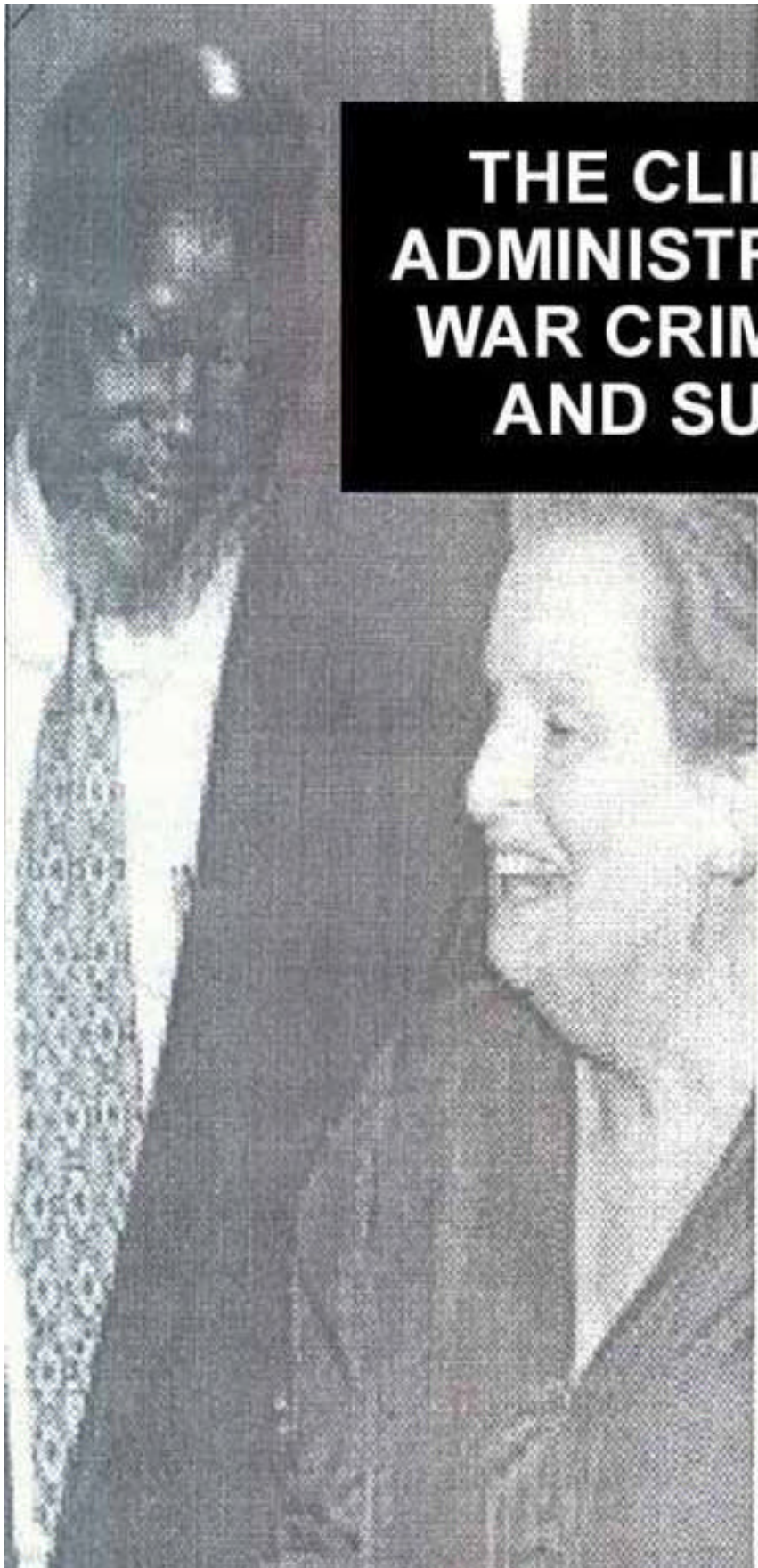




THE CLINTON ADMINISTRATION, WAR CRIMINALS AND SUDAN

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WORKING FOR PEACE IN SUDAN

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War Criminals and Sudan**

Recent moves in Washington, including legislation passed by the United States Congress, and actively supported by key members of the Clinton Administration, which call on the American government to provide food aid directly to the Sudan People's Liberation Army (SPLA)¹ has provoked considerable controversy in the United States and within the international community. The move has been opposed for two reasons. Firstly, it would be of direct assistance to an organisation with an appalling human rights record. Secondly, it would compromise existing food relief operations for civilians in southern Sudan, in particular Operation Lifeline Sudan, the United Nations-directed effort which brings the Sudanese government, the SPLA and over forty non-governmental organisations together.²

The human rights aspect has been of particular concern. The **New York Times** publicly opposed the decision, describing the SPLA as "brutal and predatory", stating that they "have behaved like an occupying army, killing, raping and pillaging" in southern Sudan, and calling SPLA leader John Garang one of Sudan's "pre-eminent war criminals".³

Eight US-based humanitarian organisations working in Sudan, including CARE, World Vision, Church World Service, Save the Children and the American Refugee Committee, no friends of the Sudanese government, also publicly went on record to state that the SPLA has:

engaged for years in the most serious human rights abuses, including extrajudicial killings, beatings, arbitrary detention, slavery, etc.⁴

Human Rights Watch, similarly no friend of Khartoum, also stated in response to the Clinton Administration's eagerness to logistically assist the SPLA that:

The SPLA has a history of gross abuses of human rights and has not made any effort to establish accountability. Its abuses today remain serious.⁵

The **Economist** also summed up the international community's perception of the SPLA when it stated that:

[The SPLA] has... been little more than an armed gang of Dinkas... killing, looting and raping. Its indifference, almost animosity, towards the people it was supposed to be "liberating" was all too clear.⁶

The United Nations Special Rapporteur on human rights in Sudan has provided graphic proof of this behaviour. He documented an incident in which John Garang's SPLA forces attacked two villages in Ganyiel region in southern Sudan. The SPLA murdered 210 villagers, of whom 30 were men, 53 were women and 127 were children. The Special Rapporteur stated that:

Eyewitnesses reported that some of the victims, mostly women, children and the elderly, were caught while trying to escape and killed with spears and pangas. M.N., a member of the World Food Programme relief committee at Panyajor, lost four of her five children (aged 8-15 years). The youngest child was thrown into the fire after being shot. D.K. witnessed three women with their babies being caught. Two of the women were shot and

¹ The SPLA is sometimes also referred to as the SPLM/A, a reference to the Sudan People's Liberation Movement, ostensibly the political component of the organisation. The **Economist** states that "the rebels have always, in theory, been a political movement as well as an army. In practice, the army was the movement" (March 1998). This publication refers to the organisation as the SPLA.

² See, for example, 'UN Criticises "Partisan" Aid to Sudan', News Article by BBC News Online on 30 November, 1999 at 00:05 GMT; 'U.N. Agency Concerned Over U.S. Food Support For Sudan Rebels', News Article by Associated Press on 30 November, 1999 at 16:30:28; 'UN Food Agency Worried By US Aid To Sudan Rebels', News Article by Reuters on 30 November, 1999 at 16:32:25; 'WFP Worried About US Food Aid Project For Southern Sudanese Rebels', News Article by Agence France Presse on 30 November, 1999 at 16:27:45; 'A Trap In Sudan', **Boston Globe**, 30 November 1999.

³ 'Misguided Relief to Sudan', Editorial, **The New York Times**, 6 December, 1999.

⁴ 'Humanitarian Organizations Oppose Plan Providing Food to Sudanese Rebels', Press Release by InterAction, the American Council for Voluntary International Action, Washington-DC, 30 November, 1999.

⁵ 'Rights Group Warns US Against Feeding Sudan Rebels', News Article by Reuters on 14 December, 1999 at 11:34:40.

⁶ **The Economist**, March 1998.

one was killed with a panga. Their babies were all killed with pangas. A total of 1, 987 households were reported destroyed and looted and 3, 500 cattle were taken.⁷

The **New York Times**' use of the term war criminals in connection with the SPLA is all too accurate. Had this incident happened in Bosnia or Kosovo, those involved in the murders, and those commanding them up to and including Garang, would have been indicted as war criminals. The added irony is that the United States government is clearly aware of this particular incident, having mentioned the massacre, and the SPLA's refusal to account for the incident, in its own **Country Reports on Human Rights Practices**.⁸ The Ganyiel incident is sadly only one of many similar instances of gross human rights abuses involving civilians that can only be described as war crimes.

Amnesty International, for example, recorded another incident in which SPLA forces lined up 32 women from the village of Pagau, 12 kilometres from Ayod in southern Sudan, and then shot each once in the head. Eighteen children were reported to have been locked in a hut which was then set on fire. Three children who attempted to escape were then shot. The rest burnt to death. In Paiyoi, an area north-east of Ayod, Amnesty International reported that 36 women were burnt to death in a cattle byre. Nine others were clubbed to death by the SPLA.⁹

The SPLA have also engaged in ethnic cleansing every bit as murderous as that carried out in Bosnia or Kosovo. Following a split in the SPLA, Amnesty International stated that the two groups which emerged attacked each other and civilian groups "for ethnic reasons".¹⁰ Amnesty International stated that Garang's faction of the SPLA (largely Dinka, and known then as SPLA-Torit) ethnically cleansed Nuer and other civilians suspected of supporting the other faction:

In the early part of 1993 SPLA-Torit began an operation which involved the destruction of villages thought to be sympathetic to the Unity group. In January, 17 Latuka villages around the Imatong and Dongotona mountain ranges were destroyed, displacing tens of thousands of people. In the same month Torit faction forces moved further north and attacked Pari villages around the densely populated area of Jebel Lafon, some 100 kilometres east of Juba. Scores of civilians remain unaccounted for and are alleged to have been killed.¹¹

Amnesty reported that in April 1993, SPLA forces:

massacred about 200 Nuer villagers, many of them children, in villages around the town of Ayod. Some of the victims were shut in huts and burnt to death. Others were shot.¹²

SPLA ethnic cleansing has been confirmed by John Prendergast, a well-qualified and well-placed source on events in southern Sudan. He is a development expert and veteran analyst of north-east African affairs, and was the director of the Horn of Africa project at the Center of Concern in Washington-DC. Prendergast then served the Clinton White House as director of East African affairs at the National Security Council in the late 1990s - overseeing the United States' covert military support to the SPLA. His 1997 book **Crisis Response: Humanitarian Band-Aids in Sudan and Somalia**, examines several important aspects of the Sudanese situation - particularly the appalling human rights record of the SPLA.

John Prendergast has confirmed the existence of ethnic tensions between the largely Dinka SPLA and the Nuer tribe as well as communities in Equatoria in southern Sudan ever since the SPLA came into being in 1983, with the SPLA showing an "absolute disregard for their human rights"¹³:

⁷ **Situation of Human Rights in the Sudan**, UN Special Rapporteur Gaspar Biro, E/CN.4/1996/62, 20 February 1996.

⁸ See, for example, **Country Reports on Human Rights Practice** 1996, Bureau of Democracy, Human Rights and Labor, United States Department of State, Washington-DC, 30 January 1997, p.2.

⁹ **Sudan: The Ravages of War: Political Killings and Humanitarian Disaster**, Amnesty International, London, AI Index: AFR 54/29/93, 29 September 1993, p.25.

¹⁰ **Sudan: The Ravages of war: Political Killings and Humanitarian Disaster**, op. cit., p.21.

¹¹ Ibid, p.24

¹² **Amnesty International Report 1994**, Amnesty International, London, 1994, p.275.

¹³ John Prendergast, **Crisis Response: Humanitarian Band-Aids in Sudan and Somalia**, Pluto Press, London, 1997, p.57.

The SPLA has historically utilized... counter-insurgency tactics against populations and militias in Equatoria considered to be hostile... By destroying the subsistence base of certain groups, relations have been destabilized between various Equatorial populations... This has exacerbated relations between certain Equatorial communities... The common denominator between the attacks was the destruction or stripping of all assets owned by the community, creating increased dependence and displacement.”¹⁴

Prendergast was also able to confirm that, in another echo of the war crimes carried out in Bosnia, SPLA behaviour included the systematic raping of women:

Just during the days I was in Western Equatoria in January 1995, there were reports of SPLA soldiers beating civilians in Yambio and an ongoing forced recruitment drive in Maridi. Stories were also told of SPLA soldiers at the front line in Mundri in late 1994 engaging in widespread raping and forced marriages of Equatorial women.¹⁵

He cites one observer as saying “The overwhelmingly Nilotic’ character of the early SPLA was... enough to alienate many Equatorians” and personally states that the SPLA is seen in Equatoria as “an army of occupation.”¹⁶ SPLA ethnic cleansing continues to this day. Throughout 1999, for example, the BBC and other reliable sources, reported on SPLA violence towards non-Dinka ethnic groups, groups which also “accused the SPLA of becoming an army of occupation”.¹⁷

The SPLA has also murdered dozens of humanitarian aid workers from the mid-1980s onwards. In one attack alone, for example, SPLA gunmen killed 23 relief workers, drivers and assistants.¹⁸ In 1998, the SPLA murdered relief workers in the Nuba mountains, and in 1999 the SPLA murdered four aid workers assisting with a Red Cross project in southern Sudan.¹⁹ Prendergast has confirmed that: “The SPLA-Mainstream has engaged in major diversion as well as torturing or killing relief personnel”.²⁰

These examples are but a tiny fraction of the many war crimes against civilians carried out by the SPLA. In **Civilian Devastation: Abuses by all Parties in the War in Southern Sudan**, a 279-page study, Human Rights Watch devoted 169 pages to SPLA human rights abuses (government violations were dealt with over 52 pages). What must be borne in mind is that it is rare that the incidents mentioned above are actually documented by Western sources. In most instances there simply are no survivors left in such attacks.

It is not just against civilians that the SPLA has been guilty of unambiguous war crimes. Reputable human rights groups have reported the SPLA’s cold-blooded murder of prisoners of war. Africa Watch, for example, reported that after the SPLA captured the southern town of Bor there were “reports that a large number of captured soldiers, possibly running into the hundreds, were executed by the SPLA immediately following the capture”. Africa Watch also quoted a SPLA source who stated that government soldiers captured after fighting were routinely killed. The human rights group also recorded that there were “no accounts of the SPLA holding prisoners of war from (pro-government) militias.”²¹ In 1998, the Sudanese Advisory Committee on Human Rights and the human rights committee of the Sudanese Parliament both issued statements which reported that the SPLA had murdered more than one thousand prisoners of war.²²

Prendergast has a working knowledge of the SPLA, which is described as having:

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

¹⁴ Ibid, p.56.

¹⁵ Ibid, p.28.

¹⁶ Ibid, p.57.

¹⁷ See, for example, ‘Growing Friction in Rebel-Held Southern Sudan’, News Article by BBC Online on 9 June, 1999 at 16:36 GMT.

¹⁸ **Denying “The Honor of Living”: Sudan A Human Rights Disaster**, Africa Watch, London, 1989, p.116.

¹⁹ See, ‘Sudan Aid Workers Executed’, News Article by BBC World on 3 April, 1999 at 03:25 GMT.

²⁰ Prendergast, op. cit., p.54

²¹ **Denying The Honor of Living! Sudan A Human Rights Disaster**, op. cit., p.155.

²² ‘Sudanese Government Accused SPLA of Killing 1,000 POWs’, News Article by *Agence France Presse* on 15 May, 1998.

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

The movement has been able to persist only as long as it successfully coerces, and demoralises social groups in the region. Because the cooperation of the civil population is needed, at times, in order to carry out the liberation struggle, coercion has not been a successful strategy. Corruption, in various doses, might have worked for some time, but it demoralizes both the commanders and the people... Institutionalization of the top-down arrangements by the socialist group who initially established the SPLM/A has led to a permanent oppression of those persons in the area under the control of the movement.²³

Amnesty International has also documented that the SPLA is ruthless in preventing civilians from leaving its areas for refuge in government-controlled areas. In the Nuba mountains, for example, the SPLA imposed a “civilian exclusion zone” around areas it dominated in order to deter civilians leaving. Those leaving were murdered by the SPLA.²⁴ African Rights has spoken of:

a nihilistic attitude towards civilians and existing social structures.²⁵

An even more chilling account, which directly echoes that of African Rights, is provided by Dr Peter Nyaba, a current member of the SPLA National Executive Committee. As such he is an unassailable source. As a former SPLA military officer, Nyaba is in a unique position to describe the behaviour of the SPLA within those areas of Sudan in which it controlled or operated within:

Once they were deployed at the war front, their first victims became civilians, whom they... terrorised, brutalised, raped, murdered and dehumanised.²⁶

Nyaba himself quotes a senior SPLA administrator as saying that the SPLA “looked down upon the people without arms like conquered people at their mercy”. Nyaba then goes on to record that:

(W)ithout sufficient justification, the SPLA turned their guns on the civilian population in many parts of the South. The consequence of this was that many communities turned against the SPLA and migrated *en masse* to the government garrison towns... As a consequence of all these factors, the SPLM/A... degenerated into an agent of plunder, pillage and destructive conquest... an SPLA soldier operating in any area different from his own home saw no difference between the civil population... and the enemy. The SPLA became like an army of occupation in the areas it controlled and from which the people were running away.²⁷

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

Encouraged by the examples of grabbing, looting, murder and rape committed by some senior officers in the Movement, many of the commanders at various fronts turned their attention to amassing wealth looted from the civilian population... In many places, the civilians fled from the so-called ‘liberated’ areas, which had become nothing but ruins.²⁸

Prendergast’s 1997 book **Crisis Response: Humanitarian Band-Aids in Sudan and Somalia** provided more evidence of SPLA abuse of human rights:

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

²³ Prendergast, op. cit., p.57.

²⁴ **The Tears of Orphans: No Future Without Human Rights**, Amnesty International, London, 1995, p.89.

²⁵ **Food and Power in Sudan**, African Rights, London, 1997, p.82.

²⁶ Peter Nyaba, **The Politics of Liberation in South Sudan: An Insider’s View**, Fountain Publishers, Kampala, 1997, pp.49-50.

²⁷ Ibid., p.52.

²⁸ Nyaba, op. cit., p.58.

Refugee Day 1993. Most of the children drew harrowing pictures of pre-rape scenes, killings and lootings, with 'SPLA' written on top of many of the pictures.²⁹

The SPLA has also callously and indiscriminately used landmines within civilian areas. The US Department of State's Sudan **Country Report on Human Rights Practices**, for example, documented that rebel forces "indiscriminately laid land mines on roads and paths, which killed and maimed... civilians."³⁰ An Africa Watch report stated that SPLA "land mines are planted at well-heads, on roads, near marketplaces, and close to injured people, so that would-be rescuers are blown up."³¹

The American government must also be aware of the SPLA's systematic theft of humanitarian aid and its diversion for its own purposes. In July 1998, at the height of the devastating 1998 famine, the Roman Catholic Bishop of the starvation-affected diocese of Rumbek, Monsignor Caesar Mazzolari, stated that the SPLA were stealing 65 percent of the food aid going into rebel-held areas of southern Sudan. *Agence France Presse* also reported that:

Much of the relief food going to more than a million famine victims in rebel-held areas of southern Sudan is ending up in the hands of the Sudan People's Liberation Army (SPLA), relief workers said.³²

SPLA National Executive Committee member Dr Nyaba is once again well positioned to describe SPLA policy in respect of the diversion of food aid from civilians to the SPLA:

[S]ince humanitarian assistance is only provided for the needy civil population, the task of distribution of this assistance fell on specially selected SPLA officers and men who saw to it that the bulk of the supplies went to the army. Even in cases where the expatriate relief monitors were strict and only distributed relief supplies to the civilians by day, the SPLA would retrieve that food by night. The result of this practice led to the absolute marginalisation and brutalisation of the civilian population.³³

American military assistance to the SPLA

While the issue of food aid has brought American involvement with what the **New York Times** describes as war criminals to a head, the Clinton Administration's military, diplomatic and political support for the SPLA has long been an open secret. In its programme of supporting the SPLA, tens of millions of dollars worth of covert American military assistance has been supplied to the rebels. This has included weapons, landmines, logistical assistance, and military training. On 17 November 1996, the London **Sunday Times** reported that:

The Clinton administration has launched a covert campaign to destabilise the government of Sudan.

The **Sunday Times** further stated that:

More than \$20m of military equipment, including radios, uniforms and tents will be shipped to Eritrea, Ethiopia and Uganda in the next few weeks... much of it will be passed on to the Sudan People's Liberation Army (SPLA), which is preparing an offensive against the government in Khartoum.

This was confirmed by the newsletter **Africa Confidential**: "The United States pretends the aid is to help the governments concerned...to protect themselves from Sudan...It is clear the aid is for Sudan's armed opposition."³⁴

²⁹ Prendergast, op. cit., p.57.

³⁰ **Country Reports on Human Rights Practices**, Bureau of Democracy, Human Rights and Labor, United States Department of State, Washington-DC, 1996, p.7.

³¹ **Denying "The Honor of Living": Sudan A Human Rights Disaster**, op. cit., p.157.

³² **Aid for Sudan Ending Up With SPLA: Relief Workers**; News Article by *Agence France Presse* on 21 July, 1998 at 08:23:48.

³³ Nyaba, op. cit., p.53.

³⁴ **Africa Confidential**, 15 November 1996

The Clinton Administration has used the same covert warfare tactics that the Reagan Administration used against the *Sandinista* government in Nicaragua. As much has been unambiguously stated by the man who should know, John Prendergast, who has gone so far as to make a direct comparison between Sudan to Nicaragua:

The parallels to Central America in the 1980s are stark. The US provided covert aid to the Contras (and official aid to the regimes in El Salvador, Honduras and Guatemala) and because of domestic public pressure urged numerous reforms on the Contras (and the three Central American governments), especially in the area of human rights and institutional reform (though the pressures were undercut by an administration in Washington not serious about human rights).³⁵

It is obvious that the *Contras* in the Sudanese example are the SPLA. In addition to using surrogates, the United States has also provided military training to the SPLA by CIA and special forces instructors. United States army generals, for example, have been present during Ugandan army exercises held in conjunction with SPLA forces and Eritrean army units. The American military presence in these “front line” states was under the guise that U.S. advisers were providing “antiterrorist” training. **Africa Confidential** has confirmed that the SPLA “has already received US help via Uganda” and that United States special forces are on “open-ended deployment” with the rebels.³⁶

In addition to John Garang’s close identification with widespread abuses of human rights with Sudan, the SPLA has also been guilty of widescale terrorism during its conflict with the Sudanese government. This has included the widespread murder of Sudanese men, women and children, indiscriminate mortaring and rocketing of urban areas in southern Sudan, resulting in hundreds of further civilian deaths, extensive pillaging and shooting of civilians along the Sudan-Ethiopian border, the torture and execution of opponents, the murder of international relief workers, and the laying of landmines. The SPLA has also admitted the shooting down of civilian airliners within Sudan, incidents involving considerable loss of civilian life. In one instance the SPLA shot down a civilian airliner taking off from Malakal in southern Sudan, killing sixty people. Two days later the SPLA announced it would continue to shoot down civilian aircraft. A further civilian aircraft was shot down with the deaths of thirteen passengers and crew.³⁷

The American government, in its own **Country Reports on Human Rights Practices**, has documented examples of SPLA terrorism, including that the SPLA “conducted indiscriminate mortar and rocket attacks on the southern city of Juba, killing more than 40 civilians and wounding many others. These attacks...seemed intended to terrorize the inhabitants”.³⁸ In another instance, the American government stated that the SPLA had continued the random shelling of Juba, killing over 200 southern civilians.³⁹

It is clear, therefore, that according to the United States government definition of terrorism and international terrorism, that the SPLA is a group guilty of both terrorism and international terrorism. The relevant definitions come from Title 22 of the United States Code, Section 2656f (d):

- The term terrorism means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational or clandestine agents, usually intended to influence an audience.
- The term international terrorism means terrorism involving citizens of the territory of more than one country.

It is perhaps ironic that the United States government has listed Sudan as a state sponsor of terrorism, without having produced any such evidence, while at the same time itself clearly qualifying as a state sponsor of terrorism given its military training, logistical and diplomatic

³⁵ Prendergast, op.cit., p.77.

³⁶ **Africa Confidential**, 15 November 1996

³⁷ **Denying “The Honor of Living”: Sudan A Human Rights Disaster**, op. cit., pp.116-17.

³⁸ **Country Reports on Human Rights Practices**, 1990, Bureau of Democracy, Human Rights and Labor, United States Department of State, Washington-DC, February 1991. p.387.

³⁹ **Country Reports on Human Rights Practices**, 1992, Bureau of Democracy, Human Rights and Labor, United States Department of State, Washington-DC, February 1993.

support for the SPLA. American support for the SPLA, by its own definition, also clearly qualifies as support for international terrorism as the SPLA activities involve more than one country.

The SPLA's systematic diversion of food aid

There is also a direct link between the supply of food aid to the SPLA and the war in southern Sudan. The SPLA has been clearly documented as having engaged in the systematic theft and diversion of emergency food aid intended for famine victims and refugees. The SPLA has repeatedly used food aid, and its denial, as a weapon in their war against the Sudanese government. In so doing it has been at least partly responsible for the famines that have resulted in the deaths of so many Sudanese civilians.

Prendergast also addressed the SPLA's deliberate abuse of aid and society in those areas it controls:

The human rights abuses of the SPLA are by now well-documented... What is less understood is the abuse and manipulation of humanitarian assistance, the undermining of commerce, and the authoritarian political structures which have stifled any efforts at local organizing or capacity building in the south. These are the elements which have characterized the first decade of the SPLA's existence.⁴⁰

Perhaps the most disturbing aspect of SPLA food aid diversion is that there is evidence that the SPLA sells diverted humanitarian aid, either stolen from civilians or directly from aid agencies, in order to purchase weapons and munitions with which to carry on the war.⁴¹

Conclusion

The international community's concern about United States support for the SPLA is well-founded. The Clinton Administration's policies towards Sudan, exemplified by the erroneous missile attack on a medicine factory in Khartoum, an attack now universally seen as a disastrous blunder, has been farcical where not tragic. It cannot be said that the Clinton Administration is unaware that the SPLA, the group they are militarily assisting, has a long history of war crimes in Sudan. Indeed, the White House's own National Security Council Sudan expert, John Prendergast, has declared that: the SPLA "was responsible for egregious human rights violations in the territory it controlled".⁴² Prendergast, for example, has personally placed on record that:

The SPLA has faced a tidal wave of accusations and condemnation from international human rights organizations and local churches over its human rights record.⁴³

Prendergast's documenting of the reality of the SPLA and its human rights record fatally undermines Washington's support for that organisation. The Clinton Administration's backing of the SPLA highlights glaring double standards. There is apparently one set of human rights and values for white Europeans in Bosnia and Kosovo and another for black Africans in Sudan. War crimes in the Balkans are condemned by Washington, and those responsible for war crimes such as mass murder and ethnic cleansing are indicted for trial. Almost identical SPLA war crimes such as the well-documented shooting, hacking to death or burning alive of hundreds of women and children, are ignored and their perpetrators given direct American military, logistical and political support. It appears that the Clinton Administration is willing to fight to the last drop of southern Sudanese blood to pursue its increasingly discredited policies against the Sudanese government.

Rather than support war and logistically fuel further conflict in Sudan, the American government should be a peace-maker within Sudan. Rather than arming and encouraging the SPLA, Washington should be bringing all sides to the conflict towards a negotiated settlement of the conflict, based on the offers of an internationally-monitored referendum on the status of southern Sudan and multiparty elections that are already on the table.

⁴⁰ Prendergast, op. cit., p.46.

⁴¹ 'Aid Money Supported Rebellion in Sudan', **Aktuelt**, Denmark, 20 May, 1998.

⁴² Prendergast, op. cit., p 77.

⁴³ Prendergast, op cit., p.72.