



## Genocide in The Sudan

Patrick Sookhdeo

Prolonged civil war and systematic persecution of the Christian and Animist minorities in Muslim-majority Sudan have been largely ignored by the global community, and all the while the hostilities continue. The term genocide is used frequently in reference to Rwanda or Bosnia. It is estimated that over two million non-Muslims have been killed in the Sudan and at least 4½ million displaced,<sup>1</sup> but the world hesitates to call this genocide. The term genocide is defined in Article 2 of the Genocide Convention adopted by the UN in 1948:

Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: 1. Killing members of the group; 2. Causing serious bodily or mental harm to members of the group; 3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 4. Imposing measures intended to prevent births within the group; 5. Forcibly transferring children of the group to another group.

Using this definition as a reference, this chapter will discuss the context of the Sudanese genocide phenomenon and why the international community has so far allowed it to continue.

### CONFLICT

The population of the Sudan is made up of 140 ethnic groups of whom around 36 percent is Arab. Of the 117 languages spoken, Arabic is the official language of the north and English is the official language of the south. Approximately 70 percent of the population are Muslim, 20 percent Christian, and 10 percent Animist.<sup>2</sup> Yet the Sudan was declared an Islamic Republic in 1983, the official religion is Islam, and the culture promoted by the regime is an Arab-Islamic one. The conflict in the Sudan is usually described as a war between the mainly Muslim north and mainly non-Muslim south, but this is complicated by the issue of the Nuba region. This region is in central Sudan, covering 30,000m<sup>2</sup> in South Kordofan. It is a very fertile region and is home to around 50 ethnic groups. It also has a unique African cultural tradition that is retained in the face of the Islamization/Arabization of the surrounding areas. Despite the fact that many people in this region are Muslims, they have also become victims of the regime's Arabization policy which seeks to usurp all manifestations of African society. Finally, the development of the oil industry in the Sudan has had a negative impact on the minority groups in several ways to be discussed later in this chapter.

The Sudan has never been a truly unified entity. Since 1820, the dominance of northern Muslim regions has shaped the character of the country. The invasion by Egypt under Muhammad Ali Pasha in 1820 served to institutionalize slavery in the Sudan with the north exerting power over the south. Slavery had already been internalized in society in northern Sudan but the Turko-Egyptian rule post-1820 introduced orthodox Islam and Arabic culture as a further divisive tool. According to classical Islamic law, three of the founders of the four main schools, Hanbal, Malik and Shafi, say that when the laws of unbelief become visible in a region, this makes it *dar al-Harb* (place of war). Therefore, unless *Shari'ah* is applied in the south, it will remain a place of war according to Muslim doctrine.

By the time the British became involved in the administration of the Sudan in 1900, the north and south were basically two different

countries which were administered differently. The British made no attempt to alter this situation and instead they upheld the status quo. When power was handed over to the Sudanese, a conference was held in Juba in 1953, attended by delegates from both regions in order to discuss the administration of the north and south. After some days of discussion, the south voted for separate administration, possibly in a federal state. However, after the conference the northern delegates were able to persuade the southerners that the poorer south would not develop unless it was fully integrated with the north in one country. The conference was reassembled and the decision was taken that the north and south should remain together as one nation, even though the British administration foresaw the problems that could arise if the north were allowed to dominate the south, particularly if the Arabs would relocate to the south to take over senior government positions.

Elections were held in 1953 and a number of excellent southern candidates were elected to Parliament. These people were pressured to follow the government line when it came to the ratification of a constitution. As a result, the idea of safeguards for the south in the constitution was scrapped and the entire country was brought under a single government. In this way, the north was able to use political and administrative unification to increase its position of dominance and manipulate the situation to ensure its authority. From this strong legal position, the new regime was able to begin the imposition of northern Islamic/Arab culture on the peoples of the south. It seems plausible that a federation, or at least some form of safeguards for the south, could have prevented the spiral into civil war which continues to this day and has caused the Sudan's institutionalized practice of genocide.

### GENOCIDE

Once the intentions of the north became clear, conflict between the north and south broke out even during the period of transfer of power. The first civil war lasted from 1955–1972. Military power was not the only tool used by the north to succeed in this conflict. Other weapons have also been used throughout the Sudan's modern history in an attempt to wipe out particular peoples and their customs. In 1972, the Nimeiri regime instructed government departments in

the Nuba Mountains not to provide services to people who raised pigs or were “unable to dress properly [i.e., in an Islamic way].” The local *Baggara* (Arab) communities killed tens of thousands of pigs in an attack on a valuable food source and on Nuba cultural pride. In Islam, the pig is considered an unclean animal and Muslims are prohibited from eating its meat, so this was a specific attack on the non-Muslims of the region and on Muslims who follow Islam nominally along with their African traditions.<sup>3</sup>

Because of the way that politics and society in the Sudan has polarized into north/south, Arab/African, and Muslim/non-Muslim, the government has never been able to maintain a regime of peace and tolerance. The political and military balance of power thus far favors the north. That state of affairs cannot be reversed without a complete and sincere commitment to secular democratic government. There is even a lack of power sharing or agreement between the northern political parties because politics in the Sudan are based on ideology. Therefore, “political rivalry between the northern political parties make it unlikely that the *Umma* and DUP will risk disentangling themselves from their religious sectarian roots in favor of genuine secularism.”<sup>4</sup> As noted above, according to Islamic ideology, the Sudan must be part of the *dar al-Islam* under the rule of Islamic law. The civil war against the south and Arabization/Islamization policies justify this end in the eyes of the leaders in Khartoum.

The current regime came to power in a military coup in 1989 after the civil war began in 1983 following the implementation of Islamic law. The regime remains a military one dominated by the National Islamic Front (NIF) who regard the civil war as *jihad*. Now led by Omar al Bashir, the ideological power behind the NIF until 1999 was Hassan al Turabi. According to his philosophy, Islam is essential to create a Sudanese identity and a cohesive society. He also believes it is necessary to challenge the West. This is the reasoning behind the NIF’s continuation of the forced Arabization/Islamization of the Sudan and the elimination of those who constitute an obstacle to this goal. The regime also aims to rival Saudi Arabia as the home of Islam. Saudi Arabia is seen by many Muslims as corrupt because of its relations with the USA. The main grievance of Osama bin-Laden and the *al-Qa`idah* network is the presence of

U.S. troops on Saudi soil. They perceive this as an attack on the Islamic faith because it defiles holy Islamic territory.

Furthermore, the notion of Islamic lands in the *dar al-Islam* concept is underlined by a *hadith* (a saying or tradition of Muhammad) believed to have been uttered by Muhammad on his deathbed in 632 A.D. It states: “Umar heard the Messenger of Allah (peace be upon him) say: I will expel the Jews and Christians from the Arabian Peninsula and will not leave any but Muslims.”<sup>5</sup> A similar *hadith* reads, “One of things that the Messenger of Allah (may Allah, bless him and grant him peace) said, during his last days, ‘May Allah fight the Jews and the Christians. Two religions shall not coexist in the land of the Arabs.’”<sup>6</sup> These *hadith* were the justification for the territorial expansion of Islam under the rule of Caliph Umar in the seventh century. In a similar way, the regime claims that its actions to Islamize the state are religiously justified and hence legitimate.

The scorched earth policy is another of the regime’s tactics to remove the human obstacles to the Islamization/Arabization of the Sudan. This is the deliberate destruction of land and resources in order to create man-made famine. Crops, cattle, and property are burned or looted, and the people who once lived off this land are forced to move to government controlled “peace camps” or face starvation. These “peace camps” are referred to as concentration camps. Here the Islamic indoctrination process is carried out on vulnerable displaced people. Often the people targeted under this policy are those who live in areas where oil companies are operating in order to clear the area for further oil exploration and extraction. Oil has become a further complicating factor giving the regime incentive and financial resources to increase their campaign against the people of the southern and Nuba regions. Amnesty International has called this “the human price of oil” in the Sudan and has documented the cleansing of ethnic groups such as the Dinka and the Nuer from their land in order to secure the territory for oil fields.

On November 8, 2001, a class action complaint against Talisman Energy, Inc. was filed in New York on behalf of Rev. John Sudan Gaduel and the Presbyterian Church of Sudan and three individual plaintiffs. The complaint alleged that Talisman knowingly participated with the government of the Sudan in ethnic cleansing

in order to create an empty area for Talisman's oil exploration and extraction. The complaint claimed that Talisman provides financial and logistical support for the regime knowing that they are engaged in *jihad* against non-Muslim civilians. Profits from oil enable the government to continue its genocidal campaign, while Western involvement in the area means that human rights violations are often overlooked by Western nations.

Approximately 4½ million people in the Sudan have been internally displaced without compensation or support. While some of these people went to the north on their own accord to escape the devastation of the south, others were forced to leave because of the total devastation resulting from the ongoing war. The fate of those who stay includes the threat of homelessness, murder, starvation, arrest, and torture. There is no medicine to treat the children, many of whom carry some form of disease. The people who migrated established shantytowns ringing Khartoum, but here again they came under attack. In December 1991 and January 1992, government forces bulldozed the makeshift homes of the shanty towns. The inhabitants were then rounded up and taken out to the desert. At these sites in the desert there were no facilities, no food, no water and no housing materials. They were surrounded by desert and security guards, who allow only Islamic aid agencies to enter these camps.

The bombing of civilians is a further danger to the Sudanese minority groups. At times these people undergo almost daily bombing raids. According to data compiled by humanitarian aid workers in the Sudan, bombings of civilian targets is occurring more frequently than was realized. During 2000, at least 113 bombing raids were recorded.<sup>7</sup> The research was based on information from the UN's Operation Lifeline Sudan, other international relief groups and an analysis of aid programs operated by local church groups in southern Sudan. The targets are not always military but are often civilian targets, such as schools, churches, refugee camps, and hospitals. On February 8, 2000, forces loyal to the regime in Khartoum attacked a Catholic school in the Nuba Mountains, killing 14 children and wounding 17. A teacher was also killed. According to a February 11 Reuters report, Dirdiery Ahmed, an official in the Sudanese embassy in Nairobi told Reuters that "The bombs landed where they were

supposed to land."<sup>8</sup> The number of schools targeted by the regime show that this is one of their tactics. By destroying the education infrastructure, the hope, skills, and strength of the next generation of their enemy are undermined.

As well as the obvious obstacle that churches pose to the Islamization process, they also serve as a place of strength and unity for the Christian communities in time of conflict and devastation. Therefore, churches and Christian leaders have become targets for attack. Churches are burned down and pastors arrested. On December 29, 2000, a government plane bombed Fraser Cathedral in Lui, Equatoria Province. The building was destroyed. In another incident that took place in April 2001, All Saints Cathedral in Khartoum City came under attack after rioting broke out. Open-air Easter meetings scheduled for Khartoum's Green Square were called off, and while a meeting was being held in the Cathedral to discuss the decision, government troops stormed the building firing tear gas. Seats and cathedral properties were destroyed. There were many arrests and over 50 people were flogged. Yet despite such incidents as these, there is evidence to show that the church has undergone phenomenal growth in the Sudan, even though Christian communities and lands have been and continue to be decimated by a regime intent on destroying them.

The bombing campaign of the Sudanese regime also targets humanitarian sites. Since 1997, international aid organizations have been forbidden from operating in many of the poorest and most devastated regions of the Sudan. Only Muslim aid organizations are allowed to operate in these areas and there are reports that they have withheld food and other services from non-Muslims who refuse to convert to Islam. The UN's World Food Program itself has been threatened and must inform the regime when and where it is to make food drops in those areas where it is allowed to operate. In one incident on October 9, 2001, Sudanese government aircraft arrived 15 minutes before a scheduled food drop in Bahr el Ghazal and bombed the assembled crowd, causing the UN to stop their operations in that area.<sup>9</sup> In November 2000, the UNHCR staff at Kassala had to be evacuated after coming under artillery fire. The offices were raided, equipment was seized, and staff was detained. On the May 9, 2001, a Red Cross airplane was fired on in Juba,

in southern Sudan. The co-pilot was killed and the Red Cross was forced to discontinue its flights.<sup>10</sup> On November 11, 2001, government of Sudan forces used artillery to attack relief planes from the UN's World Food Program which were arriving in Nuba for a food drop operation. These examples clearly illustrate how the most vulnerable people in the Sudan are being attacked in numerous ways and international efforts to prevent this are being obstructed and then conveniently ignored by the UN itself. In this manner, the regime is able to destroy the infrastructure and lay waste to vast swathes of territory.

### SLAVERY

Another facet to the genocidal practice taking place in the Sudan is the use of the slave trade. According to the United Nations Special Rapporteur on the Sudan and the U.S. State Department, the government of Sudan is the only one in the world today engaging in chattel slavery. Slavery has a long history in the Sudan, with the people of the north as the slave masters and the people of the south as the slaves. Today it is a weapon of war and part of the Islamization policy of the regime. Women and children from the south are abducted and forced into slavery. Many are forced to convert to Islam and there are reports of sexual abuse.<sup>11</sup> From the time of former President Mehdi in 1986, Arab militias have been taking women and children as booty with government knowledge, while looting cattle and burning property. Soldiers are encouraged and rewarded for fathering children by non-Muslim women because a child of a Muslim father is considered to be Muslim according to Islamic law. This policy effectively encourages the kidnap and rape of non-Muslim women. In October 2001, Christian Solidarity International liberated 4,041 Sudanese slaves in defiance of the regime. Interviews revealed that 90 percent had been physically abused, over 80 percent had been forced to convert to Islam, and 75 percent of female slaves over 12 had been gang-raped.<sup>12</sup>

Yet the Sudan is party to the 1926 Slavery Convention (as amended in 1953). Article 1 (1) of that convention defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." Article 1 (2) defines the slave trade as "all acts involved in the capture,

acquisition or disposal of a person with intent to reduce him to slavery." In fact, the prohibition of slavery is one of the fundamental principles of international law. Article 4 of the Universal Declaration on Human Rights provides that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." Slavery is prohibited in Article 8 of the International Covenant on Civil and Political Rights (ICCPR) and this Article is considered to be non-derogable. Therefore, its violation can never be justified. Article 5 of the African Charter, promulgated in 1963, also prohibits the practice:

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

The capture and indoctrination of children is a particularly widespread phenomenon in the Sudan. Not only are children captured as part of the military conflict, but also children on the streets are picked up and placed into closed camps. These children are given Arabic names and undergo forced instruction in Islam.

It is clear that the right to religious freedom is denied in violation of international law. For example, Article 14 of the Convention on the Rights of the Child (CRC) stipulates, "States parties shall respect the right of the child to freedom of thought, conscience and religion." Every child should also have the right to an identity as stipulated in Article 8 (1) of the CRC, which protects the child's right to "preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference." Clearly, the regime has little regard for the rule of law when it would prevent the full implementation of its Islamization program. Parliament was dissolved in 1999 and since then a state of emergency has persisted, which affords even more power to President Bashir and further reduces his accountability to the Sudanese people and domestic and international actors.

The Political Act that came into force in 1999 was supposed to relax the ban on opposition parties. However, the reality remains

unchanged and opposition groups are either banned or are denied political freedom. The judiciary is not independent and the Supreme Court has upheld the right to extract confession under torture and the use of crucifixion as a form of execution. The National Security Act, as amended in December 2000, allows the security forces to detain people for up to 123 days before a legal challenge can be made. Effectively, this means that detainees can be held for an indefinite period of time by the regime without any charge being made against them. In the 57<sup>th</sup> UN Commission for Human Rights report of March 2001, there were concerns raised about the independence of the legal system, which is considered to be one of the most important ingredients for holding the government to account and for the rule of law to operate. Clearly, internal legal remedies are inadequate to solve or even control the human rights violations in the Sudan and genocide is the result.

### ISLAMIC LAW

Islamic law was introduced in 1983 and was the catalyst beginning the current phase of the civil war. The substitution of secular with Islamic law in many areas illustrates how the north has been able to politically dominate the administration of the Sudan. The dominance of the north prevails because of the underlying imbalance of power between the north and its culture over the south. Although Islamic law is not applied in the ten southern states where Christians are a majority, this could change in the future. Islamic law does apply however to non-Muslims living in the majority-Muslim areas of the north. Islamic punishments include amputation and stoning. Yet this violates the government of Sudan's international obligations with regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant of Civil and Political Rights. Both prohibit the use of torture or cruel, inhumane treatment. Conversion from Islam is a capital offense, according to section 126 of the 1991 Criminal Act. Dress codes have been introduced which require women to wear Islamic dress. Many of those caught who do not comply with this are beaten. The Constitution of 1999 provides for freedom of religion. In practice, this is of little value since there is scant regard for the rule of law and the judiciary has little independence from

the executive, especially under the current state of emergency. The Constitution also states that the *Shari'ah* and custom are the sources of legislation. This allows the government to Islamize the legal system "legitimately."

The implementation of Islamic law has also had an impact on the status of non-Muslims and their non-Islamic faiths. In Islam, Christians and Jews are referred to as "people of the book," because they have revealed books, which are recognized by Islam. Unlike followers of pagan religions, "people of the book" are permitted to live in Islamic territories, the *dar al-Islam*, but their status is of a second-class citizen called *dhimmi*. They may retain their faith and are not obliged to convert to Islam, but must pay a tribute tax called *jizyah*, and are bound by a list of strict conditions, including regulations on the clothes they wear, their homes, and conduct. Their worship should not be obvious to the larger Muslim community, so singing should not be audible, nor is the wearing of religious symbols such as the cross permitted. In conduct, the non-Muslim should be always subservient to the Muslim. The *Qur'an* states:

Fight those who believe not in God nor the last day, nor hold that forbidden which hath been forbidden by God and his Apostle, nor acknowledge the religion of truth (even if they are) people of the book, until they pay the *jizyah* with willing submission and feel themselves subdued.<sup>13</sup>

These regulations were first set out in Umar's Edict in 634 A.D. after the defeat of Damascus by the Muslim army. In addition, the building of churches or synagogues required permission from the ruler. In the Sudan, it has been approximately 30 years since permission was last given for a church to be built. Many of these regulations are to enforce the belief that Muslims are superior people, as is written in the *Qur'an*. Chapter 3, Verse 110 states:

Ye [the Muslims] are the best of Peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in God. If only the People of the Book had faith, it were best for them: among them are some who have faith, but most of them are perverted transgressors.

Clearly the NIF ruling regime is based on a religious model that lends justification for their campaign to subject all of the Sudan and the Sudanese peoples to an Islamic form of government.

### PROSPECTS

The U.S. House of Representatives adopted Resolution 75 on June 15, 1999, which finds that “the National Islamic Front government is deliberately and systematically committing genocide in southern Sudan and the Nuba Mountains among others.”<sup>14</sup> Yet sanctions against the Sudan were dropped recently. There is an increasing awareness of the tragedy in the Sudan, and since 1998 a growing number of groups have been trying to highlight the five main genocidal actions of the Sudan regime.

These five actions are:

1. The government ban on humanitarian aid flights resulting in mass starvation
2. The indiscriminate aerial bombing of civilian and humanitarian targets
3. Slavery and the slave trade
4. Forcible Islamization, through the implementation of the *Shari`ah*, indoctrination of children in schools and camps and the use of food aid as an incentive to convert
5. The deliberate creation of starvation and displacement through the scorched earth policy and the clearing of territory for oil extraction

There are some international attempts to secure peace in the Sudan. Former U.S. Senator John Danforth’s visit in November 2001 resulted in the agreement to four principles that must be fulfilled in order to discuss arrangements for peace talks. These four principles are:

1. Allowing humanitarian access to SPLA-held areas of the Nuba Mountains and the establishment of a cease-fire in the region
2. Respecting a cease-fire for vaccination programs to proceed

3. A cessation of aerial bombardment against civilian targets
4. Action to stop enslavement, in the form of a commission to investigate cases and release people held in captivity

Expectations that these conditions will be fulfilled are not high and the United States has threatened to disengage from the peace process. In fact, there was fighting in December 2001 in violation of the cease-fire agreed to by the government of the Sudan in order to allow food aid to be delivered in the Nuba Mountains.

The Sudanese government has no real incentive to end the war at present since it is obtaining support through oil revenues. Recently there have been increasing signs that Kenya is willing to support the north in return for oil. Any alliance between Kenya and the north of the Sudan would further isolate south Sudan. On top of this, the current political climate since September 11, 2001, has resulted in efforts to appease Islamic leaders in order to maintain an international coalition. Without an increase in awareness of the conflict in the Sudan and the suffering of the non-Arab, non-Muslim minorities, the political, economic, and military imbalance in favor of northern Sudan is unlikely to be rectified. Religious and ethnic groups in the Sudan are in very real danger of being undermined and destroyed by an aggressive campaign of bombing, abduction, slavery, displacement, starvation, and indoctrination.

The government has also fostered fighting among southern rebel groups. By dividing and therefore weakening the opposition, the regime can maintain the conflict. However, on January 7, 2002, two key southern groups, the SPLA/SPLM and the SPDF, announced a merger to solidify their struggle for self-determination. A stronger opposition could encourage a more adaptable stance from the government in regard to the minorities, their identity and religions. The people of the south continue to campaign for a solution based on the IGAD agreement signed by the Sudanese government in 1997. According to this agreement, a solution to the conflict should be based on autonomy for the south. Talks in January 2002 in Switzerland have produced a cease-fire agreement for Nuba, but its actual impact will only become clear with time. A just and lasting peace remains unlikely at the present time

since this agreement applies only to Nuba and as the regime still continues the deliberate targeting of humanitarian, religious, and educational sites, showing that this is clearly more than merely a military conflict. According to the definition of Article 2 of the UN Genocide Convention, this conflict is nothing less than genocide in the Sudan.

### Endnotes

- 1 U.S. Commission on International Religious Freedom, 2001 Annual Report on International Religious Freedom; Sudan.
- 2 Peter Hammond, *Faith Under Fire in Sudan* (South Africa: Frontline Fellowship, 1996), p.123.
- 3 Peter Verney et al., *Sudan: Conflict and Minorities* (United Kingdom: Minority Rights Group International, 1995), p. 34.
- 4 *Ibid.*, p.40.
- 5 Umar ibn al-Khattab SAHIH MUSLIM.
- 6 Al-Muwatta of Imam Malik, Umar ibn Abdul Aziz.
- 7 <[www.afrol.com/News/sud015\\_113\\_bombattacks.htm](http://www.afrol.com/News/sud015_113_bombattacks.htm)>.
- 8 United States Commission on International Religious Freedom, <[www.uscirf.gov/hearings/15feb00/gassisPT.php3](http://www.uscirf.gov/hearings/15feb00/gassisPT.php3)>.
- 9 <[www.freedomhouse.org/religion/sudan/chronology%20since%209-11.htm](http://www.freedomhouse.org/religion/sudan/chronology%20since%209-11.htm)>.
- 10 <[www.afrol.com/News2001/sud009\\_icrc\\_plane.htm](http://www.afrol.com/News2001/sud009_icrc_plane.htm)>.
- 11 U.S. Department of State Country Report on Human Rights Practices, 2000.
- 12 <[www.freedomhouse.org/religion/sudan/chronology%20since%209-11.htm](http://www.freedomhouse.org/religion/sudan/chronology%20since%209-11.htm)>.
- 13 Yusuf Ali, translation of the *Qur'an*, Chapter 9, Verse 29.
- 14 <[www.freedomhouse.org/religion/sudan/index.htm](http://www.freedomhouse.org/religion/sudan/index.htm)>.