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***The boundary between north and south Sudan runs south of Southern Darfur, Western Kordofan, Southern Kordofan, White Nile and Blue Nile States. The so-called 'marginal' areas are Abyei, Southern Kordofan/the Nuba mountains and Blue Nile State.***

# Sudan

## Arming the perpetrators of grave abuses in Darfur

### Introduction

*"I was living with my family in Tawila and going to school when one day the Janjawid came and attacked the school. We all tried to leave the school but we heard noises of bombing and started running in all directions... The Janjawid caught some girls: I was raped by four men inside the school...When I went back to town, I found that they had destroyed all the buildings. Two planes and a helicopter had bombed the town. One of my uncles and a cousin were killed in the attack. "* A 19-year-old woman, describing the attack on Tawila in February 2004.<sup>1</sup>

Governments of countries named in this report that have allowed the supply of various types of arms to Sudan over the past few years have contributed to the capacity of Sudanese leaders to use their army and air force to carry out grave violations of international humanitarian and human rights law. Foreign governments have also enabled the government of Sudan to arm and deploy untrained and unaccountable militias that have deliberately and indiscriminately killed civilians in Darfur on a large scale, destroying homes, looting property and forcibly displacing the population. Amnesty International has received testimony of gross human rights violations from hundreds of displaced persons in Chad, Darfur and in the capital, Khartoum.

The tragedy of Darfur is that the international community, already heavily engaged in the north-south peace process in Sudan, took far too long to recognize the state-sponsored pattern of violence and displacement and failed to act earlier to protect the population. Yet what has happened in Darfur is just a more horrific and accelerated version of what had already happened in many parts of southern Sudan. Antonov aircraft, MiG fighter jets and helicopter gunships bombed villages, killed civilians and forced the people to flee their homes in Darfur. In the previous 20 years Antonovs and helicopter gunships had bombed villages, killed civilians and forced people to flee their homes in the southern Sudan. In Darfur, government-armed militias, usually known as the *Janjawid*,<sup>2</sup> drawn from mostly nomad groups and commonly armed with Kalashnikov AK47 assault rifles, and also often using rocket-propelled grenades and *doshkas* (machine guns mounted on jeeps), attacked, displaced and killed thousands of rural civilians. From 1985 to 2003, the government supported nomad

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<sup>1</sup> Testimony given to Amnesty International in Zam Zam Camp, North Darfur, 6 October 2004.

<sup>2</sup> Meaning armed men on horseback – alternatively devils – *jinnns* – on horseback – the word was first used to describe nomad militias in Darfur in 1987-9.

militias (the *murahelin*) which were used to attack, kill and displace many of the rural population in Bahr al-Ghazal and Unity State (Western Upper Nile).<sup>3</sup>

Now, over a large area of Darfur, villages are destroyed or emptied of their population, the people driven out have swollen the numbers in towns or gathered in camps for displaced persons; some have fled to Chad, Khartoum or elsewhere inside or out of Sudan. Similarly, large areas either side of the north-south border in Sudan have been cleared of their population: in Unity State the countryside is empty, the former herders and farmers are grouped together in towns or larger villages such as Rubkona, Pariang and Bentiu; in the lowlands bordering the Nuba Mountains, the land previously farmed by Nuba is now used for large farming enterprises run by northerners; and in Abyei, only the main town has many Dinka living in it - the villages were emptied of their population and people have not yet dared to return.

In recent months, there has been unprecedented international attention given to the crisis in Sudan notably by the UN Security Council and the African Union (AU). Yet, despite UN Security Council demands that the Sudan government rein in the militias in the region of Darfur, the UN Special Representative of the Secretary General for Sudan, Jan Pronk, reported in October 2004 that the government had not stopped attacks by militias against civilians nor started to disarm these militias.

On 5 October 2004, Jan Pronk told the Security Council that “*there were still breaches of the ceasefire from both sides - attacks and counter-attacks, revenge and retaliation. There were attacks by the army, sometimes involving helicopter gunships, though less frequently towards the end of the month.*”<sup>4</sup> In his report to the Security Council of 4 November he stated that the situation had deteriorated and tension had risen ‘*to a level unprecedented since early August*’.



*A refugee caravan on the move towards Chad fleeing Darfur.*  
©AI/Philip Cox

The mandate of the AU ceasefire monitors, who are intended to oversee the Humanitarian Ceasefire Agreement between the government of Sudan, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), signed in N’Djamena, Chad, on 8 April 2004, was initially limited to reporting on ceasefire violations. However, for the AU reports of ceasefire violations to be made public, all sides have to agree. So the violators often stifle reports of ceasefire violations. After a meeting of the AU Peace and Security Council on

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<sup>3</sup> See, for instance, Amnesty International *Sudan: Human rights violations in the context of civil war* (AI Index: AFR 54/017/1989)

<sup>4</sup> Briefing to the Security Council by Jan Pronk (Special Representative of the Secretary General for Sudan), UNSC Press Release, SC/8206, 5 October 2004

20 October, the AU announced that it was going to increase its forces in Darfur to 3,320 personnel among them 450 observers. The mandate of the expanded force includes monitoring and verifying the provision of security for returning internally displaced persons (IDPs) and in the vicinity of IDP camps; monitoring and verifying efforts of the government of Sudan to disarm government-controlled militias; and observing, monitoring and reporting the effective service delivery of the local police. The mandate of the force also includes the protection of civilians in certain circumstances: the African Mission in Sudan (AMIS) “shall ... protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the government of Sudan”.<sup>5</sup>

The government of Sudan has nevertheless failed to bring suspected perpetrators of gross human rights violations to justice. Some people have been arrested, prosecuted and jailed. However, none of those brought to justice is known to have been involved in government-supported militia attacks on villagers.<sup>6</sup> There appears to be no action to systematically investigate all allegations of human rights violations and bring those suspected of being responsible – including those who may have ordered such actions - to justice. The government continues to describe the Darfur conflict as essentially “a tribal war” and has denied that government forces not only failed in their obligation to protect the civilian population but actively participated in killings, forced displacement and rape. A climate of impunity remains.

The political talks between the government and the southern-based Sudan People’s Liberation Movement/Army [SPLM/A] to establish a permanent peace in war-ravaged southern Sudan have been faltering while the talks between Darfur rebels and the government of Sudan stall repeatedly. There is a danger that systematic human rights violations and violations of humanitarian law against civilians may resume in the South and undermine the efforts to bring a lasting peace to Darfur and other parts of the country. In September 2004 the armed conflict spread to Kordofan with attacks on Ghibaish, apparently by an armed opposition group, followed by the announcement of the formation of two other armed groups, *al-Shahama* and the National Movement for Reform and Development. After considering all the main actors, the UN Special Representative called on the UN to “put pressure on the present political leaders to change their policies.”<sup>7</sup>

In this context, Amnesty International is appealing to all states mentioned in this report to immediately suspend all transfers of arms and related logistical and security supplies to Sudan that are likely to be used by the armed forces or militias for grave human rights violations. Moreover, Amnesty International specifically requests member states of the UN Security Council to impose a mandatory arms embargo on Sudan to stop those supplies

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<sup>5</sup> *Communiqué*, African Union, Peace and Security Council, 17<sup>th</sup> Meeting, 20 October 2004, (PSC/PR/Comm.(XVII)).

<sup>6</sup> Many of those sentenced, appear to have been accused of common law crimes, such as armed robbery and to have spent already months or years in detention.

<sup>7</sup> Briefing to the Security Council by Jan Pronk (Special Representative of the Secretary General for Sudan), UNSC Press Release, SC/8206, 5 October 2004.

reaching the parties to the conflict in Darfur, including the government forces, until effective safeguards are in place to protect civilians from grave human rights abuses.

This report identifies the main types and recent transfers of arms to Sudan, and the governments that have allowed them to be sent. It quotes the voices of survivors from Darfur, from whom Amnesty International has taken testimonies and that describe how the Sudanese government forces and their militia allies use such arms for grave human rights violations, war crimes and crimes against humanity. Types of arms used by the parties to the conflicts in Darfur are listed in Appendix 1. The report also examines how the Sudanese government has used revenue from the lucrative oil industry to increase its military spending. The government has failed to make substantial progress towards ensuring the minimum essential levels of economic, social and cultural rights of the population despite its obligation to realise such rights to the maximum of available resources, including through seeking international cooperation where necessary.<sup>8</sup>

Governments of countries named in this report cannot have been unaware of reports of the serious violations of international human rights and humanitarian law by the Sudanese security forces, but they have nevertheless continued to allow military equipment to be sent to Sudan from their countries without guarantees that they would not be used to commit such violations.

The obligation of states not to participate in the internationally wrongful acts of another state is affirmed in Article 16 of the UN International Law Commission's *Articles on Responsibility of States for Internationally Wrongful Acts*, adopted in 2001,<sup>9</sup> in terms which reflect customary international law binding on all States, as follows:

*“A State which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:*

*(a) that State does so with knowledge of the circumstances of the internationally wrongful act; and*

*(b) the act would be internationally wrongful if committed by that State.”*

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<sup>8</sup> CESCR (UN Committee on International Covenant for Economic, Social and Cultural Rights) General Comment No. 3, *The Nature of States parties obligations*, UN Doc. E/1991/23 (Sudan ratified the ICESCR in 1986); and CRC (UN Committee on the Convention on the Rights of the Child), General Comment No. 5, *General Measures of Implementation of the Convention on the Rights of the Child*, UN Doc. CRC/GC/2003/5 (Sudan ratified the CRC in 1990).

<sup>9</sup> General Assembly Resolution A/RES/56/83 of 12 December 2001.

**Amnesty International's position on the arms and security trade\***

Amnesty International takes no position on the arms trade *per se*, but is opposed to transfers of military, security or police (MSP) equipment, technology, personnel or training - and logistical or financial support for such transfers - that can reasonably be assumed to contribute to serious violations of international human rights standards or international humanitarian law. Such violations include arbitrary and indiscriminate killing, "disappearances" or torture. To help prevent such violations, Amnesty International campaigns for effective laws and agreed mechanisms to prohibit any MSP transfers from taking place unless it can reasonably be demonstrated that such transfers will not contribute to serious human rights violations. Amnesty International also campaigns for MSP institutions to establish rigorous systems of accountability and training to prevent such violations.

\* For a general introduction, see Amnesty International and Oxfam, *Shattered Lives: the case for tough international arms controls*, October 2003 (AI index: ACT 30/003/2003)

## **1. Framework of international law**

A government faced by an armed revolt has the right and the duty to proportionally act against those who have taken up arms and to bring persons alleged to have committed crimes to justice. But every government must also uphold international humanitarian and human rights standards.

There are clear conventional and customary rules on the conduct of hostilities which outlaw certain means and methods of warfare. These rules are designed to protect civilian lives to the maximum extent possible. Since 23 September 1957, Sudan has been a High Contracting Party to the Geneva Conventions of 1949, and the minimum rules governing all conflict including "armed conflict not of an international character" are laid out in Article 3 common to all the four Geneva Conventions. It provides for the protection of persons taking no active part in the hostilities.<sup>10</sup> It prohibits "*violence to life and person, in particular murder of all kinds*" and the carrying out of executions without certain judicial guarantees. The destruction and looting of civilian property and means of livelihoods are also forbidden by the Geneva Conventions.

Governments that ratify international human rights treaties have a particular obligation to ensure that the treaties they have ratified are upheld and that the human rights of the population living within the state are protected. Yet the Sudanese government has participated in massive breaches of international humanitarian and human rights law.

Armed opposition groups, such as the SLA or the JEM have also endangered civilians by sheltering among them and by launching attacks from civilian areas. Armed groups have abducted and killed civilians and attacked humanitarian convoys. In some areas, nomad villagers have been displaced. Whilst these armed opposition groups are not themselves parties to international treaties on the protection of civilians in times of conflict, they are

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<sup>10</sup> Including members of the armed forces who have laid down their arms or who are otherwise *hors de combat*.

nevertheless bound to observe the customary laws of war embodied in common Article 3 of the Geneva Conventions and clear conventional and customary rules on the conduct of hostilities.

The Rome Statute of the International Criminal Court includes a list of war crimes (when committed in internal armed conflict) in its jurisdiction. These war crimes include *inter alia*: murder of all kinds, mutilation, cruel treatment, torture and hostage taking, committed against those who take no active part in the conflict, intentionally directing attacks against the civilian population or against individual civilians. Furthermore, rape and other forms of sexual violence by combatants in the conduct of armed conflict are now recognized as war crimes. The international community, through the Rome Statute and other international standards, has affirmed that individuals can be held criminally responsible for war crimes and crimes against humanity.

When murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture or rape is committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, it is, as recognised by Article 7 of the Rome Statute, a crime against humanity.

## **2. A pattern of grave human rights violations in Sudan**

Since the independence of Sudan in 1957, the country has enjoyed only 11 years of peace; an earlier war in the south, and the border areas between the north and south, was ended by the Addis Ababa agreement of 1973 which gave the south regional self-government. But in 1983 war broke out again between the government of Sudan and the Sudan People's Liberation Army (SPLA), led by John Garang. In addition to their armies, both sides used militias, sometimes operating without any higher control, and both sides, their militias, and separate armed groups over the 20 years of war, committed grave human rights abuses including the killing of civilians, the burning of villages and massive population displacements and rapes. Militias have been used by the government to commit gross human rights violations since the government of Sadiq al-Mahdi first started the use of nomad militias from Kordofan, the *murahelin*, to fight a proxy war south of the north-south border in 1985. The *murahelin* tended to target civilians rather than the rival army, attacking villages mostly in Dinka areas, killing and forcibly displacing civilians and abducting mostly young people who were forced to remain in the north to work.

After the Salvation government came to power in 1989 by overthrowing the democratic government in a *coup d'état* the government of Sudan formed a Popular Defence Force (PDF), a paramilitary force given religious as well as military training, as a counter balance to the army. Apart from the *murahelin*, the Sudanese government also used a number of militias, drawn from Southerners, who killed and displaced civilians in the south.

Antonov aircraft and helicopter gunships have been used frequently against civilian targets in the South. Before the 2002 ceasefire, each year since 1996 scores of incidents were recorded of the Sudan Air Force carrying out deliberate or indiscriminate attacks against



civilians. Among the bombings was an attack on a crowd of mostly women and children waiting for food aid distribution at Bieh in Unity State in February 2002, killing 24 people. The attack was carried out by two helicopter gunships flying low; the Sudan government ordered an investigation, but no result of this investigation is known. Meanwhile, the PDF and militias including the *murahelin* launched attacks on villages, killing civilians, abducting young people and burning homes. As the exploitation of oil in Unity State was developed armed conflict broke out among southern militias in the state. Eventually the government used its militias to clear the rural population from the oil-rich areas..

In 2001, the United States government increased its involvement in the peace process in Sudan by appointing former Senator John Danforth as the US Special Envoy for Peace in Sudan. He proposed four tests for the government of Sudan and the SPLA to meet their stated commitment to peace to which both sides agreed. As a result, an internationally monitored ceasefire in the Nuba Mountains was agreed in January 2002 and this ceasefire in the south has since been renewed at six-monthly intervals. In March 2002 the government and the SPLM signed a commitment, to be monitored by an international team, not to attack civilians and civilian objects

In June 2002, more serious peace talks began under the auspices of the Intergovernmental Authority on Development (IGAD)<sup>11</sup> led by Kenya and international mediators in Machakos. In July 2002 the Machakos Accord was signed which recognized the South's right to vote for self-determination in a referendum which was to come at the end of a six-year transition period. However, although a ceasefire has been in place between the South and North, and agreements on security, power-sharing, wealth-sharing and special status for three marginalised areas between north and south have been signed, after two years of negotiations, the Naivasha Agreement has not yet been finalised.

Meanwhile, the conflict in the Darfur region of Sudan had been simmering for several years. There had been outbreaks of violence in the late 1970s and early 1980s between nomadic and sedentary groups, partly caused by economic pressures and competition between herds and farming during prolonged periods of drought. A famine in 1983-5 in Darfur and Kordofan was expected but not avoided, notwithstanding international community help, and an estimated 250,000 died.<sup>12</sup> Armed conflict took place from 1987 to 1989 between a coalition of Arab nomad groups and the sedentary Fur people. In 1991-1992 violence erupted again in Darfur when an SPLA-inspired rebellion was heavily crushed by the government. Over the next decade Fur farming groups complained of increasing attacks by nomads.<sup>13</sup>

Special Courts set up under a state of emergency declared in Darfur in 2001 (and succeeded by Specialised Criminal Courts) have been handing down summary justice after flagrantly unfair trials. They appear to be a way to avoid exposing the reasons behind attacks,

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<sup>11</sup> A sub-regional grouping of seven countries from the Horn of Africa including Kenya and Uganda.

<sup>12</sup> Alex de Waal, *Famine Crimes, Politics & the Disaster Relief Industry in Africa*, (ARIAI/Indiana/James Currey, 1997), p91.

<sup>13</sup> See, for instance, International Crisis Group: *Sudan. Towards an Incomplete Peace*, December 2003 and *Darfur Rising, Sudan's New Crisis*, March 2004.

since their judgements after confessions extracted under torture continue to leave the identity of the perpetrators in doubt. In February 2003, after a visit to Darfur, Amnesty International expressed concern at the deteriorating human rights situation and called for the setting up of a Sudanese Commission of Inquiry.<sup>14</sup>

The sedentary groups in Darfur felt that Darfur was a marginalised area that was being neglected – like most of the other regions of Northern Sudan – during the Naivasha peace process. The Sudan Liberation Army was formed in February 2003 and the Justice and Equality Movement, allegedly linked with Hassan al-Turabi’s Popular Congress opposition group in Sudan, was formed soon afterwards. Discussions aimed at reconciliation broke down and the Sudanese government stated at the end of March 2003 that it had decided to solve the conflict by force. After an attack on the airport of al-Fasher (the capital of North Darfur) that destroyed five military planes and killed some 70 members of the armed forces, the government called for help from the nomad militias of Darfur and apparently allowed them to act freely against the sedentary population; Amnesty International began receiving more and more information about increasing attacks on villages – killings of 20, 50, and even more than 100 villagers at a time.

The government-backed militias did not attack combatants of the SLA and the JEM but chose instead to attack farming groups, that often had no idea even of why they were being attacked. That pattern of violence has continued in Darfur with devastating consequences. By July 2003, large numbers of villagers were crossing the border into Chad; even more were hiding in the bush in Darfur or trying to find a sort of safety in settlements in the region. Initial reports about the nomad militias would describe them as riding on horses or camels, and often accompanied by soldiers and sometimes by government airplanes. Soon the *Janjawid* were reportedly incorporated into the Popular Defence Forces; they were described as dressed in uniform and often, like the army, travelling in Land Cruisers. Amnesty International has received multiple testimonies that former members of the government-aligned *Janjawid* militias have been integrated into the formal government security forces, including the army and the police.

### **3. Arms Embargoes of the European Union and the UN Security Council**

In response to the ongoing civil war in the South, the European Union (EU) imposed an arms embargo on Sudan through its Common Position 94/165/CFSP, adopted on 16 March 1994. The objective is to “promote lasting peace and reconciliation within Sudan.” The embargo covers “weapons designed to kill and their ammunition, weapon platforms and ancillary equipment”, as well as “spare parts, repairs, maintenance and the transfer of military technology” but “contracts entered into force prior to the date of entry into force of the embargo [16 March 1994] are not affected by this Decision”. On 9 January 2004, the EU reaffirmed and strengthened the arms embargo by specifying that it applied to “the sale,

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<sup>14</sup> *Sudan: Urgent call for Commission of Inquiry in Darfur as situation deteriorates*, AI Index AFR 54/004/2003, 21 February 2003.

supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts”, and by also including in the ban “related technical advice and assistance, and financial assistance for arms supplies and related technical assistance”, but specified that “the embargo should allow for humanitarian exemptions to the current arms embargo and permit de-mining operations.”<sup>15</sup>

On 30 July 2004 the UN Security Council in Resolution 1556 called for “all states to take the necessary measures to prevent the sale or supply [of arms and related materiel], to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur”.<sup>16</sup> This UN arms embargo applies to the *Janjawid* and other militia, as well as to the armed opposition groups, but apparently ignores the fact that the Sudan government and its forces had been supplying arms and logistical support to *Janjawid* and other militia, while encouraging and condoning grave violations of international humanitarian and human rights law by these militia, as well as deploying units which participate in deliberate and indiscriminate attacks on civilians with impunity. The reality was that many *Janjawid* militiamen were being incorporated into government paramilitary or police forces such as the Popular Defence Forces, the Popular Police or the Border Police.

It could be argued that as long as the Sudanese government forces continue to provide military support to the *Janjawid* and other militia, the Security Council decision to “prevent the sale or supply” of arms and related materiel to non-governmental entities should be broadly interpreted to also include a cessation of arms supplies to the government of Sudan. However, in Resolution 1556 the Security Council did not establish detailed guidance to effectively implement the arms embargo, nor has the Council established a specific UN monitoring body to ensure compliance and to investigate violations of the arms embargo.

On 18 September 2004, the Security Council adopted Resolution 1564 complaining at the lack of progress made by the government of Sudan in protecting civilians, identifying *Janjawid* and bringing them to justice as was required by the Council’s Resolution 1556 and by the joint communiqué agreed by the government of Sudan and the UN Secretary General in July 2004. The Security Council condemned ceasefire violations by both sides, particularly deploring the “government of Sudan helicopter assaults and Janjaweed attacks on Yassin, Hashaba and Gallab villages on 26 August 2004.” After bitter arguments, the formulation of the Resolution, though vague, threatens Sudan’s oil industry: “the Council, in the event the Government of Sudan fails to comply fully with resolution 1556 (2004) or this resolution, including, as determined by the Council after consultations with the African Union, failure to

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<sup>15</sup> European Council, Common Position 2004/31/CFSP, concerning the imposition of an embargo on arms, ammunition and military equipment on Sudan, 9 January 2004.

<sup>16</sup> UN Security Council Resolution 1556, 30 July 2004, (S/RES/1556(2004), para 7. The UN Security Council imposed diplomatic sanctions on Sudan in April 1996 (Resolution 1054). In August 1996 the Security Council adopted Resolution 1070 to put into force an air embargo on Sudan but did not impose it for humanitarian reasons. All sanctions were lifted by Resolution 1372, 28 September 2001, because of Sudan’s promise to comply with Security Council resolutions.

cooperate fully with the expansion and extension of the African Union monitoring mission in Darfur, shall consider taking additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector.”

#### **4. Aircraft used to carry out or aid human rights violations in Darfur**

The use of the Sudanese air force to target civilians is one of the clearest signs of direct involvement of the Sudanese government in large-scale unlawful killings since neither the armed opposition groups nor the *Janjawid* possess aircraft.

Antonov aircraft, MiG jet fighters and helicopter gunships have been used by the Sudanese government in the conflict in southern Sudan for deliberate and indiscriminate attacks on civilians and to provide support for militias who themselves commit grave human rights abuses. The same patterns of abuse have been found in the conflict in Darfur.

Testimonies of Sudanese refugees in Chad and victims in Sudan describe frequent use of planes and helicopters before, during and after attacks on villages. The victims usually mention “Antonovs” and “MiG jets”, while helicopters are described as “helicopter gunships” or simply “helicopters”. On 5 October 2004, the UN Special Representative on Sudan, Jan Pronk, in his monthly report stated that helicopter attacks, though less frequent, were still continuing, although more civilian casualties, as before, were caused by some “quite atrocious” militia attacks.<sup>17</sup> Reports of attacks on villages by Antonovs and helicopters have continued, most recently against Duma, 40 km north of Nyala, on 7 October and against al-A'id in south Darfur on 19 and 22 October. Reportedly 10 civilians were killed in the first attack against al-A'id, including one woman and one child.

##### **4.1 Aerial bombings with planes and helicopters**

The government of Sudan has made extensive use of military aircraft – mainly Antonov military transport aircraft, but also helicopter gunships and MiG jet fighters. Many of the villages and towns in Darfur have been bombed, and it has been reported that those in North Darfur have suffered the most from aerial bombing.

The Sudan Air Force has conducted aerial bombings of civilians and civilian objects. Coming before or after a ground attack, as well as in support of the ground forces of *Janjawid* militias and governmental forces, aerial bombings have often been reported by displaced people in Darfur and by refugees in Chad.

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<sup>17</sup> Briefing to the UN Security Council, UN Special Representative, op cit

***Antonov 24 “911” freighter plane loading cargo belonging to the Sudan Air Force. The Sudan Air Force has used various types of Antonov transport aircraft regularly as bombers including against civilian targets. © Tom Cooper***

For example, Karama Mohamad Hussein, aged 67, from the Masalit people, a farmer and shaikh (head) of Wadi Saleh, in Zalingei province, who arrived in Chad in October 2003 said his village had been bombed four times by the Sudanese Air Force. According to testimonies, 116 people were killed during the bombings. *“After the bombing, the Arabs took away the cattle, destroyed the shops and looted everything. They killed some people and abducted shepherds, as well as our girls and beautiful women... 16 women and 12 girls were abducted... Some old people, disabled and blind men stayed in the village, and those who could not find a shelter were burnt..*

Most aerial bombings by the Sudan Air Force appear to have disregarded the basic requirement under international humanitarian law to take every precaution to distinguish between civilian persons and objects, and military objectives, or seem to have ignored the principle of proportionality. In some instances, the bombings appear to have deliberately targeted civilians and civilian objects.

Following international condemnation of the deliberate bombing of civilians in Bieh in Unity State in February 2002,<sup>18</sup> the Sudan government pledged in March 2002 not to carry out deliberate attacks on civilians and civilian objects as part of the wider Sudan peace talks. However, the Sudan Air Force has used the same bombing tactics in the Darfur conflict. Eye-witnesses in Darfur claim that they saw Sudan Air Force bombing with planes and helicopters, describing the bombs used as “barrel bombs” - boxes filled with metal shrapnel.

*“Janjawid and soldiers of the forces of the government both in uniforms came and attacked. First they came with Antonov and helicopters and then they attacked with ‘Hawens’ and ‘babud’. In the morning of 11 October they dropped 17 barrels of shrapnel from the Antonov. Then they came, the Janjawid on horses and the government army in cars. It was many many*

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<sup>18</sup> See section 2.

of them, maybe even 6,000. More than 80 people were killed during the attack and they took all the cattle and burned down everything.”<sup>19</sup>

According to Arifa Adam Roun, aged 25, whose village, Abu Jidad in the Abu Gamra district, was attacked on 28 June 2003: “Armed men on horses, camels and vehicles came with Sudanese government soldiers and surrounded the village at midday. Two hours later, one Antonov plane and two helicopters flew over the village and shot rockets. The attackers came into the houses and shot my mother and grandfather. The attack lasted for two hours and everything was burnt down in the village. Thirty-five people were killed during the attack - five women, 17 children and 13 men – and they were not buried.”

Kalthoum Ismail, aged 24, is from the village of Kerena, two days walk away from al-Jeneina. She told Amnesty International that one day in August 2003 at 6am armed men on horses, camels and cars attacked her village, followed by three Antonov airplanes and two MIGs. The *Janjawid* arrived first on horses, then the government soldiers in cars followed by the aircraft. Some 150 people were killed including three women and four children. She said that the *Janjawid* had beaten up five women outside the village because they refused to confess where they had hidden their money. Kalthoum fled with other inhabitants towards the *wadi* Saira, then she walked for ten days to the border with Chad. Kalthoum said that the *Janjawid* militias stole about 300 cows, 400 goats and 200 camels, as well as money from the villagers.

In a recent interview, the head of national security in Sudan, Salah Ghosh, said that the government had bombed villages because the rebel armed groups were there. “*The [rebel] militia are attacking the government from the villages. What is the government going to do? It will bomb those villages. It will attack those villages because the villages were attacking them.*”<sup>20</sup> In sheltering behind civilians and placing military targets close to civilian targets the armed groups are breaching international humanitarian law. However, international law also makes it clear that use of such tactics does not provide the other side with a license to kill civilians.

#### **Forced displacement due to aerial bombing:**

Bombings have had the effect of terrorizing the population and encouraging displacement, within Sudan and across the border into Chad. Most of the approximate 200,000 Sudanese civilians who have taken refuge in Chad have left Darfur for fear of attacks by the armed forces and the *Janjawid* as well as continuous aerial bombardments. Many said that their villages have been burnt down.

Kornoy, in northern Darfur, has been repeatedly bombed since June 2003, causing the population to flee *en masse* to Chad. Aziza Abdel Jaber Mohammed, aged 28, and Zahra Adam Arja, aged 17, her half-sister, told Amnesty International delegates that when the

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<sup>19</sup> Testimony from refugees from Tanako, south of Fur Baranga, Darfur, interviewed in Goz Amer Camp, Chad, in May 2004

<sup>20</sup> Reuters: *Interview – Darfur rebels use human shields – Sudan Security Chief*, by Opheera McDoon Monday 18 October 2004.

*Janjawid* and the Sudanese forces attacked Kornoy at the end of December 2003: “Two Antonov airplanes, five helicopters and two MIGs attacked our village at around 6am. Five tanks came into town. The attack lasted until 7pm. The inhabitants fled from their homes but our brother-in-law was killed when running away. Eighteen men and two children from our family were killed when fleeing. Those running away went to the nearby wadi.” The fleeing group was composed essentially of women and children. Aziza said that the attackers had destroyed houses and stole cattle. She claims that the militias took away 300 camels and 200 cows belonging to the family of Aziza and Zahra.<sup>21</sup>

#### **Destruction of civilian objects and crops due to aerial bombings:**

The systematic nature by which private homes, crops, agricultural areas, wells and shops have been destroyed – with impunity – throughout Darfur indicates that such actions may have been ordered.

Kutum was bombed during the fighting between government troops and the SLA, at the end of July 2004, before it was raided by the *Janjawid*. While there was SLA presence in the area at the time of bombings, civilians and civilian buildings were deliberately or indiscriminately hit by the bombs. In particular, the hospital and the prison were bombed. A woman from Kutum in Tina refugee camp in Chad told Amnesty International delegates: “In the prison, the prison guards and the prisoners were killed by the bombing. The hospital was also destroyed and the patients killed. I knew two persons who were sick in hospital at the time and who were killed by the bombs. Their names are Mohamed Ali, a 40-year-old farmer, and Amina Ishaq, a 20-year-old young woman. It is very sad.”<sup>22</sup>

In the testimonies of fleeing victims there are frequent references to bombing raids on locations such as markets, wells, and other places where people usually gather.

Abdullahi Mohamad Issa, aged 42, from the village of Barakala in Kutum said.<sup>23</sup> “In January 2004, the *Janjawid* acted in unison with the Sudanese air force attacking the village at around 4am. During the attack, some people who were in the mosque of Barakala, were killed. The Imam, Adam Haroun, who was 80, was killed during this attack.”

Most villages around Tina were also bombed. Hasan Abu Gamra was bombed so many times that its villagers said: “The planes bomb anytime and everywhere, sometimes four times a day, in the morning, in the evening. They bomb so much that we can’t go to cultivate our fields. Many people and animals were killed because of the bombings.”<sup>24</sup>

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<sup>21</sup> Amnesty International interviews in the Camp of Mile Chad between 13 and 25 May 2004.

<sup>22</sup> Amnesty International, “Sudan-Darfur: Too many people killed for no reason”, February 2004 *AFR* 54/008/2004.

<sup>23</sup> Mile Camp, Chad, 2004.

<sup>24</sup> Amnesty International – February 2004 – “Sudan –Darfur: Too many people killed for no reason”, p. 16 - *AFR* 54/008/2004.

## 4.2 Reconnaissance flights to support ground attacks

Planes and helicopters have been used at different times to support ground attacks on villages in rural areas or towns. The *Janjawid* militias led these attacks, alone or supported by government soldiers. Sometimes the attacks appear to have been planned well in advance, and happen at market days, or during or after the prayer at the mosque, while people are gathered together.

A woman from the village of Goz Na'im some 80 km from Abu Gamra, described to Amnesty International an attack at 6am on Sunday 29 of the month of "toum" (May 2003) that was carried out by both *Janjawid* and government soldiers. She recounted that:

*"They arrived on camels, horses and by vehicles, some 150 men in khaki. Two Antonov planes also took part in the attack. About 65 men were praying at the mosque. The horses, camels and cars surrounded the mosque and started shooting. All the men in the mosque were killed. The Janjawid beat up the women, set fire to everything and took away the cattle. The women and children fled towards Um Baru where they stayed for one month; then went to Kornoy walking for ten days and then another 15 days up to the border. At Tina they stopped for one month. Between Goz Na'im and Tina, five people (three women and two children) died of thirst, hunger and exhaustion."*

Some of the testimonies collected by human rights organizations reported the presence of planes and helicopters before a ground attack, apparently to reconnoiter the area and the village. Those flights have usually been followed by ground attacks within a few days. Amnesty International delegates collected a number of testimonies that referred to flights after ground attacks. These reconnaissance flights appear to have been used to make sure that a militia attack was successful and that the village was cleared of its inhabitants.

On 5 January 2004, a single helicopter gunship reportedly flew over Korkoria village, near al-Jeneina. Omar, a 31 year-old farmer, said the gunship flew very low suggesting it was not expecting any ground fire. He said it did not bomb. The next day, however, a group of approximately 150 *Janjawid* militiamen attacked Korkoria, killing four people and leaving only one hut unburned.<sup>25</sup>

The village of Murli was attacked in July and August 2003. One of the villagers told Amnesty International delegates: *"It was early in the morning, people were sleeping. About 400 armed people cordoned off the village, with military uniforms, the same ones worn by the army, with vehicles and guns. A plane came later, to see if the operation was successful. At least 82 people were killed during the first attack. Some were shot and others, such as children and elderly, were burnt alive in their houses."*<sup>26</sup>

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<sup>25</sup> "Darfur destroyed: Ethnic cleansing by government and militia forces in Western Sudan", Human Rights Watch May 2004, p.25.

<sup>26</sup> Amnesty International, "Darfur – Sudan: Too many people killed for no reason", AI Index: AFR 54/008/2004, 3 February 2004, p.14.



Kalthoum Ali Said, aged 30, lives near the town of Kabkabiya. On a Friday in the month of “toum” (May 2003), two Antonov planes were used to attack her village by dropping bombs, and one helicopter was used in the attack. She said that men in khaki uniforms surrounded the *suq* (market) and started shooting at the people who were trying to flee from the scene. A total of 72 people, including some 25-30 young people, were reportedly killed. After the attack on the *suq*, the attackers went into the huts. (...) Everything was destroyed in the town. A woman who refused to give away money to the attackers was killed in front of Kalthoum and Kalthoum’s husband, Abdallah Mahmoud, 40 years old, disappeared during the attack.

Kalthoum said she went back twice to the village at night to fetch some food, as the *Janjawid* were resting during the night until the next morning to resume the looting. Three days after the attack, planes and helicopters flew over the town. Kalthoum waited at a nearby *wadi* (a dried-up watercourse) for seven days until she finally decided to leave the area. She fled the village with 25 women and three men.<sup>27</sup>

Even after the ceasefire of 8 April 2004, the government of Sudan has used Antonovs and helicopters to attack villages. Following an attack on Hashaba on 26 August 2004 the Ceasefire Commission (CFC) monitors concluded that, although SLA forces were in the vicinity “*The helicopter pilots deliberately and indiscriminately attacked the informal IDP settlement knowing very well that there were innocent civilians.*”

### 4.3 Aircraft used to supply the *Janjawid* with arms

In November 2003, a villager from Meramta, near al-Jeneina explained to Amnesty International delegates: “*Here the plane does not bomb us. It gives the Janjawid ammunitions, weapons and food. They have camps where they meet: Guedera and Dedengita, about 25 km away from the village. These camps have existed for four months, before there was nothing. Helicopters also come to supply them.*”<sup>28</sup>

A 17-year old girl told Amnesty International delegates in Kounounga refugee camp in Chad in May 2004 that she came from the village of Kibbash, in the region of Silaya which was attacked by *Janjawid* in July 2003. “*The attackers looted everything in the village and abducted children - three boys (aged two, four and six) and two girls (aged five and six)... The Janjawid took me away with four other women in the wadi. When I was in the wadi, I saw a helicopter unloading a stock of weapons for the Janjawid.*”<sup>29</sup>

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<sup>27</sup> Testimony taken in Kounounga Camp, Chad, May 2004.

<sup>28</sup> Amnesty International, “Darfur – Sudan: Too many people killed for no reason”, p.28.

<sup>29</sup> Amnesty International Testimonies, Kounounga Camp, Chad, May 2004.

*Sudanese helicopters at al-Jeneina airport. According to testimonies from refugees, helicopters have been used to support the Janjawid militias in attacks against villages.*

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#### **4.4 Supply of military and dual-use aircraft to Sudan**

The following reports of recent supplies of aircraft and related equipment should not be regarded as exhaustive.<sup>30</sup>

*Belarus:*

According to the UN Register on Conventional Arms, Belarus exported six Mi-24B “Hind” military attack helicopters to Sudan in 1996.<sup>31</sup> Belarus has exported considerable amounts of other arms to Sudan in recent years (see below) and on 11 October 2004, the Minister of Interior Major-General Abdel Rahim Mohammed Hussein reportedly said that during his recent visit to Belarus he had signed a memorandum of understanding on the import of “technical material” and “police training.”<sup>32</sup>

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<sup>30</sup> For example, there are further cases where such supplies have been unconfirmed or may have been cancelled. In June 2004, a report by Tel Aviv University on Sudan’s military capacity alleged that Ukraine had supplied twelve MiG-21 jet fighters to Sudan but this remains unconfirmed and maybe referring to the supply of the same planes from the Russian Federation - [www.tau.ac.il/jcss/balance/sudan.pdf](http://www.tau.ac.il/jcss/balance/sudan.pdf).

<sup>31</sup> UN Register of Conventional Arms, 1996; Jane’s Intelligence Review, 1 July 1998. Jane’s claimed that the deal was also said to include surface to air missiles.

<sup>32</sup> *Al-Ra’y al-Amm web site, Khartoum, 11 October 2004.*

*China - Iran:*

China and Iran have reportedly been major sources of arms supplied to Sudan (see also sections below). Reports indicate that Chinese jets sold to Sudan since the 1990s include over 40 Shenyang J-6 and J-7 jet fighters, and more recently some F-7 supersonic fighters, an improved version of the Russian MiG-21 Fishbed.<sup>33</sup> It has been reported that China had supplied 50 Z-6 helicopters to Sudan in 1996.<sup>34</sup> In 2001, a company in China, Harbin Dongan Engine, was reported to have a contract to repair Mi-8 helicopters for Sudan.<sup>35</sup>

Iran had allegedly helped finance the Sudanese purchase of 21 J-6s jets and two Y-8D transport aircraft, a licensed-production version of an Antonov An-12 freighter aircraft, from China, as well as four Mi-24s from Kyrgyzstan in 1994, but many of these are no longer in service.<sup>36</sup>

*Lithuania:*

In early 2003, an Interim Committee of the Lithuanian Parliament examined the controversy surrounding the export of a Mi-8T helicopter to Sudan by an aircraft repair company, Avia Baltika. The company specialized in Mi8 and Mi17 helicopters and Antonov airplane repairs, overhauls and upgrades, carrying out preliminary refurbishing of helicopters in Russia, then completing the work at its small plant in Lithuania.<sup>37</sup> The Committee's report states that "the Ministry of Foreign Affairs did not approve the application of UAB Avia Baltika of 21 June 2001 for a licence for the export of Mi-8T helicopter to Sudan", but that "the president of Avia Baltika, Jurijus Borisovas, recalled the request for a licence and urgently exported the helicopter to Sudan without a licence on the basis of the procedure which was in place at that time"<sup>38</sup> The Committee concluded that "The actions of exporting a Mi-8T helicopter to Sudan

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<sup>33</sup> Charles R. Smith, "Russia sells advanced Mig-29 Fulcrum to Sudan and Yemen", *Rense.com. Aviation Week and Space Technology* provided the information according to Smith. See also Tom Cooper, *African Migs – Part 3*, 2 September 2003.

<sup>34</sup> Jane's Intelligence review (01/07/1998) and *Aviation Week & Space Technology* journal, [www.aviationnow.com/content/publication/awst/2001outlook/aw347.htm](http://www.aviationnow.com/content/publication/awst/2001outlook/aw347.htm).

<sup>35</sup> [www.aviationnow.com](http://www.aviationnow.com), *ibid*, website for *Aviation Week & Space Technology*, a respected US defence and aerospace industry journal.

<sup>36</sup> Tom Cooper, *African Migs – Part 3*, 2 September 2003 [http://www.acig.org/artman/publish/article\\_197.shtml](http://www.acig.org/artman/publish/article_197.shtml).

<sup>37</sup> [www.aviabaltika.com](http://www.aviabaltika.com); for political background see Corinne Deloy, <http://www.robert-schuman.org/anglais/oe/lituanie/presidentielle/default.htm>, 13 June 2004.

<sup>38</sup> As translated from *Lietuvos Respublikos Seimas, Nutarimas, Del Seimo Laikinosios Komisijos Kontroluojamu Prekiu Eksporto Problemoms ir su tuo Sujusiai Bendroves "Avia Baltika" Veiklai Istirti, 2003 m,kovo 20d. no IX-1380, Vilnius* [Interim Committee of the Seimas for the Investigation of Controlled Goods Export Problems at the Related Activities of Avia Baltika Company, Vilnius, 20 March 2003] The Committee's report says it "heard representatives of the Economics Ministry, National Defence Ministry, State Security Department, Customs Office, Tax Inspectorate, Financial Offences Investigation Service and the Office of Prosecutor-General, representatives of the two largest

in 2001 did not violate the Lithuanian law which was effective at that time, however, it ran counter to the principles of an embargo of the European Union and EU sanctions.”<sup>39</sup> Subsequently, the government of Lithuania amended the law and in December 2002 placed Sudan on a list of embargoed destinations.

The Interim Committee also reported that “in February 2003, at Karmelava Airport, officers of the Customs Crime Service detained a Mi-17 helicopter, which had to be transported, through Sudan, to the United Arab Emirates (UAE). This helicopter was repaired by Helisota, as commissioned by a company registered in Cambodia. The detained helicopter was released after the route was changed and the helicopter was taken directly to the UAE.”<sup>40</sup> According to the report, the President of Avia Baltika and some of the company’s staff “refused to answer several questions of the Committee members, including questions about the company’s activities, the circumstances of it being founded, its owners and links with Russian companies. Questions about Mi-8T helicopter, exported to Sudan in summer 2001, were not answered either.”<sup>41</sup>

In October 2003, Lithuania’s State Security Department (VSD) delivered a report to Parliament, which amongst other things, claimed that the same aircraft repair company was involved in the supply of spare parts for helicopters and MiG-24 jet planes to Sudan and other EU or UN embargoed destinations between 2001 and 2003.<sup>42</sup>

On the 22 May 2003, a contract for the supply of spare parts for civilian and combat Mi-17 helicopters was signed in Moscow between the Sudanese Ministry of Defence and Heli Lift Co Ltd, a company based in Khartoum and allegedly with close links to Avia Baltika,<sup>43</sup> The VSD said that office of Avia Baltika in Russia (SPARK helicopter repairs) had signed a trade agreement with Heli Lift for the supply of helicopter parts to the Sudanese Ministry of

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companies engaged in import and export of strategic goods, Avia Baltika and Helisota companies and studied foreign practice.”

<sup>39</sup> Ibid

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> On 3 November 2003, Lietuvos Rytas, the biggest daily newspaper in the country, published the main part of the VSD report which concerned links between Avia Baltika’s owner and the country’s President. The public prosecutor’s department immediately opened a preliminary enquiry and the Constitutional Court launched an enquiry that concluded that the President, who had received campaign funds from Avia Baltika, violated the law. In April Lithuania’s parliament voted to impeach the Lithuanian President. The VDU investigation report followed the issuance of an indictment against Avia Baltika in 2002 by the office of the Attorney General for suspected smuggling of strategic materials. In its press release, the office of the Attorney General alleged that Avia Baltika imported from and exported to Sierra-Leone dual-purpose strategic materials, namely spare parts for Mi-8 helicopters, without a license. The parliament of Lithuania had prohibited the export of dual-purpose strategic materials to Sierra-Leone.

<sup>43</sup> Contract No.01/SAF – 2003, Helilift Co Ltd and Ministry of Defence, Sudan, 22 May 2003. “*Criminal case on Borisov’s company may open*”, Lietuvos Respublikos – Ministry of Justice – Vilnius, 4 November and 2 December 2003, <http://www.tm.lt/default.aspx?item=spauda&id=7564> , Baltic Times, 21 November 2003.

Defence.<sup>44</sup> Specialists from Avia Baltika and its partners were reportedly working in Sudan.<sup>45</sup> The company denied all allegations of illicit trade in strategic commodities.

*Russian Federation:*

In July 2004, the Sudanese government announced the import of 12 MiG-29 jet fighters to Sudan at the same time as the Sudanese government was being accused in the United Nations Security Council of supporting Sudanese militia in a campaign of ethnic cleansing in Darfur.<sup>46</sup> On 21 August 2004, the Russian government dismissed any connection between the delivery of fighter planes to Sudan and the escalating conflict in Darfur. The Russian envoy to the UN said that the sending of Russian fighters to Sudan was to fulfil an agreement signed between the two countries in December 2001.<sup>47</sup>

The Russian Aircraft Corporation (RSK MiG) is the supplier of these jets. This was confirmed to reporters by Mikhail Dmitriyev, head of the Committee on Military and Technical Cooperation with Foreign Countries. According to one report, a Sudanese official was quoted as saying that “*The first pair of MiG-29 jets reached Sudan in December 2003 and two more were delivered in January 2004. The rest are expected to reach Sudan during this year.*” The value of the contract is estimated at between US\$120 and US\$370 million.<sup>48</sup>

*United Kingdom – Ukraine:*

On 25 May 2004, an End Use Certificate (EUC) apparently issued by the Military Industries Corporation of Sudan authorized a United Kingdom company, Endeavour Resources UK Ltd, to negotiate for the supply to Sudan of twelve Antonov 26 cargo planes and 50 Antonov 2 “crop spraying” aircraft from the Ukrainian arms export company, Ukrspetsexport.<sup>49</sup> The Antonov 2 can carry light cargo or up to 14 passengers, and is reputed for its suitability for parachute drops and landing on very short, rough runways. This EUC and others (see below in this report) were obtained by a UK newspaper.<sup>50</sup> The UK authorities are currently investigating whether the UK firm violated UK law, including a law which entered into force

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<sup>44</sup> As reported by the Ministry of Justice, Vilnius, from the Baltic News Service, 4 November 2003.

<sup>45</sup> [www.db.idpproject.org/Sites/idpSurvey.nsf/6A316415AF7E0CA4C1256CD900315A63/\\$file/SFP+Monthly+Briefing+Nov-02.pdf](http://www.db.idpproject.org/Sites/idpSurvey.nsf/6A316415AF7E0CA4C1256CD900315A63/$file/SFP+Monthly+Briefing+Nov-02.pdf) A View of Sudan from Africa: Monthly Briefing 11-02 November 2002.

<sup>46</sup> The Moscow Times “*Mig Under fire for Arming Sudan*” 22 July 2004 by Lyuba Pronina, and Jane’s Defence Weekly 11 August 2004 which reported that 10 MiG 29s had been delivered at a cost of \$120m. Konstantin Makiyenko, deputy head of the Centre for Analysis of Strategies and Technologies, an independent defence think tank, also stated that as many as twelve MiG-29s could be delivered to Sudan, as reported in the Sudanese Catholic Information Office, SCIO Monthly Report Dec 2001.

<sup>47</sup> “*Russia says no link between fighter planes and Darfur conflict*”, PANA, 21 August 2004.

<sup>48</sup> [www.defensenews.com](http://www.defensenews.com), 19 April 2004 estimated US\$370 million and Jane’s Defence Weekly, 11 August 2004, estimated US\$120 million. It is possible that these estimates were each calculating a different volume or type of equipment using different prices.

<sup>49</sup> End Use Certificate from Military Industry Corp of Sudan to Ukrspetsexport, Ukraine, dated 25 May 2004.

<sup>50</sup> Sunday Times, “*Briton supplies arms to Sudan*”, 5 September 2004.

on 1 May 2004 which prohibits the brokering of arms by UK nationals and residents to destinations which are subject to UN, EU or other arms embargoes.

*Other:*

The Sudan Air Force has operated Antonov general use transport aircraft for some years including for operations in Darfur, according to numerous reports. During the 1990s the Sudan Air Force took delivery of several additional Antonov aircraft (An-24, An-26, and at least two An-32) transporters from different countries, mainly from the area of the former USSR, where such aircraft are available in abundance or from the United Arab Emirates, where dozens of Antonov transport aircraft can be found at the airfield.<sup>51</sup> These would have required servicing, spare parts and air safety testing that probably emanate from the manufacturers of these aircraft, which originally were the Antonov Design Bureau of Ukraine and later the Xian Aircraft Manufacturing Company of China which is now the sole production source.

## 5. Human rights violations with military vehicles and artillery

Both the army and, increasingly the *Janjawid* militias, as they became incorporated in government paramilitary forces like the PDF, use 4x4 Land Cruisers to move into villages and attack the people. Otherwise, the *Janjawid* militias are described as riding on horses or camels; at the beginning they were said to be wearing civilian clothes, but soon they were generally described as “men in khaki”. In some attacks during July and August 2003 around Kornoy in North Darfur, civilians were disproportionately killed in tank attacks against towns where the armed groups were suspected of gathering and survivors talked of heavy shelling by government forces from tanks or other artillery. On the other hand, given Darfur’s difficult terrain and long distances, tanks were of little use and seemed to have quickly broken down. However, *doshkas* (machine guns) were frequently mounted on pickup trucks and used against fleeing villagers.

In many testimonies collected by Amnesty International, it is reported that army vehicles accompanied *Janjawid* militias during their ground attacks on villages in Darfur; frequently the *Janjawid* also arrived in Land Cruisers. The government vehicles are reportedly used to carry soldiers and heavy weapons, as well as to provide active support when they have weapons mounted on them. They are often positioned at the edge of villages to prevent those who try to escape *Janjawid* attacks, but sometimes they are described as attacking first.

*“First the government soldiers came with the vehicles and started shelling the villages with RPG [rocket propelled grenades] and heavy weapons and then the Janjawid came and shot at everybody. More than 60 were killed from Bindisi on 16 August [2003]. On 17 August Sunday, after most of us arrived in Mukjar, they*

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<sup>51</sup> Tom Cooper, Sudan, Civil War since 1955, 2 September 2003; [http://www.acig.org/artman/publish/article\\_180.shtm](http://www.acig.org/artman/publish/article_180.shtm)

*attacked Mukjar (and the villages Katodo, Mukjar-Daba, Kudom and Birgi). They shot at everybody, women, children men and more than 70 people were killed.”*  
[Testimony from refugees in Goz Amer, Chad, May 2004]

Hajja Abdel Jaber, 19, was interviewed by Amnesty International in the Camp of Mile, in Chad in May 2004. She said that: “Addar was attacked in July 2003 at 10am. Vehicles and three tanks, along with camels and horses, arrived at the village. I first saw the vehicles and ran away, everybody scattering in different directions. Arab women were in the vehicles, and they took part in the looting. I went to the nearby wadi, and two Antonov planes flew over it later. Ten people (children and men) were killed. My group then fled to Abu Talah, which is two days walk away from Addar. Since Abu Talah was later itself attacked, we had to run further away. The army occupied the town, and so we could not stay there. A month and a half later, we reached the border.”

## 5.1 Equipment used in the destruction of villages

A local chief in the Abu Gamra area, between Tina and Kornoy, described the extent of the destruction in his village:

*“The Arabs and the government forces arrived on both sides of the village, with vehicles, on horseback and on camels, and armed with big weapons. I hid in order to see how many there were. The Arabs cordoned off the village with more than 1,000 horses. There was also a helicopter and an Antonov plane. They shelled the town with more than 200 shells. We counted 119 persons who were killed by the shelling. Then the Arabs burnt all our house and took all the goods from the market. A bulldozer destroyed houses. Cars belonging to the merchants were burnt and generators were stolen. They said they wanted to conquer the whole territory and that the Blacks did not have a right to remain in the region.”<sup>52</sup>*

In September 2004, Amnesty International interviewed villagers from Kornoy who reported the presence of tanks in the town during the attack. On the arrival of the tanks, as well as the planes and the helicopters, the villagers began to flee in the midst of the attack.

## 5.2 Supply of military vehicles and artillery

*Belarus:*

On 26 May 2004, the government of Belarus reported to the UN Register on Conventional Arms that during 2003 it had exported nine BMP 2 military vehicles, 39 BRDM 2 military vehicles, 32 122mm guns, including howitzers, all of Russian origin to Sudan.<sup>53</sup> On 3 June

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<sup>52</sup> Amnesty International 2004, “Darfur – Sudan: Too many people killed for no reason” p.20

<sup>53</sup> UN Register on Conventional Arms for calendar year 2003, containing data submitted by the Government of Belarus on 26 May 2004.

2003, the government of Belarus reported to the UN that during 2002 it had transferred 14 122mm artillery guns of Russian origin to Sudan.<sup>54</sup> During 2001, Belarus exported 20 T55M battle tanks of Russian origin to Sudan, and during 1999 Belarus exported 40 such tanks to Sudan.<sup>55</sup> In 1996, Belarus reported the transfer of nine T55 main battle tanks to Sudan.<sup>56</sup> The Sudan Minister of Interior recently visited Belarus to sign a memorandum of understanding on the import of “technical material” and said on Belarusian television: “*We have realized that you have accumulated a great deal of experience related to interior troops. It will come in very handy in Sudan. In addition, we are interested in cooperation in the area of special equipment manufacturing.*”<sup>57</sup> This follows a visit to Sudan by the Belarussian Minister of Defence in October 2003 to discuss closer military cooperation.<sup>58</sup>

*Bulgaria:*

Between 22 and 29 November 2001, seven months after the Bulgarian government had joined the EU embargo against Sudan, two Bulgarian companies - the privately-owned manufacturer Beta-Cherven Briag and the brokering agent RIK Co – were alleged to have continued with the execution of an old contract, under which Beta had delivered 18 122mm *Gvozdika* self-propelled howitzer guns and parts to Sudan in the preceding years.<sup>59</sup> The transaction was said to be worth between 500,000 Euro and two million Euro.

On 29 April 2002, the Interdepartmental Council on the Military-Industrial Complex (MIC) and the Council of Ministers revoked Beta’s license to trade in “special products”.<sup>60</sup> The Council also appointed a commission of inquiry into possible license violations by the company.<sup>61</sup> According to the regional leader of the Podkrepa Labour Confederation, the company’s subsidiary, Beta Kas, had been importing old tanks from the Czech Republic, dismantling them in Cherven Bryag, and selling their components to Sudan.<sup>62</sup> The executive director of Beta had said in May 2002 that he did not agree with the decision to revoke the trading license and that “*the only current transaction involving a country under an embargo was the construction of a defence products factory in Sudan. The project, which was started*

<sup>54</sup> UN Register, op cit, 2002, containing data submitted by the Government of Belarus on 3 June 2003.

<sup>55</sup> UN Register, op cit, 2001 and 1999, containing data submitted by the Government of Belarus on 2 July 2002 and 12 February 2001 respectively.

<sup>56</sup> UN Register, op cit, 1996; Jane’s Defence Weekly, 6 February 2002.

<sup>57</sup> Al-Ra’y al-Amm web site, Khartoum, 11 October 2004, and Belarusian TV, 6 October 2004.

<sup>58</sup> “Sudan: Vice-President Taha, Belarussian defence minister discuss ties”, Text of report in English by Sudanese TV on 14 October 2003.

<sup>59</sup> *Bulgaria: armi al Sudan, violato embargo ONU, Osservatorio sui Balcani*, 22 October 2003; “Bulgaria Has Issued No Export Permits for Embargoed Countries,” Capital Weekly, 29 May 2002; “Beta Claiming Millions in Debt from Sudan,” PARI Daily, 22 May 2002.

<sup>60</sup> Tanya Dzhonkova and Darina Sholeva, “Bulgarian defence contractor loses license because of deals with Sudan”, *Sofia, Dnevnik*, 20 May 2002; “Bulgarian government denies responsibility for firms’ arms deals with Sudan”, Bulgarian news agency BGNES web site, Sofia, 26 October 2004.

<sup>61</sup> Ibid ; see also “Trade in Arms: the Next Scandal” Kapital Weekly, 28 May 2002.

<sup>62</sup> *Sofia, Dnevnik*, 20 May 2002, op cit



*under a seven year-old contract, was almost complete. The company still has to receive hundreds of thousands of dollars under this contract.”*<sup>63</sup>

In May 2002 the German Ministry of Finance and customs police said that an international brokering and trafficking network involving a German broker had used Bulgaria and an address in Cyprus to supply arms to embargoed destinations.<sup>64</sup> One of the brokering companies named in Bulgaria, KAS Engineering, was accused of involvement in the construction of an engineering plant in Yarmuk, Sudan. A branch of KAS Engineering had been named in a 2001 report by UN investigators on arms trafficking to Unita armed rebels in Angola which stated that: “KAS Engineering Gibraltar acted as a single intermediary, contractor and buyer of all the equipment exported by Bulgarian suppliers” and that it had Cypriot and UK fronts.<sup>65</sup> The license of KAS Engineering Consortium, involving several companies of the MIC, expired on 12 June 2000.

On 15 October 2003, the current and former chief executive officers of Beta were briefly detained and charged with illegal exports of parts for howitzers to Sudan. The broker from RIK Co was also arrested.<sup>66</sup> Later in October they were released on bail, but the Sofia City Court reportedly upheld their dismissal from their positions in the Beta arms factory.<sup>67</sup> Amnesty International has not been able to find out the current legal status of these three men.

*Poland:*

In 1999, it was reported that twenty T-55 tanks had been exported from Poland to Yemen by the Polish state arms export company, Cenzin, but then illegally re-exported to Sudan without

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<sup>63</sup> Ibid. See also “Bulgaria: Counterintelligence investigates Arsenal plant over deals with Sudan”, *Sofia Dnevnik*, 23 May 2002.

<sup>64</sup> Der Spiegel, 20 May 2002 said that German customs had evidence that one German and one Bulgarian brokering agent had been using addresses in Cyprus to redirect deliveries to embargoed destinations.

<sup>65</sup> “Bulgarian government denies responsibility for firms’ arms deals with Sudan”, BGNES news agency, 26 October 2004. The UN Monitoring Mechanism on Sanctions against UNITA reported that it had “conducted a mission to Gibraltar and was informed that KAS Engineering is administered by SKYSEC Secretarial Limited based in Cyprus. At the request of the Mechanism, the Cyprus authorities reported that SKYSEC is a company that provides consulting administration and secretarial services. The same authorities indicated that the directorate of KAS is assumed by ARMART International LT, based at 4 Athol Street, Isle of Man, United Kingdom. The shareholder is said to be INTERCON Nominees Ltd., based at 2nd Floor, Atlantic House, Circular Road, Douglas, Isle of Man. SKYSEC, contacted by the Cypriot authorities, indicated that it acts as a nominee assistant secretary and does not know about the activities of KAS.” UN Security Council, 18 April 2001, addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA (see S/2000/1225, annex), submitted in accordance with Security Council resolution 1336 (2001) of 23 January 2001.

<sup>66</sup> They were accused of smuggling, document forgery and embezzlement. “Three officials investigated about illegal exports of military hardware to Sudan”, in Bulgarian News Network, 18.10.2003, <http://www.bgnewsnet.com/story.php?sid=1683>

<sup>67</sup> “Bulgarian Armory-Chiefs Accused of Contraband Dismissed”, 31 October 2003 [http://www.novinite.com/view\\_news.php?id=27659](http://www.novinite.com/view_news.php?id=27659)

authorization from the Polish government.<sup>68</sup> A year earlier, Poland had attempted to sell 50 T-55 tanks to Sudan, but the proposed sale was halted under pressure from the US government.<sup>69</sup> On 22 May 2000, the Polish government reported to the UN that the export of twenty tanks was “to Yemen”, having cancelled the delivery of the remaining thirty tanks under pressure from the US government.<sup>70</sup>

*Russian Federation:*

During a military parade in Khartoum in mid-July 2002, several tanks named Bashir-1, Zubeir-1 and Abu Fatima-1 (all based on Russian design T-55s, but Bashir being equipped with a 120mm gun) were displayed for the first time. Also, it is alleged that other Russian military equipment and supplies had been exported from Russia to Sudan in 2003.<sup>71</sup>

In 2000, Russia exported, via the Arzamas Machinery Company, 60 BTR-80A armoured vehicles to Sudan.<sup>72</sup> Production of the BTR-60 series of 8 x 8 armoured personnel carriers (APCs) was undertaken at the Gorky Automobile Plant which is today known as the Arzamas Machinery Construction Factory where production of the latest BTR-80 series continues.

*United Kingdom - Irish Republic – Ukraine:*

In September 2004, a UK newspaper reported that it had obtained documents showing that arms brokers based in Ireland and the United Kingdom had been involved in negotiations for arms deals to supply £2.25 million worth of arms to Sudan.<sup>73</sup>

The End Use Certificates (EUCs) obtained by the newspaper and seen by Amnesty International show that Sinclair Holdings 7 Ltd, an Irish registered company, was authorized by the Sudanese Military Industries Corporation on 23 August 2004 to negotiate for the supply of 50 T72 main battle tanks and spare engines from Ukrspetsexport (Ukraine).<sup>74</sup> Additional EUCs issued on 25 May 2004 authorized the UK company Endeavour Resources UK Ltd to negotiate for the supply of 12 BM21 Grad 122mm Multiple Rocket Launchers, 50 T72 Main Battle Tanks (and spare engines), 50 BMP2 Armoured Personnel Carriers, 50 BTR80 Armoured fighting vehicles, 30 M46 130mm field guns, as well as aircraft and pistols (for details of the aircraft and pistols, see elsewhere in this report).<sup>75</sup>

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<sup>68</sup> Polish newspaper, *Gazeta Wyborcza*, August 1999, first reported on this diversion; See also Jane's Defence Weekly 26 July 2000, and Tel Aviv University report, op cit

<sup>69</sup> Human Rights Watch, *Sudan: Oil and Human Rights*, September 2003

<sup>70</sup> Ibid.

<sup>71</sup> Tom Cooper, *Sudan, Civil War since 1955*, 2 September 2003;

[http://www.acig.org/artman/publish/article\\_180.shtml](http://www.acig.org/artman/publish/article_180.shtml)

<sup>72</sup> Jane's *Armour and Artillery* 2001-2002.

<sup>73</sup> *Sunday Times*, “Briton supplies arms to Sudan”, 5 September 2004.

<sup>74</sup> End Use Certificate from Military Industry Corp of Sudan to Ukrspetsexport, Ukraine, dated 23 August 2004.

<sup>75</sup> End Use Certificate from Military Industry Corp of Sudan to Ukrspetsexport, Ukraine, dated 25 May 2004.

Following the newspaper article, UK Members of Parliament urged the UK government to investigate the activities of UK companies and brokers supplying arms to Sudan and tabled an Early Day Motion (EDM) in the UK parliament questioning other small arms supplies apparently sent to Sudan from the UK.<sup>76</sup> The new UK law that entered into force on 1 May 2004 requires all brokering deals by UK residents to be subject to licensed approval and bans arms brokering by UK nationals and residents to countries subject to a UN, EU or other arms embargo agreed by the UK government, even where the deal is struck outside UK territory.<sup>77</sup> The UK government has not at the time of writing made an official statement regarding the allegations but the government agency responsible for enforcing UK arms control legislation is understood to be investigating the newspaper report.

On 6 October 2004, following investigations by the Irish authorities, the Irish Minister for Trade and Commerce replied to an Amnesty International (Ireland) inquiry about the arms dealing to Sudan by Sinclair Holdings stating that “there is not evidence of any involvement in illegal brokering activities by an Irish company.”<sup>78</sup> Despite an EU agreement to control arms brokering, Ireland does not currently have any legislation controlling the activities of Irish arms brokers who arrange arms supplies from foreign countries. Therefore, Irish registered companies engaged in such activities are unlikely to be prosecuted, even when they violate a EU embargo.

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<sup>76</sup> UK House of Commons, Early Day Motion 1705. 11 October 2004. “*That this House notes with concern that according to Comtrade, a commodity trade database compiled by the United Nations the UK sent more than 180 tons of arms to Sudan in the last three years; further notes that the goods included parts and accessories for small arms, and arms ammunition of the type commonly used by the Janjaweed militia; and further notes that whilst the Department of Trade and Industry has apparently indicated that it has found no record of this transaction, it is likely that these weapons were brokered by a UK arms dealer or UK-based-company; and calls for a full examination and report to the House on this matter and for the brokering loophole in the control of arms trading to be closed.*”

<sup>77</sup> The law was enacted as a result of campaigns by Amnesty International (UK) and other non-governmental organizations.

<sup>78</sup> Republic of Ireland, Office of the Minister for Trade and Commerce 6 October 2004: Response to Amnesty International Irish Section.

*A truckload of soldiers believed to form part of the Janjawid militia also calling themselves variously the Border Intelligence Division, Second Reconnaissance Brigade, or the Quick and the Horrible, at the weekly animal market in Mistrina in North Darfur, Sudan, Tuesday 5 October 2004. © AP Photo / Ben Curtis*

## **6. Violations with small arms, lights weapons and ammunition**

*"The only thing in abundance in Darfur is weapons. It is easier to get a Kalashnikov than a loaf of bread."* [Jan Egeland, UN Emergency Relief Coordinator, 1 July 2004]

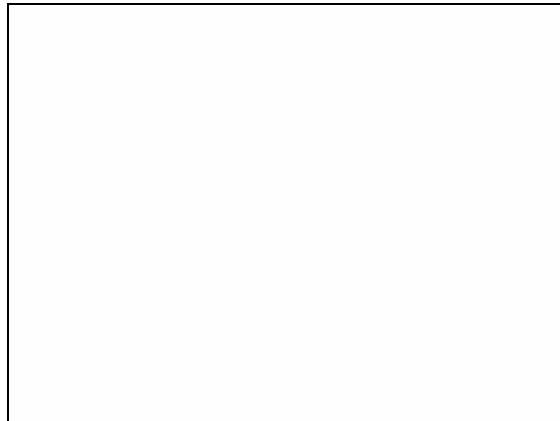
The Darfur region has been deeply affected by the proliferation of small arms and light weapons. In the early 1980s Chadian opposition groups used Darfur as a refuge from which to launch attacks to overthrow Chadian President Hissene Habre. At the same time, the collapse of the state and the rise of warlords in Chad during the 1980s made Chad itself a source of abundant arms. In addition, the arming of the nomad militias in Kordofan by Sudan Prime Minister Sadiq al-Mahdi (see Section 2 above) also made small arms abundant in Darfur, especially among nomad cattle-herders moving in south Darfur and Kordofan like the Rizeigat. After the conflicts of 1987-9 and 1992, Fur complained that although they were disarmed, the nomad groups were allowed to keep their arms.

Additional small arms have been smuggled from war-torn southern Sudan, Chad, Libya and Central Africa. However, perhaps the chief source of the arms used by the Janjawid militias as well as the army to commit grave human rights violations has been the government of Sudan. The UN Office of the High Commissioner for Human Rights (OHCHR) mission as told as much by the *Janjawid* themselves:

“At one IDP location, the mission interviewed a number of individuals who referred to themselves as Fursan. They were uniformed in military fatigues and were on horses. The

Fursan said that they were all Arabs and that they had been armed and were paid by the Government. They said that they acted upon Government instructions.”<sup>79</sup>

So many small arms are flowing around Darfur that the disarming of the Janjawid is said by many to be almost impossible. After a public event in al-Jeneina on 27 August 2004,<sup>80</sup> when the Janjawid piled their arms in front of the UN Special Representative Jan Pronk, members of both sedentary and nomad groups commented that most of the Janjawid had not one but five or six guns, so the loss of one would make no difference.



*Gunshot wound survivor in a camp for internally displaced persons, near al-Jeneina, Darfur. © AI*

The types of weapons described by the displaced and refugees and the types of weapons most frequently used by militias and armed forces to kill civilians, are simple: rocket-propelled grenade launchers (RPGs), Kalashnikovs (AK47s), bazookas, rifles, G3 rifles, Belgian FAL rifles, and grenades. But the Janjawid are described as well-armed; by the end of 2003 they were nearly always described as wearing military uniforms, often driving Land Cruisers, and in addition to their guns, armed with RPGs, rocket-propelled grenades and modern communications equipment.

The circumstances of the killings are many. Often it seems to be the young men who resisted the Janjawid that are killed: as one displaced man in Abu Shouk Camp in al-Fasher told Amnesty International delegates: “*My brother Ibrahim who was 25 and single because he resisted when they wanted to take his one camel... They took 200 camels from me and I did not resist them*”. A lot of testimonies show deliberate killings of civilians, including women, men and children. Sometimes the villagers resist attack with what arms they have; as one woman said, describing the attack on Kolba village: “*In June 2003 the government gathered soldiers and Janjawid. They shot at us when we wanted to leave the village. Some of our men died and some run away. My husband was killed during the attack, some of our men had guns and they resisted the attack I left with the children and we were attacked again on our way by Janjawid.*” Often the villagers were unarmed; as one villager from Kindu said describing the violent attacks in August 2003: “*They said, you are Tora Bora, like the hill in Afghanistan where the Americans killed the terrorists. This is what they call us, but none of us had arms and we were not able to resist the attack.*”

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<sup>79</sup> The report of the High Commissioner for Human Rights about the situation in Darfur, E/CN.4/2005/3, 7 May 2004, para 56.

<sup>80</sup> Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (30 August 2004), para 19

Attacks on civilians by government of Sudan forces continue even after the ceasefire. On 23 July 2004 in an attack on Abu Deleyk where some SLA forces had visited the market, a resident told the AU Ceasefire monitors that: “the government forces approached the town in five trucks and four pick-up vehicles at about 1230 hours. On sighting the government forces, the SLA fired three warning shots in the air and quickly withdrew. The government forces immediately surrounded the market and opened fire with small arms and RPG bombs.” Many civilians ran to the east while others were caught in the crossfire. The soldiers immediately entered into the market and started looting. A soldier stabbed a young boy with a bayonet in the chest accusing the boy of being a member of the SLA. The soldiers eventually left the market with their loot and abducted two persons. The CFC concluded that, “although the incident was provoked by the illegal visit of the SLA...the facts available to the team present a clear case of assault by the GOS [Government of Sudan] forces on innocent civilians going about their normal life in the market of Abu Deleyk.”<sup>81</sup>

## 6.1 Extrajudicial killings in ground attacks

Amnesty International has also obtained numerous testimonies of attacks on villages and the killing of civilians who were not resisting carried out either by the *Janjawid*, or by the *Janjawid* accompanied and supported by Sudanese government soldiers.<sup>82</sup> In some cases, the soldiers would stay behind the *Janjawid*, cordoning off the village and preventing people from fleeing. In other cases they would participate directly in attacks against civilians.

The nature of some of the killings committed by government soldiers, and those committed by the *Janjawid* in the presence of elements of the Sudanese army indicates that they were extrajudicial executions.

Between 5 and 7 March 2004 for example, Sudanese military intelligence and armed forces officers accompanied by members of the *Janjawid* militias, arrested more than 130 people in 10 villages in Wadi Saleh province, in Western Darfur state. All those arrested belonged to the Fur, the largest ethnic group in Darfur. The military intelligence officers detained those arrested in Deleij, 30 km east of Garsila town in Wadi Saleh province. According to reports, military intelligence and army officials claimed that they arrested the men because they were sympathizers of the armed opposition group the SLA. The men were then blindfolded and taken in groups of about 40, by army trucks to an area behind a hill near Deleij village. They were then told to lie on the ground and shot by a force of about 45 members of the military intelligence and the *Janjawid*. Two of those shot lay wounded among the bodies before escaping and giving information to the outside world.

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<sup>81</sup> Commission Ceasefire Violation Report on the alleged attack in Abu-Deleyk Village on 23 July 2004.

<sup>82</sup> Amnesty International delegates obtained more than a hundred testimonies from Sudanese refugees in nine locations along the eastern Chadian border, scattered over 300 kilometres. The testimonies were coherent, credible and all pointed at a quasi-systematic pattern of attacks. They are not all reproduced in this report.

*“It was early when I heard the noise and went out to see what is happening. When I opened the door there were Janjawid pointing a gun at me. They told me to stop and they aimed at me with their guns. The Janjawid were everywhere. I saw them collecting men from all the huts, it was mainly men from 16 to 35 years of age. They took them out of the village. They took as they liked, money and belongings. They took the men by car outside of the village. I could see the car returning to bring more every ten minutes back and forth. They took the men behind the mountain. The government army was there with their guns, but they did not burn the village and they did not loot. But they were there with the Janjawid. Behind the mountains they killed them and they arrested others. On that Friday they killed 116 men. I saw the dead bodies behind the mountains. They killed my son, Isa Ibrahim Shagar, he was 23 years of age. They took everything we had. We heard them shooting people. Those who were arrested were told to go and see [name of Janjawid leader] to pay to be released. This was all still on Friday.*

*“Those who were arrested were tied up: arms behind their body, they had to lie face down on the earth and were beaten. They were hitting them hard until their heads were bleeding. They told us that those between the age of 16-35 could not pay only those older than 55 could pay. They asked for 500.000 Sudanese Pound for one person. Only eight people could pay. The remaining men and women and children were kept under trees outside the village and the Janjawid did not allow anybody to move. We heard women who went to collect firewood who were raped. There was a 15 year old girl, I do not know her name, she was raped by the Janjawid when she went to collect fire wood. Those who were still arrested they were told to get into the cars, because they would take them to the police in Garsila. But they were taken behind the hills and killed. Some of us could climb the hills and see what they did. On Saturday they killed the rest of the men. This time they did not use their guns, they twisted their necks. One Janjawid stood behind the man to hold him down and others twisted the neck until it broke.” [Account from a 61-year-old interviewed in Goz Amer; he told Amnesty International that in the two days 255 people were killed]*

## **6.2 Torture, including rape and sexual abuses by armed men**

Refugees in Chad and IDPs in Sudan report that government forces and/or militias carried out brutal acts of violence during ground attacks. Amnesty International has collected consistent reports among refugees and IDPs of rape and abuses among women and young girls by the *Janjawid* and the Sudanese forces.<sup>83</sup> Rape was often multiple and carried out by more than one man, and was generally associated with other severe violence including beating with guns and whipping.

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<sup>83</sup> Amnesty International, “Sudan: rape as a weapon of war”, AI Index: AFR 54/076/2004, 19 July 2004.

According to testimonies given to Amnesty International, rape often appears to have taken place while victims were restrained, often at gunpoint, and at times in front of family members.<sup>84</sup>

A villager from Mangarsah was interviewed by Amnesty International in the Camp of Goz Amer in May 2004. He told the delegates: “*In February 2004, I left home to flee the ‘exactions’. In the bush, I was intercepted by six Arabs; I tried to take my spear to protect my family, but they threatened me with a gun, so I stopped. The six Arabs then raped my daughter in front of me, my wife and my other children. She was aged 25.*”

Rape and other forms of sexual violence constitute a form of torture and cruel, inhuman and degrading treatment. These are serious violations of the International Covenant on Civil and Political Rights (to which Sudan is a party), as well as the Article 3(c) common to the Geneva Conventions.<sup>85</sup> They are considered as war crimes. In the context of Darfur, they are also considered as crimes against humanity as these acts have been part of a widespread attack on civilians, in this case to eradicate and remove a part of the population.

### **6.3 Supplies of small arms, light weapons and ammunition**

#### *China:*

According to UN Comtrade data,<sup>86</sup> Sudan imported \$845,918 worth of “parts and accessories for shotguns or rifles” as well as \$34,827 of pistols and revolvers and \$97,437 of “sporting and hunting shotguns” from China during 2002.

#### *France:*

According to UN Comtrade data, France exported large quantities of “bombs, grenades, ammunition and other military items” to Sudan during 2000 and 2001. The export data records show \$244,066 worth of such items in 2000, \$447,687 in 2001 and a decline to \$24,546 in 2002.

#### *Iran:*

UN Comtrade data show that Iran has recently been a large supplier of small arms, light weapons and other military equipment to Sudan. Iran exported \$1,418,434 worth of “small arms ammunition” in 2000, followed by \$2,936,321 in 2002. In addition, Iran exported \$2,656,080 worth of “bombs, grenades, ammunition and other military items” and \$1,051,357

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<sup>84</sup> The report of the UN High Commissioner for Human Rights about the situation in Darfur E/CN.4/2005/ 3, 7 May 2004 mentions this.

<sup>85</sup> Article 3(c) “Outrages upon personal dignity, in particular humiliating and degrading treatment”.

<sup>86</sup> UN Commodity Trade Statistics Database, or “UN Comtrade”. Such data is compiled from submissions to the UN Statistics Division by Member States for their imports and exports each year. A series of common or harmonized custom codes (or ‘tariffs’) has been developed to describe the various types of products that are traded. There are a number of tariffs that are used for arms, ammunition and other defence equipment.



of “parts and accessories of shotguns or rifles” to Sudan. The Sudanese authorities also recorded a value of \$154,236 for imports from Iran of pistols and revolvers. Iran continues to produce a version of the G3 assault rifle, possibly still under a licensed production agreement from Germany. Reports during the 1990s indicated that large quantities of G3 rifles had been supplied to Sudan.<sup>87</sup>

*Saudi Arabia:*

Sudan reported to UN Comtrade that US\$58,329 worth of “military weapons” had been imported from Saudi Arabia to Sudan during 2002.

*Switzerland:*

The Sudanese authorities provided UN Comtrade with a trade entry for US\$4,258,112 worth of imports of “military weapons” from Switzerland, the existence of which was completely denied by the Swiss Government in July 2004 who disclaim all knowledge of such transfers. Switzerland did however appear to record exports to Sudan of small dollar values of “pistols and revolvers” according to the UN data (see below).

*Ukraine:*

According to reports, a Ukrainian company was involved, via Cyprus, in the construction of an ammunition factory in Sudan in 1996.<sup>88</sup>

*United Kingdom-Brazil:*

According to UN Comtrade Sudan recorded the importation of US\$184,392 worth of “parts pistols and revolvers” from the United Kingdom. In response to a newspaper article concerning this figure, the UK Department of Trade and Industry stated that it had no records of such an export.

In June 2004, an End Use Certificate (EUC) apparently signed by the Sudan government authorized a UK firm, Endeavour Resources UK Ltd, to negotiate for 5,000 M973 9mm semi-automatic pistols to be supplied by Imbel, a company in Brazil, “for the sole use by the internal drug and law enforcement agencies of the Republic of Sudan.”<sup>89</sup> The EUC was obtained in September 2004 by a UK newspaper that alleged arms brokers based in Ireland and the United Kingdom had been involved in negotiations for arms deals to Sudan contrary to a new UK law on arms brokering which came into force on 1 May 2004.<sup>90</sup>

*Other:*

The UN Comtrade data for small arms and light weapons cannot be regarded as complete, not least because import and export data may not correspond, but also because many governments

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<sup>87</sup> For example Jane’s Defence Weekly report that 50,000 G3 rifles were exported from Iran to Sudan in 1991 which may explain why the G3 rifle is so often referred to in the context of attacks by government troops and associated militia in Darfur.

<sup>88</sup> Jane’s Intelligence Review 1999

<sup>89</sup> End Use Certificate from Military Industry Corp of Sudan to Imbel, Brazil, dated 23 June 2004.

<sup>90</sup> Sunday Times, “Briton supplies arms to Sudan”, 5 September 2004

do not report their import or export data to the UN, or withhold data on exports to specific countries or specific weapon types. For example, the UN recorded US\$217,276 worth of imports to Sudan of “parts and accessories for revolvers and pistols” during 2002, but the imports are not attributed to any country. A variety of arms from other countries has been identified in Sudan by Human Rights Watch, including from Belgium, Hungary, Israel, Russia, South Africa, Sweden, United Kingdom, USA and the former Yugoslavia.<sup>91</sup>

*Transfers with lower values from other countries:*

International transfers of small arms and light weapons to Sudan valued at under US\$25,000 in recent years are recorded in the UN Comtrade data as follows:

<b>UN Comtrade data<sup>92</sup> for lower value “<u>exports from</u>” countries to Sudan from other countries: 2000 – 2002 (All values in US Dollars)</b>			
	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Parts &amp; accessories of shotguns or rifles</b>			
Cyprus			6,028
<b>Pistols &amp; Revolvers</b>			
Switzerland	1,438		2,667
<b>Shotgun Cartridges</b>			
Cyprus	12,918	9,818	9,006
Germany		1,790	
<b>Small Arms Ammunition</b>			
Austria		3,759	
Germany		1,790	
<b>Sporting &amp; Hunting Shotguns</b>			
Austria		21,861	
Cyprus	2,416	1,008	5,361
Greece	1,608		
<b>Sporting &amp; Hunting Rifles</b>			
Switzerland	1,942		

<sup>91</sup> Human Rights Watch: “Sudan – Global trade, local impact, August 1998, <http://www.hrw.org/reports98/sudan/>

<sup>92</sup> For an explanation of Comtrade see footnote 86.

<b>UN Comtrade data for lower value “imports to” Sudan from other countries: 2000 – 2002 (All values in US Dollars)</b>			
	2000	2001	2002
<b>Bombs, Grenades, Ammunition, Mines, &amp; Others</b>			
Cyprus			1,592
United Arab Emirates			5,601
<b>Military Weapons</b>			
Turkey			7,811
<b>Pistols &amp; Revolvers</b>			
Egypt			10,856
United Arab Emirates			9,440
Yemen			4,456
<b>Shotgun Cartridges</b>			
Greece			1,990
Kuwait			1,974
Qatar			1,234
<b>Small Arms Ammunition</b>			
Cyprus	1,791		
<b>Sporting &amp; Hunting Shotguns</b>			
Egypt			789
<b>Sporting &amp; Hunting Rifles</b>			
Egypt			2,546

The lower value transfers from the UN Comtrade data mentioned above may, or may not, contribute to human rights abuses in Sudan and require investigation by the governments concerned.

#### **6.4 Landmine use and supplies to Sudan**

Most parts of Sudan, especially the South, are infested with landmines that kill, injure and disable people. The south of the Darfur region is also affected by the proliferation of landmines. The Sudanese government estimated that two or three million landmines and unexploded ordnance (UXO) cover 32 percent of the country.<sup>93</sup> In 1997, several types of

<sup>93</sup> International Federation of Red and Red Crescent Societies – 25/07/2004 - [www.ifrc.org/WHAT/health/archi/fact/mines.htm](http://www.ifrc.org/WHAT/health/archi/fact/mines.htm)

landmines were found in Sudan. The landmines had been originally produced in the following countries:<sup>94</sup> Russia, China, UK, Iraq, Iran, USA, South Africa, Italy, North Korea, East Germany, Belgium, Bulgaria, Poland, Egypt, Israel, and Yugoslavia. In 2000, antipersonnel landmines were found in Sudan; the original producer countries were: Belgium, China, Egypt, Israel, Italy, former USSR and USA.<sup>95</sup>

A report by UN OHCHR on 7 May 2004 estimated that some 1 million landmines cover the Sudanese territory and that areas of the Darfur region are littered with unexploded ordnance and landmines, some of which are plainly visible on the desert surface.<sup>96</sup> There are allegations of the use of landmines by the government and the *Janjawid* in the Darfur region: “Villagers from around Tina (...) alleged that landmines were planted around the village.”<sup>97</sup>

On 4 December 1997, Sudan signed the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction (18 September 1997) and ratified it in October 2003. It entered into force on 1 August 2004. The Sudanese government should have stopped using anti-personnel mines, as well as have helped clear mines from its territory.

On 10 October 2004, a vehicle of the humanitarian organization, Save the Children UK, was hit by an anti-tank landmine in the Um Baro area of North Darfur, Sudan. Two members of staff travelling in the vehicle were killed. The driver of the team survived with severe burns. The area had been inaccessible for humanitarian aid workers for several months, but at the time of the explosion it was being frequently used by humanitarian convoys.

The international community has an obligation to ensure that no anti-personnel landmines are transferred to Sudan and to help ensure armed groups in Sudan do not use them. The United Nations Mines Action Service (UNMAS) has an Emergency Mine Action Program in Sudan.

## **7. The supply of military training and logistics**

Several governments have recently provided military training for the use or deployment of arms in Sudan. Such training is often excluded from official arms export data. For example it has been reported that military training was provided to Sudan by India in 2003.<sup>98</sup> According to Middle East Newline, “Sudan has been examining an offer from India for military platforms and training. The Indian offer was relayed to the authorities in Khartoum as part of an effort to improve defence cooperation between the two countries. Sudan has also been

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<sup>94</sup> HRW: “Sudan – Global trade, local impact, August 1998, <http://www.hrw.org/reports98/sudan/>

<sup>95</sup> Banque de données CDRPC [Centre de Documentation et de Recherche sur la Paix et les Conflits] 2000 - Jane’s Mines and Mine Clearance – [www.obsarm.org/obsarm/mines/sudan.htm](http://www.obsarm.org/obsarm/mines/sudan.htm)

<sup>96</sup> UN: “Report of the High Commissioner for Human rights, Situation of human rights in the Darfur region of the Sudan”, E/CN.4/2005/3, 7 May 2004

<sup>97</sup> AI: “Sudan: Darfur: ‘Too many people killed for no reason’”, 3 February 2004, AFR 54/008/2004

<sup>98</sup> [www.tau.ac.il/jcss/balance/sudan.pdf](http://www.tau.ac.il/jcss/balance/sudan.pdf)

considering projects to develop its military. Sudanese Defence Minister Bakri Hassan Saleh has visited Indian military and defence installations to examine a range of products.<sup>99</sup>

Frequently, the provision of foreign military training is linked to wider military cooperation and supplies of military equipment. Sudan is one of the four African countries in which Russia has expanded its military-technical cooperation in 2001 and under an inter-governmental military technical cooperation accord signed in 2002, Russian expertise will be used to offer inexpensive upgrades for Sudan's military helicopters and armoured vehicles.<sup>100</sup> Belarus and Sudan have recently been discussing similar military cooperation.<sup>101</sup> Also, Malaysia and Sudan reportedly signed on 17 February 2004, a memorandum of understanding that will pave the way for Kuala Lumpur and Khartoum to forge defence cooperation.<sup>102</sup>

It remains an open question whether such training has contributed to human rights violations in Sudan, however it is unlikely that these states would ensure the inclusion of rigorous practical programs of training in Sudan for military personnel in upholding international human rights standards and international humanitarian law.

An Australian company, Q-Mac Electronics, was reported in mid-2003 to supply high frequency radios to the Sudan armed forces.<sup>103</sup> High frequency radios are regarded as standard equipment for coordinating military operations.

Arms transportation services to Sudan are provided by air and sea generally through foreign companies, or joint arrangements with local companies. For example, in 2004 a Moldavian registered cargo company, Aerocom, that carried shipments of arms from Serbia to Liberia in violation of the UN embargo in 2002, was carrying cargo to Sudan in 2004 and maintained a close business link to the Ukrainian national arms export company named on Sudanese arms import documents in August 2004.<sup>104</sup> In 2003 a Sudanese air cargo company

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<sup>99</sup> "Sudan thinks over Indian offer for military cooperation", Middle East Newline, 26 February 2004

<sup>100</sup> Nikolai Novichkov, "Russian defense minister Ivanov announced an accord with Sudan on military cooperation", Moscow in JDW 15.05.02; [www.idds.org](http://www.idds.org)

<sup>101</sup> See sections on Belarus above.

<sup>102</sup> "Sudan thinks over Indian offer for military cooperation", Middle East Newline, 26 February 2004

<sup>103</sup> International Defence Review, 1 July 2003, which reported the company's claim that: "Users currently include the Angolan army, the Australian Defence Force (for use in East Timor), the Chinese air force, the Chinese Department of Public Security, the Democratic Republic of Congo Armed Forces (for use in Sudan), the French Army, the Russian Ministry of the Interior, the Royal Brunei Police (for use in Namibia), the Singapore Ministry of Defence, South African special forces and the Sudan Armed Forces." See also Jane's Defence Review January 2002.

<sup>104</sup> Aerocom was named in an official UN Security Council report as being involved in the illegal smuggling or attempted smuggling of nearly 6,000 automatic rifles and machineguns, 4,500 grenades, 350 missile launchers, 7,500 landmines and millions of rounds of ammunition from Serbia to Liberia, in breach of a UN arms embargo. Another air freight company based in Ukraine, Asterias Commercial SA, lists "Aerocom" and "Ukrespsexport" as "partners" on its website see: <http://www.asterias.com.ua/eng/5.html>. Ukrspsexport is the Ukraine arms exporter named on Sudanese End Use Certificates in August 2004 - see the UK-Ireland-Ukraine entry above and the companies listed on: [www.asterias.co.ua](http://www.asterias.co.ua). Regarding Aerocom's cargo flying to Sudan, see for example "Sudan aid 'flown on gun-running planes', Evening Standard, 25 August 2004.

leased a Kyrgyzstan-registered Antonov cargo plane from the latest in a long line of companies run by Victor Bout, a Russian arms broker named in several UN reports for violating UN arms embargoes.<sup>105</sup> The plane is reportedly based in Sharjah and run by British Gulf International Airlines of Kyrgyzstan formed in 2003 out of a Sao Tome-registered company of the same name, using the same office and staff.<sup>106</sup>

## 8. Arms supplies to the armed opposition groups in Darfur

The Sudan Liberation Army (SLA), formed in February 2003 attacked police stations and army posts in protest, according to their statements, against the marginalization of Darfur, the lack of schools, hospitals and economic development, and at the failure of the government to protect the local people against armed nomad groups. Soon after, the Justice and Equality Movement (JEM) was founded, with its main strength allegedly in North Darfur and with links to the Popular Congress opposition party headed by the former ideologue of the government, Hassan al-Turabi. In September 2004 other movements emerged, also reportedly close to the Popular Congress: the *al-Shahama* (courage) which operated in Kordofan and the National Movement for Reform and Development, said to be a breakaway from the JEM and which operated around Tina.

Rebel groups have denied receiving arms from other countries or sources and claim to get their arms from attacks on Sudanese government forces. On 29 October 2004, the President of the JEM, Khalil Ibrahim, said: "*The most difficult thing is not finding combatants in Darfur, but finding arms. About 90% of our armament comes from what we have captured from Sudanese army barracks.*" In answer to Jan Pronk's statement in the UN the previous day accusing the rebel groups of laying the landmine which killed two Save the Children workers on 10 October 2004, Khalil Ibrahim denied that the JEM had ever laid landmines. Claiming to have 12,000 men under arms, he denied the JEM was financed from Libya.

Police stations particularly are a favourite target and many police have died in armed attacks. AU monitors, investigating the SLA abduction of the local Chief and judge in Teaisha/Al-Leeit village on 10 July 2004 interviewed one man who said that he saw a convoy of two vehicles carrying a group of men armed with AK47s and G3 rifles headed towards the station...he witnessed the assault on the armoury where 22 weapons were taken away. A CFC

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<sup>105</sup> For example, see the description of Victor Bout's activities in UN Security Council, 18 April 2001, addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA (S/2000/1225, annex), submitted in accordance with Security Council resolution 1336 (2001) of 23 January 2001.

<sup>106</sup> Aero Transport database October 2004; Inter Press Service, 20 May 2004; "*The Trafficker Viktor Bout Lands US Aid for Services Rendered in Iraq*", Le Monde, May 18, 2004; "*Gladioli or Guns Fair Game for a Sanctions Buster*" Financial Times May 17, 2004.

assessment was that “the police station has remained a source of easy acquisition of weapons for these armed groups and armed robbers.”<sup>107</sup>

*Sudan Liberation Army (SLA) soldier in action, Darfur.*

© AI/Philip Cox

The armed opposition groups also seem to benefit from the same easy availability of arms as the *Janjawid*. Eyewitnesses have described how combatants of the armed opposition are transported in Land Cruisers, sometimes with machine guns mounted on the vehicles. Small arms and RPGs are easily available from Chad, Libya, from within Sudan and possibly from other armed opposition groups. The Sudanese government says that the armed opposition receive arms from Eritrea; the National Democratic Alliance, a federation of Sudanese opposition groups based in Eritrea. The SLA has joined this alliance and leaders of the SLA have frequently visited Asmara over the past six months. The Sudanese government has also accused the armed opposition of getting arms from Israel, but has not yet provided the evidence to support this claim.

Amnesty International delegates in Musai camp heard testimonies from displaced members of nomadic groups of killings and rapes by the Sudanese Liberation Army. The Justice and Equality Movement and Sudanese Liberation Army forces have attacked humanitarian convoys and abducted humanitarian workers. Though most of those abducted have eventually been released unharmed, some Sudanese civilians have been killed, including two members of staff of the Committee for the Eradication of the Abduction of Women and Children. On 27 October 2004, an SLA group took 18 people, said to be of nomad origin, from a bus traveling from Nyala to Zalingei and killed 13 of them.

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<sup>107</sup> *Commission Ceasefire Violation report on the alleged attack on Tweisha/El Leeit Village leading to the abduction of chief of all tribes in East Darfur and Judge Nauren Abaucer Yusuf on 10 July 2004.* <http://www.africa-union.org/DARFUR/reports>.

## **9. Oil and the funding of arms**

Sudan's population is poor and affected by a civil war that has lasted nearly two decades. It is ranked 139<sup>th</sup> out of a total of 177 countries in the Human Development Index prepared by the United Nations Development Program. It is ranked 72<sup>nd</sup> out of 94 countries covered by the Education for All Development Index.

Sudan is now one of the 38 Heavily Indebted Poor Countries (HIPC), which means its government can receive favourable terms from the international financial institutions in repaying its debt, provided it reduces its military expenditure and increases transparency. It has done neither. That is why it has remained as one of eleven "pre-decision point" countries, which means relief from the international financial institutions can only start after strife and conflict end.

The Sudanese Government holds the primary responsibility to respect, protect and fulfil human rights in Sudan. International human rights law recognises that the resources available to some states are limited, and therefore requires the progressive full realisation of economic, social and cultural rights of the population, according to the maximum of available resources. States parties to the International Covenant on Economic, Social and Cultural Rights, which Sudan ratified in 1986, are required, to realise, as a matter of priority, at the very least minimum essential levels of economic, social and cultural rights using all available resources.

The amount of oil that Sudan produces could help provide resources that could go a long way in enabling the State to realize economic, social and cultural rights of its people. Yet, the lack of progress towards realising several economic, social and cultural rights, such as the right to the highest attainable standard of health, the right to education, and the right to an adequate standard of living, including adequate food, water and housing, is experienced by a large number of the Sudanese people. The oil revenues which could fund economic, social and cultural progress to marginalised groups in Sudan helps to fund the arms and the militias which commit human rights violations.

### **9.1 The oil boom**

The oil sector in Sudan developed very rapidly between 1998 and 2000. Since then growth has been steady. Oil production has changed some of the fundamental parameters of the Sudanese economy, which now show a commodity trade surplus, though subject to large price fluctuations in the volatile oil market.

Sudan's economy grew by 6.3% in 2002 – its gross domestic product grew to US\$13.5 billion<sup>108</sup> – partly because of the increase in oil production and favourable weather conditions, which boosted agricultural production. Oil production has also raised the

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<sup>108</sup> Agriculture accounts for 39.2%, industry 18.3%, and services 42.5% of the economy. Some 70% of people in Sudan depend on agriculture for their livelihood.



Government's budget revenues. Almost all the foreign direct investment Sudan received in 2001 was in the oil sector, amounting to US\$ 574 million. The main investors are companies from the People's Republic of China,<sup>109</sup> Malaysia,<sup>110</sup> India<sup>111</sup> and other companies from these countries are active in building power plants, pipelines, other oil-related infrastructure, and other property projects<sup>112</sup>. Several other companies<sup>113</sup> have signed agreements with the Sudanese authorities to explore oil in the future, but only after a peace agreement is concluded and respected. A few other companies, from Pakistan and the United Arab Emirates, have also shown interest in service businesses connected with the oil industry.

Oil now accounts for more than 11% of Sudan's Gross Domestic Product (GDP). Oil and petroleum products account 40% of public revenue and 81% of exports. As of January 2003, Sudan's estimated proven reserves have been increasing, as more area is being explored, and more exploration becomes possible because of the currently high international price of oil.<sup>114</sup> The reserves stood at 563 million barrels, more than twice the 262.1 million barrels estimated in 2001.<sup>115</sup> As the international oil price continues to rise, even relatively inaccessible or otherwise uneconomic fields become profitable for oil companies. Even at the discounted price of US\$40 per barrel,<sup>116</sup> Sudan's income from oil could amount to an estimated daily revenue of US\$18 million, or US\$6.5 billion annually, which would significantly enhance the oil sector's share of Sudan's GDP. Indeed, Sudan won't get all of that money, and it would indeed be shared with companies operating in the country, depending on the production sharing contracts; but in comparable contracts signed between host countries and oil companies, host countries get a substantially larger share of the windfall when oil prices rise.

## 9.2 Oil and military expenditure

Sudan's oil wealth has played a major part in enabling an otherwise poor country to fund the expensive bombers, helicopters and arms supplies which have allowed the Sudanese government to launch aerial attacks on towns and villages and fund militias to fight its proxy war. By earning increasing oil revenues, the Sudanese government continues to be in a

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<sup>109</sup> The Chinese National Petroleum Corporation.

<sup>110</sup> Petronas Bhd.

<sup>111</sup> Oil and Natural Gas Commission Videsh Ltd.

<sup>112</sup> There are over 10,000 Chinese workers currently working in Sudan. China's oil imports have been rising by some 35% a year, and since 1999 China has invested over US\$3 billion into developing oil fields and building a 930-mile pipeline, refinery and port. See *China Fights UN Sanctions to Safeguard Oil*. The Independent, Oct 15, 2004.

<sup>113</sup> Including, for example, Total of France.

<sup>114</sup> . The country's oil reserves are estimated at between 600 million and 1.2 billion barrels with recoverable reserves estimated at greater than 800 million barrels. This means there are still 237 million barrels of oil reserves that remain unexplored, indicating continued investor interest in Sudan.

<sup>115</sup> Crude oil production averaged 146,000 barrels per day (bbl/d) in 1999, rising to 227,500 bbl/d during 2002, a figure that has been rising steadily since the completion of the export pipeline in July 1999. By 2003, oil output surpassed 300,000 bbl/d, with plans to reach 450,000 bbl/d by 2005.

<sup>116</sup> At the time of writing, the international oil price had risen to over US\$50 per barrel.

position to deploy considerable resources to military activities – be it in the form of paying salaries, or acquiring equipment, such as helicopter gunships, armaments, and associated hardware. The government has used increases in oil revenues to fund a military capacity that has in turn been used to conduct war in Darfur, including carrying out violations of international human rights and humanitarian law.

According to the European Commission Country Strategy Paper on Sudan 2002-2007, the contribution of oil revenue has boosted the level of the Federal Government budget from less than 8% of GDP to 11-12% within two years. The increased resources have allowed an expanded expenditure programme, allowing Sudan to maintain what the EU calls “a robust military expenditure budget” with some money going to development expenditure. Oil revenue has also allowed the government to reduce taxes.

The EU assessment concludes that: “Spending on security (including police and military) remains a dominant share of federal resources, while social sector expenditure is mainly left to state governments and local authorities, which are notoriously cash-strapped, particularly since agricultural taxation was abandoned in 2001 as a national policy.”<sup>117</sup> According to the EU’s analysis of the budget, in many areas of domestic development expenditure, there are significant arrears, which means, that the State is spending *less than* what it has planned to do. At the same time, it continues to maintain its military and police expenditure.

According to figures from the International Monetary Fund, there has been a consistent increase in military spending in Sudan. By the early 1990s military spending accounted for 24.5% of government expenditure.<sup>118</sup> The Sudanese government has chosen to use the rise in its oil revenues to increase its military spending. According to the Center for Arms Control and Non-Proliferation, Sudan’s military budget has grown to \$700 million<sup>119</sup> in 2003, from \$581 million in 2001. This increase of over US\$119 million over two years has been made possible by an increase in oil production and revenues. The incremental increase in oil production between 2002 and 2003 alone was about 73,000 barrels daily, and at an average oil price of about US\$30 per barrel that year, Sudan’s oil sector earned an additional income of US\$2 million per day. Over 2003, then, Sudan’s oil sector generated \$700 million, and as the state gets a substantially larger share of any international oil price increase, the state earned a windfall gain that paid several times over the increase in the military budget between 2001 and 2003.

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<sup>117</sup> Country Strategy Paper for Sudan, European Commission, Oct. 2002.

<sup>118</sup> The share of military expenditure as proportion of total government expenditure has fluctuated in tandem with the political situation in the country. The share of military expenditure was about 7.9% in 1955, and rose to 19.7% in 1964, when the civil war broke out. A big jump occurred in 1965 and the share remained above 20% till 1972, when signing the Addis Ababa Accord ended the war. The share then fell to 11.6% in 1975 and stayed slightly above 10% in the late 1970s and early 1980s. However, the renewal of the civil war in 1983 saw further increases, and by the early 1990s it accounted for 24.5% of government spending.

<sup>119</sup> <http://64.177.207.201/static/budget/annual/fy05/world.html>

According to the Economist Intelligence Unit, the Government spends half the state budget every year to pursue the war.<sup>120</sup> If such estimates are accurate, then the defence budget would have grown four-fold in one decade. The figure of approximately US\$700 million for 2003 must be juxtaposed with the government's budget of 2003, which is US\$1.6 billion. That means Sudan may have spent close to half of its annual federal income on defence.

Today, Sudan has the seventh-largest military expenditure in Africa, following Egypt, South Africa, Algeria, Morocco, Libya and Angola. That budget has coincided with a period of growing economy, with the result that Sudan creates the false impression of falling defence expenditure as percent of its gross domestic product. Many countries mask the increase in their defence budget by showing that as proportion of the country's GDP, their defence budget has fallen. But in a growing economy, even though the percent of defence budget may fall, actual defence expenditure may rise. In absolute amounts, the defence budget has been rising at double-digit rates every year.

### **9.3 Amnesty International's work on oil and human rights**

Amnesty International has documented in its report *Sudan: the Human Price of Oil*, issued in May 2000,<sup>121</sup> how civilians living in oil-rich areas of Unity State/Upper Nile were killed, injured and forcibly displaced from their villages since early 1999, mainly by government forces, the Popular Defence Forces and government-supported local militias. Amnesty International focused on the forcible displacement which occurred mainly around the Heglig and Unity oilfields. Those civilians were driven out of the region, or in government-controlled towns, such as Bentiu. The SPLA, the main armed opposition group in the South, also sought to control oil-rich areas, by allying with key local militias in the region, committing abuses against civilians and targeting oil companies' assets and staff.

Before and after the publication of its report, Amnesty International tried to engage in a dialogue with oil companies present in Sudan on their own obligations to protect and promote human rights in their areas of operations. While Amnesty International did not call for the withdrawal or divestment of oil companies from Sudan, it raised its concerns about the use by oil companies of government forces responsible for massive human rights violations – killings and injuries of civilians, forced displacement, forced recruitment of child soldiers, impunity – to protect them. Amnesty International also opposed direct logistical support of oil companies to the Sudanese government which helped to commit human rights violations. The Sudanese Air Force used as a base the airstrip of Heglig, an oilfield infrastructure, and was able to fly and remain operational because of fuel supplied by oil companies for its planes who launched deliberate and indiscriminate aerial bombardment of civilians.

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<sup>120</sup> EIU Q2 1999, page 20.

<sup>121</sup> AI Index AFR 54/01/00 ERR, 3 May 2000.

## **Recommendations**

Amnesty International has repeatedly appealed to the government of Sudan and the armed opposition groups of Sudan to take concrete steps to respect international humanitarian and human rights law and has urged the international community to support this process. Solutions to the crisis in Sudan must be developed that offer timely, effective and long-lasting protection of human rights for all.

### **To the international community**

Governments must ensure that they do not transfer weapons that are likely to be used to commit human rights violations or violations of international humanitarian law. As a principle of customary international law, all states must refrain from authorizing transfers in circumstances when they know or ought to know that weapons of the kind in question are likely to be used to commit violations of international law. Therefore, Amnesty International:

1. Urges all states mentioned in this report to immediately suspend transfers of all those types of arms and related logistical and security supplies to Sudan which are used by the armed forces or militias for grave human rights abuses and war crimes;
2. Specifically requests the UN Security Council to impose a mandatory arms embargo on the government of Sudan to stop military and related supplies reaching the parties to the conflict in Darfur, until effective safeguards are in place to protect civilians from grave human rights abuses and war crimes. This embargo should be accompanied by an adequately resourced UN monitoring mechanism including an Expert Group which reports regularly to the Security Council and a Sanctions Committee set up by the Security Council under the proposed resolution. The Expert Group should carry out investigations internationally and should regularly monitor the main ports of entry to Sudan to help ensure that the embargo is respected;
3. Requests the independent UN International Commission of Inquiry, established by the Security Council, to consider the investigation of complicity in the violations of international humanitarian law and international human rights standards in Darfur specifically through the provision of arms to the perpetrators of such violations;
4. Appeals to all states to take preventive action with regard to arms exports and to support the establishment of an Arms Trade Treaty<sup>122</sup> based upon international law, particularly human rights standards and international humanitarian law, according to which arms transfers must not be authorized if a state knows or ought to know that arms are likely to be:
  - used in the commission of serious violations of human rights,
  - used in the commission of serious violations of international humanitarian law;
  - used in the commission of genocide or crimes against humanity; or

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<sup>122</sup> For more information, see: [http://www.controlarms.org/the\\_issues/whats\\_wanted.htm](http://www.controlarms.org/the_issues/whats_wanted.htm)

- diverted and used to commit any of the above violations of international law.
5. Urges the Sudanese government and its neighbouring states to uphold their commitment to the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons agreed on 1 December 2000, which calls for respect for fundamental human rights and international humanitarian law, as well as the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, which calls for the observance of human rights and good governance, agreed on 21 April 2004;
  6. Appeals to all governments to take concrete steps to control the activities of arms manufacturers, dealers, brokers, and traffickers<sup>123</sup> through: (a) strict national registration of each arms manufacturer, broker, transporter and financier, even if they operate only through 'third countries', excluding anyone convicted of criminal offences such as money laundering, trafficking, and firearms-related violence; and (b) rigorous licensing procedures for the export, transit and import of arms on a case-by-case basis, including full details of the brokers, transporters, and financiers involved in each transaction, whereby a license is only issued if the proposed arms transfers will not be delivered or diverted to any armed force or unit likely to violate international human rights and humanitarian law.
  7. Calls on all states to sign and ratify the Ottawa Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, and to help clear such mines from Sudan.
  8. Calls upon oil companies operating in Sudan to ensure transparency in their operations in Sudan by making public the revenues they share with the Sudanese government as part of their production, exploration and refining, or any other industry-related contracts.
  9. Calls upon the World Bank and the International Monetary Fund to take into account the human rights context in Sudan before any reassessment of Sudan's status as a Heavily Indebted Poor Country (HIPC).

### **To the parties to the conflict in Sudan**

Amnesty International also appeals to:

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<sup>123</sup> Control of arms brokering and the prevention of illicit brokering is referred to in several political agreements on small arms, notably the 2001 UN Programme of Action on Small Arms, the 2001 UN Firearms Protocol, and the 2004 Nairobi Firearms Protocol. In May 2003 the EU Member States also agreed to adopt a joint position on controlling arms brokering, and this was followed by agreements in the OSCE and the Wassenaar Arrangement of arms exporting states. However, many governments have yet to establish specific laws and procedures to control arms brokering.

1. All parties to the conflict to make an immediate public commitment to respect international human rights and humanitarian law in Sudan, in particular by refraining from any deliberate or indiscriminate attacks on civilians and civilian objects. All parties should issue clear instructions to all combatants under their control not to kill civilians or use torture and rape or other forms of sexual violence;
2. The parties to the conflict to place human rights at the centre of the peace talks in Naivasha, Kenya, and Abuja, Nigeria. The peace processes should result in firm commitments to ensure respect for fundamental human rights, including the right to be free from discrimination throughout Sudan;
3. The Sudanese government to acknowledge its responsibility in the crisis in Darfur. It should condemn attacks against civilians and other grave human rights violations committed by armed militias, government ground forces or the Sudanese Air Force during the conflict;
4. The Sudanese government to immediately disarm and disband the *Janjawid* militias, including those members who have been incorporated into the Popular Defence Forces, the People's Police and other paramilitary forces and who may have been involved in attacks on civilians;
5. The Sudanese government to remove all those persons suspected of violations of international human rights or humanitarian law from positions where they could continue to commit such acts;
6. The Sudanese government to ensure that past and present allegations of human rights violations are promptly, thoroughly and independently investigated and that those responsible are brought to justice in fair trials without the possibility of the death penalty or other cruel, inhuman or degrading punishments. Impunity for extrajudicial executions, other unlawful killings, torture, rape, abductions and arbitrary detentions can only fuel further human rights violations in Darfur and elsewhere;
7. All parties to give victims access to redress, including compensation and restitution;
8. The Sudan Liberation Army and the Justice and Equality Movement to take concrete steps to ensure their combatants respect international humanitarian law. In particular they should refrain from all attacks on civilians or civilian objects; and to remove anyone suspected of violations of international humanitarian law from positions where they can continue to commit abuses.

## Appendix 1:

### Eyewitness descriptions of arms and materiel used by parties to the conflict in Darfur<sup>124</sup>

Government of Sudan	Janjawid	SLA/JEM	Weapons / ammunitions found on the terrain
<i>Aircraft</i>			
Planes - Antonov Aircraft - Antonov fixed wing			
MiG fighter jets			
Helicopters - Helicopter gun ships - MI-24 gun ships Helicopters			
<i>Vehicles</i>			
Pick-up - Land Cruisers	Land Cruisers	Land Cruisers	
Pick-up (jeep, Land Cruisers) with machine gun mounted on it	Land Cruisers with machine gun mounted on it	Land Cruisers jeep equipped with heavy machine guns	
Tankers - tanks		truck tanker (Renault GIAD)	
Trucks - Renault truck - army truck – “zt truck”		truck (Hino 27)	
Bulldozer			
SBG [Second Battle Group] 9			
<i>Heavy weapons, Small arms, Light weapons and Ammunitions</i>			
RPG [rocket propelled grenade] bombs	RPG	RPG	
RPG-7 stabilizers		“Fank”	
Browning machine guns	bazookas	bazookas	
12.7 mm machine gun		12.7 mm machine gun	rifles/heavy machine guns empty cases
<i>Doshkas</i> (machine guns)			

<sup>124</sup> Descriptions of arms and materiel by eyewitnesses in field reports by the African Union, Amnesty International, Human Rights Watch and the United Nations since 1997.

Government of Sudan	Janjawid	SLA/JEM	Weapons / ammunitions found on the terrain
mortars - 60 mm mortars, 82 mm mortars, 62 mm mortars, 120 mm mortars	mortars		
Belgian FAL rifles	20 mm weapons		
Small arms	small arms	small arms	
B-10 (assault rifles)			
G3 rifle	rifles	G3 and G4 rifles	
Kalashnikovs	Kalashnikovs	Kalashnikovs (AK47)	
			landmines
			Unexploded ordnance
Bomb			Exhibits of empty cases of 20 mm, 7.62 and 80 mm UXB [unexploded bomb]
Shells			
Grenade	grenade		unexploded inerga grenade fired from Browning machine gun
Katushya (107 mm rockets)			detonated RPG [rocket propelled launcher] bomb
Helicopter rockets			
			live ammunition
			12.7 mm calibre empty cases
7.65 mm			7.62 mm calibre empty cases