> *Civilian Devastation*, *op cit.*, pp.195-224.

<sup>35</sup> *Children of Sudan*, *op. cit.*, p. 75.

from their families continued when the refugees fled back into Sudan in 1991... boys in 'unaccompanied minors' schools in Eastern Equatoria were called up in 1994 and 1995, while the SPLA continued to recruit minors, a practice it denies. The 'unaccompanied boys' under its control now number about 4,500.

Human Rights Watch/Africa also clearly documented John Garang's refusal to cooperate with attempts to reunite young boys under his control with their families:

In 1993 UNICEF began a project to reunify willing unaccompanied boys in southern Sudan with their willing families. The SPLA never cooperated with UNICEF's family reunification program, preferring to keep the boys together and close to military facilities, to call them up when needed.

On 13 June 1996, Lois Whitman, the director of the Children's Rights Project of Human Rights Watch, Peter Takirambudde, director of Human Rights Watch/Africa, and Jemera Rone, Human Rights Watch's counsel and Sudan researcher, wrote to John Garang on the issue of the SPLA use of child soldiers and the treatment of Sudanese children in SPLA camps. Human Rights Watch called on the SPLA to stop using Sudanese boys in UNHCR camps in Fugnido and Dima, in Ethiopia, as underage soldiers. The letter clearly stated that "the SPLA is still continuing in this highly irregular practice, one which is detrimental to the future of the boys concerned as well as to the future of the south as a whole." These human rights professionals added:

Finally, we note with regret that the SPLA has never cooperated with the UNICEF family reunification program.

Human Rights Watch/Africa has also recorded the almost wanton way in which these boys are used by the SPLA. The 'Red Army' mentioned above was described by a SPLA officer as:

Young people, ages fourteen to sixteen... (when) the Red Army fought... (it) was always massacred... They were not good soldiers because they were too young.<sup>36</sup>

In addition to being responsible for the slaughter of thousands of young boys, often in pointless, "human wave" attacks, the SPLA is also directly responsible for the deaths by starvation or disease of thousands of other minors. Nyaba criticises the fact that no-one within the SPLA leadership was held accountable for such deaths:

For instance, the officer responsible for Bilpam was not held accountable for the deaths from starvation and related diseases of nearly three thousand Nuba youths under training in 1988. And yet it was known that their food was being sold at the Gambella market, and the proceeds appropriated by the commander. Similarly, the deaths from hunger and starvation of hundreds of recruits in the Dimma refugee camp were not investigated.<sup>37</sup>

As touched on by Human Rights Watch/Africa, the future of southern Sudan has clearly been jeopardised by this SPLA policy. The damage that has been done to traditional society in southern Sudan by John Garang and the SPLA is incalculable. It is perhaps a sad reality that Garang has done more to destroy traditional life and cultural structures in southern Sudan than any central government in Khartoum. The SPLA continues to purposefully abduct young boys to this day, as can be seen below.

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<sup>36</sup> Human Rights Watch/Africa, press release for *Child Soldiers and Unaccompanied Boys in Southern Sudan*, New York, 11 November 1994.

<sup>37</sup> Nyaba, *op cit.*, p.55.

## The SPLA and terrorism in Sudan

Part of John Garang's close identification with widespread abuses of human rights with Sudan has been its indiscriminate use of terrorism. This has included the widespread murder of Sudanese men, women and children, indiscriminate mortaring and rocketing of urban areas in southern Sudan, the torture and execution of opponents, the murder of international relief workers, and the laying of landmines. The SPLA has also admitted the shooting down of civilian airliners within Sudan, incidents involving considerable loss of civilian life. That the SPLA has been closely identified with terrorism is beyond dispute. On 16 August 1986, the SPLA shot down a civilian airliner taking off from Malakal in southern Sudan, killing sixty people. Two days later the SPLA announced it would continue to shoot down civilian aircraft. A second civilian aircraft was shot down in May 1987 with the deaths of thirteen passengers and crew.

The United States Department of State 1990 *Country Reports on Human Rights Practices* reported that the SPLA "conducted indiscriminate mortar and rocket attacks on the city of Juba, killing more than 40 civilians and wounding many others. These attacks...seemed intended to terrorize the inhabitants". The human rights report also stated that there had been "extensive pillaging and shooting of civilians by SPLA/M forces along the Sudan-Ethiopian border".<sup>38</sup> In November 1991 the SPLA again shelled the southern city of Juba, killing 70 civilians. In August 1991, the SPLA fragmented and one of the factions, the Nasir Group, accused Garang of human rights violations including the torture and execution of opponents, arbitrary detentions and the forced conscription of children. The SPLA-Nasir group claimed that some of Garang's southern opponents had been incarcerated for up to six years.<sup>39</sup> In 1992, the SPLA continued the random shelling of Juba, killing over 200 southern civilians. Garang's group was also responsible for the cold-blooded murder of three international relief workers and a journalist.<sup>40</sup>

In 1993, Amnesty International recorded, as but one example of SPLA terrorism, that Garang's forces had lined up 32 women from the village of Pagau, 12 kilometres from Ayod in southern Sudan, and then shot each once in the head. Eighteen children were reported to have been locked in a hut which was then set on fire. Three children who attempted to escape were then shot. The rest burnt to death. In Paiyoi, an area northeast of Ayod, Amnesty International reported that 36 women were burnt to death in a cattle byre. Nine others were clubbed to death by Garang forces.<sup>41</sup>

It is a matter of record that in its 1994 report *Civilian Devastation: Abuses by all Parties in the War in Southern Sudan*, a 279-page study, Human Rights Watch/Africa devoted 169 pages to "SPLA Violations of the Rules of War". Government violations were dealt with over 52 pages. Human Rights Watch/Africa reported that the SPLA was guilty of, amongst other things, indiscriminate attacks on civilians, abducting civilians, mainly women and children, torture, summary executions, the deliberate starvation of civilians, forced recruitment and forced labour, theft of civilian animals, food and grain, and the holding of long-term political prisoners in prolonged arbitrary detention.<sup>42</sup>

John Prendergast's 1997 book *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*, Prendergast documented some of the evidence of SPLA abuse of human rights:

Perhaps one of the most telling signs of SPLA treatment of civilians resulted from an exercise in which children in UN High Commission for Refugees' (UNHCR) camps in Uganda were asked to draw pictures depicting life in a

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<sup>38</sup> *Country Reports on Human Rights Practices*, 1990, US Department of State, Washington-DC, 1991, p.387.

<sup>39</sup> *Country Reports on Human Rights Practices*, 1991, US Department of State, Washington-DC, 1992.

<sup>40</sup> *Country Reports on Human Rights Practices*, 1992, US Department of State, Washington-DC, 1993.

<sup>41</sup> *Sudan: The Ravages of war: political killings and humanitarian disaster*, Amnesty International, London, AI Index: AFR 54/29/93, 29 September 1993, p.25.

<sup>42</sup> *Civilian Devastation*, *op. cit.*, p.3.

refugee camp for International Refugee Day 1993. Most of the children drew harrowing pictures of pre-rape scenes, killings and lootings, with 'SPLA' written on top of many of the pictures.<sup>43</sup>

The SPLA has also callously and indiscriminately used landmines within civilian areas. The US Department of State's *Sudan Country Report on Human Rights Practices for 1996*, for example, documented that rebel forces "indiscriminately laid land mines on roads and paths, which killed and maimed... civilians."<sup>44</sup> A 1990 Africa Watch report stated that SPLA "land mines are planted at well-heads, on roads, near marketplaces, and close to injured people, so that would-be rescuers are blown up."<sup>45</sup>

### **The SPLA persecution of the Church**

It is ironic that John Garang is so unreservedly supported by Christian fundamentalist groupings in the United States and Europe given the SPLA's clear intolerance of churches and abuse of Christian clergy and missionaries in southern Sudan. This behaviour starkly contradicts their projection by groups such as Christian Solidarity International as a Christian movement. It is also clear that the SPLA's intolerance of missionaries is only a dim echo of their systematic abuse of civilians in several parts of southern Sudan.

The Sudan People's Liberation Army under John Garang has long had a questionable relationship with Christianity in southern Sudan, and elsewhere. Despite Garang's "irrevocable" 1984 commitment to "religious freedom", African Rights records that:

In the early years of the war... the SPLA... actively repressed the Church. This paralleled the campaign against the Church being waged in Ethiopia at the time... In the late 1980s, paralleling similar developments in Ethiopia, the SPLA abandoned much Marxist orthodoxy and became more tolerant of the Church. According to Bishop Nathaniel Garang, in the early days many SPLA soldiers "smoked the Bible" - they rolled their cigarettes in pages torn from copies of the Holy Book.<sup>46</sup>

One of the earlier incidents in the 1980s involving SPLA gunmen had taken place when the SPLA captured the town of Torit in February 1989. The Roman Catholic Bishop of Torit, Bishop Paride Taban, and other Catholic clergy and believers were, in the words of African Rights, subjected to "vicious treatment". Bishop Taban was imprisoned and publicly humiliated by the SPLA. African Rights also reported that nuns had been raped by John Garang's forces. Church property was looted or destroyed. Bishop Taban was again imprisoned and mistreated by SPLA gunmen in 1992. Church property was again stolen.<sup>47</sup>

This intolerance has continued to this day. In August 1996, for example, John Garang's forces detained six Catholic missionaries at Mapourdit mission station, 35 kilometres from Akot. Four of those detained were under arrest by SPLA gunmen, and included two Australians, Sister Moira Lynch, aged 73, and Sister Mary Batchelor, aged 68, and Father Raphael Riel the Vicar-General of Rumbek Diocese. The charges against these missionaries were said to be: "hindering SPLA recruitment, being found in possession of documents proving that they were spies from foreign countries, working for the spread of Islam under the disguise of the Cross."<sup>48</sup> A Sudanese priest, Father Raphael, received

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<sup>43</sup> Prendergast, *op.cit.*, p.57.

<sup>44</sup> *Country Reports on Human Rights Practices*, 1996, US Department of State, Washington-DC, 1997, p.7.

<sup>45</sup> *Denying "The Honor of Living": Sudan A Human Rights Disaster*, *op.cit.*, p.157.

<sup>46</sup> *Great Expectations: The Civil Roles of the Churches in Southern Sudan*, Discussion Paper No.6, African Rights, London, April 1995, p.7.

<sup>47</sup> *Food and Power in Sudan*, African Rights, London, 1997, p.332.

<sup>48</sup> Three Sisters, two Priests and a Brother prisoners of the SPLA in Mapourdit (Southern Sudan), Press Release, Sudan Monthly Report, Sudanese Catholic Information Office, 26 August 1996, available at <http://www.freeworld.it/peacelink/africa/scio/month-2a.html>

64 lashes from the SPLA gunmen. One of those imprisoned, Father Mike Barton, described the SPLA commander as “mad and dangerous”: the same commander later accused him of “drinking the blood of children”. When Father Barton protested at the SPLA beating up a pregnant women and an old man at the mission, he too was beaten up. The Sudanese Catholic Information Office also reported that the mission was looted. The six missionaries were eventually released. The cause for their ordeal was that they had expressed concern at the SPLA’s continuing abduction of Sudanese boys as young as twelve years of age for use as forced labour or child soldiers. This detention was in direct contravention of the SPLA’s April 1996 resolution that “no person shall be held in incommunicado detention without charge or trial.” No action was ever taken against the perpetrators.

### **The SPLA and accountability**

The SPLA has consistently refused to account for its human rights abuses. Africa Watch’s 1990 report documented that:

Africa Watch is not aware of any efforts by the SPLA to conduct systematic investigations of human rights abuses committed by members of its own forces or to punish those responsible.<sup>49</sup>

This was echoed and restated in 1995 by Amnesty International, who recorded that the SPLA:

is not known to have taken action against human rights abusers within its ranks, or to provide redress for the victims of abuses. It has remained silent on this issue.<sup>50</sup>

The American State Department has placed on record that the SPLA has not honoured promises to investigate human rights abuses, despite the existence of paper pledges and agreements to do so.

The US Department of State’s *Sudan Country Report on Human Rights Practices for 1996*, for example, stated that Garang’s SPLA “continued to violate citizens’ rights, despite its claim to be implementing a 1994 decision to assert civil authority in areas that its controls”. The State Department also noted that Garang’s movement had “failed to follow through on its promise to investigate a 1995 massacre.”<sup>51</sup>

### **The SPLA in 1998**

Anyone interested in a peaceful, negotiated settlement of the Sudanese conflict must demand accountability from both sides. What is also needed is a clear and objective assessment of the political and human rights situation throughout Sudan. Such an assessment is made all the more difficult by partisan supporters of John Garang. Christian Solidarity International’s June 1996 Sudan report, for example, recommended support for the “efforts of the SPLM/A... to promote the values and institutions of civil society”. Baroness Cox also claimed that “the SPLM/A shows a serious commitment to the implementation of principles and policies for the promotion of peace and justice”.<sup>52</sup> This is in the face of hard evidence of the repression and terrorism practised by the SPLA. The CSI picture is certainly not how the SPLA is seen by reputable American aid

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<sup>49</sup> *Denying “The Honor of Living”*: Sudan A Human Rights Disaster, p.6.

<sup>50</sup> *The Tears of Orphans*: No future without human rights, *op cit.*, p.99.

<sup>51</sup> *Sudan Country Report on Human Rights Practices*, 1996, United States Department of State, Washington-DC, 1997, p.2

<sup>52</sup> *CSI Visit to Sudan, June 10-15 1996*, Christian Solidarity International, London.

and development workers, people who are non-partisan and who have spent considerably more time in the country and region than CSI's one week escorted visits.

The SPLA's attitude towards southern Sudan's civilian population has been described as verging on "nihilistic" by one human rights organisation. John Garang and the SPLA have been identified with systematic, large-scale abuse of human rights. The SPLA has been responsible for the murder of thousands of Sudanese men, women and children. It has additionally been associated with slavery and slavery-like practices, including the abduction of over fifteen thousand Sudanese boys under the age of sixteen and the use of forced labour on SPLA farms. Several thousand of these children have died while under SPLA control. The SPLA has also ruthlessly used terrorism in its operations. This terrorism has included the shooting down of civilian airliners, the mortaring and rocketing of towns resulting in hundreds of civilian deaths, the murder of relief workers and the indiscriminate use of landmines.

Several human rights groups have shown the SPLA to have a clear tribalist orientation. The SPLA's cold-blooded murder of civilians because of their ethnicity compares with the ethnic bloodshed seen in the former Yugoslavia. That the American government, and others, continue to support an openly ethnicist group such as the SPLA, in a country made up of hundreds of tribes and in an area which has seen the bloody results what such racism and tribalism has lead to in the Great Lakes region is disturbing. Given the ethnic-cleansing that has taken place in those areas of southern Sudan militarily dominated by the SPLA, the prospect of the SPLA being militarily foisted upon southern Sudan or even Sudan as a whole is even more unpalatable.

The need for a balanced and objective assessment of the human rights situation in Sudan is clear. As a British minister recently stated in the House of Commons, human rights are indivisible, they cannot be partial or arbitrarily based.<sup>53</sup> Only when concern about human rights is evenly focused can one hope for real progress to be made in securing them.

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<sup>53</sup> Tony Lloyd, House of Commons, 9 March 1998, as reported in *Hansard*.