



THE SPLA: FIT TO GOVERN?

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WORKING FOR PEACE IN SUDAN

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Preface

There are of course questions which must be answered by all those involved in the Sudanese conflict. It is perhaps right that there has been a considerable focus over the years on the present government in Sudan and its position and role in the on-going civil war in that country. It is, after all, the most visible and accessible actor in political events in Sudan. At the same time, for a variety of reasons, there has perhaps been too little attention paid to the activities, position and role of Dr John Garang and the Sudan People's Liberation Army (SPLA) within the Sudanese civil war.¹ The need for this scrutiny is particularly important given that the SPLA is being presented by the United States government, and others, as a vital political force within any future dispensation within Sudan. Given this international projection there are several aspects of the SPLA, its policies and its behaviour which must be candidly examined.

The questions are obvious. What has the SPLA been fighting for over the past fifteen years? What are the methods it has chosen to use in its war? Why does the SPLA have an appalling human rights record, especially amongst the southern Sudanese population? What are the implications of the claims that the SPLA is a tribalist and even a racist organisation? And what are the implications of the SPLA's use as an instrument of other countries' foreign policy. These and other questions are critical in assessing the legitimacy or otherwise of the SPLA's claim to represent the political views not only of the southern Sudanese people but of the Sudanese nation as a whole. They also cast doubt over its projection as the "government" of those areas it dominates militarily.

In assessing these questions and concerns this study has drawn heavily upon the work of established and internationally respected human rights organisations. These include Amnesty International, Human Rights Watch/Africa (including work it produced in earlier days as Africa Watch), and African Rights. African Rights has shown a particular interest in the country and is very hostile to the government of Sudan. It has produced a

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. As the SPLM has long since been absorbed into the SPLA, this study will refer to the organisation as the SPLA.

number of studies, reports and discussion papers dealing with political, civil and human rights in the country. African Rights has also produced several books on human rights issues in Sudan. One of these, *Food and Power in Sudan: A Critique of Humanitarianism*, is referred to extensively in this study of the SPLA. This use of independent human rights studies enables a critique of the SPLA to be made that might in other circumstances be dismissed out of hand as partisan. This study also includes material from *The Politics of Liberation in South Sudan: An Insider's View*, written by Dr Peter Adwok Nyaba, and published in 1997. Dr Nyaba joined the SPLA in 1986, and is currently a member of the organisation's National Executive Council. Nyaba served as a SPLA military commander inside Sudan, and has a first-hand knowledge of SPLA behaviour on the ground. He can therefore be seen as an inside source and the picture he presents of the SPLA is a disturbing one.

The *Economist* perhaps summed up the general image of the SPLA when it stated in March 1998 that:

The rebels have always, in theory, been a political movement as well as an army. In practice, the army was the movement. Led by John Garang, a former colonel in the national armed forces and a man with strong dictatorial tendencies, it has, at its worst, been little more than an armed gang of Dinkas (Mr Garang's ethnic group), killing, looting and raping. Its indifference, almost animosity, towards the people it was supposed to be "liberating" was all too clear.

It may come as a surprise, therefore, to learn that the United States government has chosen to support the SPLA militarily, politically and diplomatically in its war against the Sudanese government.

The origins of the SPLA

The Sudan People's Liberation Army (SPLA) came into being in 1983, following a mutiny by southern members of the Sudanese army at Bor in southern Sudan. The mutiny was a reaction to the Nimeiri dictatorship's decision to renege on some of the understandings and structures settled by the 1972 Addis Ababa agreement. This agreement between the Khartoum government and the *Anya-nya* rebels had ended the first Sudanese civil war which had been fought since before independence in 1956. The Nimeiri dictatorship had sought to interfere with some of the key powers granted to the Southern Sudanese regional government under that settlement. Southern resentment was heightened by the introduction later that year of Islamic *sharia* law throughout Sudan, including the largely non-Muslim south.² From its very inception, the SPLA's manpower was predominantly drawn from Dinka communities in Upper Nile and Bahr el Ghazal.

The SPLA received almost immediate military and financial assistance from Colonel Gaddafi in Libya, and also from Ethiopia. From 1983 until 1991, the SPLA was based in Ethiopia and extensively assisted by the totalitarian Mengistu *regime* in that country. And from the very start the SPLA was closely associated with systematic human rights abuse.

The SPLA has waged war against several governments in Sudan, democratic and otherwise. The Nimeiri dictatorship was overthrown in 1985 and replaced by a transitional military government, which was in turn replaced in 1986 by the democratically-elected multi-party coalition governments led by Sadiq al-Mahdi, coalitions dominated by the sectarian Umma and Democratic Unionist parties. The al-Mahdi government was overthrown in mid-1989 by a military

² There is a certain amount of divergence in respect of estimates of the religious breakdown of the southern population. *The Economist Intelligence Unit* in its report entitled 'Sudan: Country Profile 1994-95', puts the Christian population of southern Sudan at 15 percent. This figure is cited by Human Rights Watch/Africa in its 1996 study of Sudan. The definitive United States government guide *Sudan - A Country Study*, published by the Federal Research division and Library of Congress, states that "In the early 1990s possibly no more than 10 percent of southern Sudan's population was Christian". The internet reference for the above is [cstdy:@\[DOCID+sd0056\]atlcweb2.loc.gov](mailto:cstdy:@[DOCID+sd0056]atlcweb2.loc.gov).

government, a government which has gradually civilianised and democratised itself, having held, for example, presidential and parliamentary elections in 1996. The SPLA had refused to enter into meaningful negotiations with any of the Sudanese governments since 1983: it is now negotiating with the government within the framework of the regional Inter-Governmental Authority on Development (IGAD). The SPLA reached a zenith of military activity in the late 1980s up until 1991. The 1991 collapse of the Mengistu administration in Ethiopia then dislocated the SPLA. In addition, the SPLA itself fragmented into several groups that year. The war de-escalated dramatically until 1994-5. This de-escalation was because of several factors: internal constitutional and political reforms within Sudan, the loss of military bases and supply lines in Ethiopia, and the disintegration of the SPLA. From 1995 onwards, however, the United States government began to militarily, diplomatically and financially support the SPLA, and also secured rear bases for the organisation once again in Ethiopia, as well as Eritrea and in the SPLA's additional old host, Uganda.

As part of this revitalisation of the SPLA by the American government, and its use as an instrument of broader American policy against the Sudanese government, the SPLA has been thrust into the international limelight as a major player in the Sudanese and regional affairs. Given this new lease of life, and given attempts to present the SPLA as a liberation movement, there are crucial reservations about the SPLA which cannot be ignored.

What is the SPLA's political agenda?

The SPLA has waged war in southern Sudan since 1983. It is unclear, however, what it has been fighting for. The most glaring question mark which hangs over the SPLA is the movement's lack of any discernible or credible political agenda. This is particularly troubling for two reasons.

Firstly, the SPLA is being spoken of by its supporters within the international community as a political alternative to the present government in Sudan. These supporters include the United States, Eritrean and Ugandan governments, as well as organisations such as Christian Solidarity International (CSI).

Secondly, it is also disturbing that despite having no realistic political programme, the SPLA appears to be seeking power for the sake of power

through the barrel of a gun, power they continue to attempt to seize at the cost of tens of thousands of dead and displaced Sudanese. The lack of a political agenda, or indeed any meaningful political component within the SPLA, could explain the SPLA's clear reluctance to enter into the political struggle or to play any constructive part in negotiating an end to the war.

The absence of a SPLA political agenda is long-standing. In June 1991, for example, Bona Malwal, a SPLA supporter, journalist and former minister during the Nimeiri dictatorship, published an article entitled 'Questions the SPLA can no longer ignore'.³ Eight years after the SPLM/A was formed, one of the issues raised by Malwal was the absence of any political, economic or social agenda or platform on behalf of the SPLA. There were also clear questions concerning the lack of civil administration within those areas of southern Sudan dominated militarily by the SPLA. These concerns came from someone sympathetic to the SPLA.

The objectives of the SPLA were first proclaimed in its manifesto issued in July 1983. This manifesto states that:

The immediate task of the SPLM is to transform the Southern movement from a reactionary movement led by reactionaries and concerned only with the South, jobs and self interest into a progressive movement led by revolutionaries and dedicated to the socialist transformation of the whole Sudan.⁴

In its 1983 legal code, *The Sudan People's Revolutionary Laws: SPLM/SPLA Punitive Provisions for the Conduct of the People's Revolution*, the SPLA stated that:

The Marxist-Leninist Movement known as the Sudan People's Liberation Movement shall be the sole people's political organization established in the interest of the oppressed working masses of the Sudanese people.⁵

³ Bona Malwal, *Sudan Democratic Gazette*, June 1991, pp. 2, 4-5, 8.

⁴ SPLM Manifesto, *Horn of Africa*, Volume VIII, Number 1, New Jersey, 1985, p.43.

⁵ *Horn of Africa, op. cit.*, p.68.

Garang has stated that “the slogans of the SPLA are ‘National Unity’, ‘Socialism’, ‘Autonomy’, where and when necessary, and ‘Religious Freedom’. Our belief in and commitment to these slogans are irrevocable”.⁶ Garang commits the SPLA to the “liberation of the whole Sudan, and to the unity of its people and its territorial integrity”; “the establishment of a new and democratic Sudan in which equality, freedom, economic and social justice and respect for human rights” are “concrete realities”; the “solving of national and religious questions...within a democratic and secular context”; the SPLA was also said to “stand for genuine autonomous or federal governments for the various regions of the Sudan”; “a radical restructuring of the power of central government...that will end...the monopoly of power by any one group of self-seeking individuals whatever their background, whether they come in the uniform of political parties, family dynasties, religious sects or army officers”; “an end” to the “uneven development of the Sudan”; the SPLA also declared itself to be “committed to fight racism”; to eradicate tribalism, sectionalism and provincialism; and finally, the SPLM/A declared that it was “committed to the rapid transformation” of Sudan.⁷

In 1984, influenced perhaps by the anti-separatist stance of the Ethiopian government - given the *Dergue*'s conflict with various regional insurgencies, Dr Garang defined the national aspirations of the SPLA as follows, restating its somewhat monopolistic self-designated mandate:

The Sudan People's Liberation Army (SPLA) has been founded to spearhead armed resistance against Nimeiri's one-man system dictatorship and to organize the whole Sudanese people under the Sudan People's Liberation Movement (SPLM) through revolutionary protracted armed struggle waged by the SPLA and political support.⁸

As an insider, SPLA national executive member Dr Peter Nyaba is, however, candid about the SPLM/A's 1983 manifesto. He states:

⁶ John Garang, *The Call for Democracy in Sudan*, Kegan Paul, London, 1992, (Edited by Mansour Khalid), p.25.

⁷ Garang, *op. cit.*, pp.26-7.

⁸ *Ibid*, p.19.

From the outside, it appears the SPLM manifesto of 1983 was not intended to mobilise and rally the people of South Sudan behind the programme of the Movement, but rather to gain acceptability in the eyes of outsiders.⁹

What little indication there has been of the SPLA's political orientation has been disturbing. For most of the first decade of its existence it clearly associated with the totalitarian politics of the Mengistu *regime* in Ethiopia. The Mengistu government soon realised that Garang was sympathetic to the Marxist-Leninist philosophy of the Ethiopian *Dergue*. The Mengistu *regime* had previously refused to assist other Sudanese opposition groups as they had not shown a similar political inclination.

African Rights has touched on the SPLA's close association with the ruthless Mengistu *regime*, and the close support it received from the Ethiopian state:

The SPLA strategy was not to mobilise the people in pursuit of a political aim, so much as to capture state power, and then use that power to effect a radical transformation of Sudanese society. This reflected the state socialist (or, less kindly, 'Afro-Stalinist') approach of Mengistu. While Mengistu ruled Ethiopia, the SPLA used Ethiopian state power as part of its structures of control and transformation. In the Ethiopian refugee camps, the SPLA was a government. In rebel-held areas of Sudan it sought to recreate these conditions.¹⁰

African Rights also makes the point that the SPLA closely followed not only the *Dergue*'s political model but also adopted Mengistu's military model:

The SPLA's de facto military philosophy was derived...from...the practice of Colonel Mengistu Haile Mariam, President of Ethiopia...Massive forced conscription and rudimentary training was the characteristic of the revolutionary Ethiopian army...Sadly for thousands of Southern Sudanese

⁹ Peter Nyaba, *The Politics of Liberation in South Sudan: An Insider's View*, Fountain Publishers, Kampala, 1997, p.30.

¹⁰ *Food and Power in Sudan*, African Rights, London, 1997, p.63.

young men, the Ethiopian element was prominent in SPLA military doctrines.¹¹

The SPLA: a cult of authoritarianism

It perhaps follows on from Garang's association with totalitarian politics that democracy and debate within the SPLA were clamped down upon very firmly. This intolerance dates back to the earliest days of the organisation. African Rights records, for example, that the initial political leadership of the Sudanese People's Liberation Movement (SPLM) was made up of Southern politicians and former ministers such as Akuot Atem, Martin Maijer, Samuel Gai Tut and Joseph Oduho. John Garang was named the head of the military wing, the Sudanese People's Liberation Army. Samuel Gai Tut and Akuot Atem subsequently withdrew from the SPLM in protest at Garang's rejection of election results, and transferred their allegiance to a rival Southern opposition group: Samuel Gai Tut was subsequently murdered by SPLA gunmen. Garang then took for himself the chairmanship of the SPLM as well as being the SPLA commander-in-chief.

African Rights summed up the intolerance within the SPLA:

It is hard to see how the SPLA could have become more authoritarian than it was in the 1980s.¹²

Dr Nyaba provides further insight into the Sudan People's Liberation Army and its militaristic nature:

The politicians who came to join the armed struggle found themselves ignored, marginalised and persecuted. They were branded 'bourgeoisie' and therefore 'potential' or 'real' enemies of the people...What unfortunately emerged was a militarist, putschist instrument, intolerant and averse to democratic principles and methods. The infant Movement was stifled from the start and differing political views were completely suppressed, and a campaign of vilification, marginalisation and

¹¹ *Ibid*, pp. 62-63.

¹² *Food and Power in Sudan*, African Rights, *op. cit.*, p.92.

alienation of the politicians and the intellectuals began in earnest.¹³

That Garang's organisation is first and foremost a militaristic one is clear from any study of its history. African Rights records that "Southern intellectuals and politicians who wanted to join the SPLM were subordinated to the military...some of them were arrested and detained without trial...According to a liberal-democratic view, they were victims of human rights abuses because they challenged autocratic leadership. The shadow of these early violations still hangs over the Movement."¹⁴

Actions in the name of the SPLM are notional. It is clear that the SPLA has long since absorbed the SPLM. Military as well as political independence was purged and punished.

Political discussion within the SPLA was curtailed. The two remaining civilian politicians on the SPLM's original Provisional Executive Committee (PEC) - Joseph Oduho and Martin Majier - were imprisoned from 1985 to 1992...The PEC was turned into a 'Political-Military High Command' (PMHC) composed only of soldiers. Two of the five original members of the PMHC (Kerubino Kuanyin and Arok Thon) were then incarcerated because they acted independently of Garang.¹⁵

Joseph Oduho was released but was then killed in a SPLA attack. Martin Majier, a judge and politician with considerable standing among the southern Bor Dinka, was subsequently murdered by the SPLA. Other rival Southern opposition leaders were dealt with equally ruthlessly. Kawac Makuei was imprisoned in appalling circumstances from 1984 to 1992. Lakurnyang Lado, the chairman of the Front for the Liberation of South Sudan, was detained and publicly killed by the SPLA. African Rights also talks of "many allegations of other extra-judicial killings". Southern Sudan has had few enough political leaders of any substance and integrity. The SPLA has murdered most of them.

¹³ Nyaba, *op. cit.*, p.34.

¹⁴ *Food and Power in Sudan*, African Rights, *op. cit.*, p.68

¹⁵ *Ibid*, p.69.

Even SPLA supporters such as Bona Malwal have expressed concern about the lack of democracy, or political debate, within the SPLA itself. His 1991 article, written, as mentioned, eight years after the SPLA's formation, highlighted the dominance of the military wing:

there is a pressing need for the SPLA to practice the democratic ideals it has been preaching for so long. It is impossible to speak of democracy whilst every aspect of life is being subordinated to the military cause.¹⁶

Dr Nyaba also records that even the military high command would not meet for years at a time: "The last time the five permanent members of this body came together in a meeting was in late 1985 and early 1986...From then onwards no meeting of the SPLM/A High Command was heard of again until...1991."¹⁷ Three of these permanent members would subsequently come to politically oppose Garang. Nyaba also describes the autocratic nature of SPLM/A leadership:

The militarisation of the Movement...resulted in the emergence of an elitist vanguard, which monopolised decision making and concentrated all powers in the hands of the person at the top. In the absence of collective leadership and individual responsibility, the SPLM/A was slowly transformed into an autocracy...One outcome of this situation was gross mismanagement of the affairs of the Movement at every level.¹⁸

There is every indication that this disturbing state of affairs within the SPLA exists to this day.

Perhaps conscious of outside concern about the SPLA's undemocratic structures, and encouraged by its American advisers, the SPLA convened its first national convention in May 1994. The convention was said to have elected a National Liberation Council and National Executive Council. Dr Garang and Salva Kiir Mayardi were elected chairman and deputy-chairman of the SPLM.

¹⁶ Malwal, *op. cit.*

¹⁷ Nyaba, *op. cit.*, pp.43-4.

¹⁸ *Ibid*, p.55.

It is a matter of record, however, that Dr Nyaba, a member of the national executive council, has said that for all the stated promises of Garang to reform the SPLA and be more accountable, nothing appears to have changed:

The recommendations of the various conferences and workshops which the SPLM conducted from April 1994 to May 1996, with the exception of those of the SPLA senior officers conference in October 1995, have not been implemented. Even those resolutions concerning social and economic development in the liberated areas have not been translated into policies and action. It looks as though people are keen to make resolutions but don't care about their implementation...The changes in the SPLM and SPLA appear to have been inspired by external factors rather than the dynamics of the internal situation.¹⁹

Nyaba records that the National Liberation Council has not met since 1994.

A recent article on the SPLA which appeared in the South African *Mail and Guardian* newspaper revealed some of the continuing evidence of an authoritarian and autocratic mindset in the SPLA and its leader:

Talk within the SPLA of the values of civil society and democratisation led to the organisation drafting a Constitution for the south. Garang gutted the document, writing out any democratic mechanisms that posed a threat to him. Some liberals in the movement now say privately that their new Constitution is less democratic than the new Constitution of the hated government of the North.²⁰

A united Sudan or a separate south?

John Garang is constantly presented by his international supporters as the voice of southern Sudan, and even Sudan as a whole, in some way articulating at the very least a united southern Sudanese perspective. The war in Sudan is also presented as one between the Islamic north and the largely animist south. The general perception is that the SPLA is somehow fighting on behalf of the

¹⁹ Nyaba, *op. cit.*, p.164.

²⁰ *Mail and Guardian*, 15 May 1998.

Christians who make up somewhere between 10 and 15 percent of the population of the south (some 4 percent of Sudan's total population), or on behalf of the animists who comprise the majority of the south's people.

Yet, from its very beginning the SPLA has unambiguously stated that it is committed to the unity of Sudan. Its 1983 Manifesto states that:

It must be reiterated that the principal objective of the SPLM is not separation for the South. The South is an integral and inseparable part of the Sudan.²¹

Indeed Nyaba confirms that the SPLA almost immediately attacked southern secessionist forces such as *Anya-nya 2*:

Many lives were lost because of this fighting and it diverted much of the SPLA political and military energy whose leaders even proudly claimed that the first SPLA bullet was fired against the separatists.²²

Even the degree to which Dr Garang and his faction of the SPLA is representative of southern Sudan is questionable. That the SPLA's claim to speak for the south is an unsustainable claim becomes apparent from even a brief study of the dynamics of southern Sudanese political and military activity in the past decade or so. African Rights has made the point, for example, that "the peoples of Southern Sudan are diverse and have never succeeded in forming a united front in pursuit of their common interests."²³

The Sudan People's Liberation Army, as originally led by Garang, fragmented in August 1991. SPLA forces in the Upper Nile area led by Dr Riek Machar Teny-Dhurgon, Dr Lam Akol Ajawin and Gordon Koang Chol broke away from the SPLA, accusing John Garang of dictatorial behaviour and human rights abuses. Dr Machar and Dr Akol came to head that grouping known as SPLA-Nasir. Garang then renamed what remained of the SPLA as SPLA-Torit and then SPLA-Mainstream. Further dissatisfaction with Garang led to an additional fragmentation of what remained of his SPLA grouping when Garang's deputy, William Nyoun Bany, left and formed another faction called

²¹ *Horn of Africa, op. cit.*, p.43.

²² Nyaba, *op. cit.*, p.31.

²³ *Food and Power in Sudan, op. cit.*, p.269.

SPLA-Unity. Riek Machar's SPLA-Nasir and Nyoun's Unity groups then merged in March 1993 to form SPLA-United. SPLA-United then itself divided. Dr Machar came to head the South Sudan Independence Movement (SSIM) and Dr Akol continued as the chairman of SPLA-United.

Even leaving the lack of a political agenda or orientation aside, the SPLA would appear to be out of step with even the most basic issue of whether or not Sudan should separate into two. The SPLA's claim to represent southern Sudanese aspirations in this respect has been questioned. The SPLA, for example, has repeatedly declared itself to be in favour of a united Sudan. Garang, for example, has publicly stated that:

(A)s we have said many times before, we are not secessionists. And if anybody wants to separate even in the North, we will fight him because the Sudan must be one. It should not be allowed to disintegrate or fragment itself.²⁴

This clearly conflicts with well-known southern hopes as articulated by several southern politicians and even rank-and-file members of the SPLA. Nyaba states that the declared objective of a united Sudan is "at variance with the will and aspirations of many of its members who still believed that South Sudan must secede from the north." Nyaba also states that "few people...in the SPLM/A believe in the unity of the country."²⁵

Bona Malwal has also mentioned this ambiguity:

Put simply, the SPLA wanted nothing to do with separatist issues...Many Southern Sudanese have felt that the SPLA should liberate the South and establish a separate Southern state.²⁶

The SPLA's claim to be a national liberation movement is clearly unrealistic. Nevertheless, Dr Garang appears to wish to cling to the fiction that the SPLA is a national organisation, while at the same time the SPLA has forgone any realistic claim to represent even southern Sudanese interests. Indeed southern intellectuals and political leaders who articulated southern Sudanese political

²⁴Garang, *op. cit.*, p.137.

²⁵ Nyaba, *op. cit.*, pp.6, 30.

²⁶ Malwal, *op. cit.*

interests within the SPLA were either murdered or imprisoned by Garang. As African Rights stated: “There was no broad front: the Movement was resolutely centralist.”²⁷ This to an extent explains Dr Riek Machar’s subsequent identification with the long-standing southern Sudanese call for independence, and the renaming of the group he led out of the SPLA as the South Sudan Independence Movement.

What is the SPLA fighting for?

John Garang would appear to be out of step with a considerable number of southern Sudanese politicians, and several of his former colleagues, in that he has refused to come into the internal Sudanese peace process. Several of his former colleagues and other southern leaders are now parties to the Peace Agreement signed between them and the government of Sudan in April 1997, an agreement which built upon several political charters signed in 1996. They include Dr Riek Machar and the South Sudan Independence Movement (SSIM/A), the SPLM/A (Bahr el-Ghazal Group), the late Arok Thon Arok and the SPLM/A Bor Group, Commander Mohammed Haroun and the Nuba Mountains United SPLM/A, Dr Theophilus Ochang Lotti and the Equatoria Defence Force, Samuel Aru Bol and the Union of Sudanese African Parties (USAP), as well as Dr Lam Akol and the SPLA-United group.

It is a matter of record that the 1997 Peace Agreement guarantees an internationally-supervised referendum whereby for the first time ever the people of southern Sudan will be able to choose whether they wish to remain as part of a united Sudan or whether they wish to opt for an independent South.

The agreement also brought into being an interim southern government, headed by Dr Riek Machar, and made up of southern politicians. This southern government has established itself in Juba and has already started work. It is also a matter of record that the present government of Sudan has introduced a comprehensive federal system, decentralising and devolving government down to 26 states, governed and administered by southerners - another long-standing southern Sudanese request. And furthermore, while Dr Garang may not agree with the result, there is no doubt that in so doing there has been what the SPLA has long called for, “a radical restructuring of the power of central government”. Similarly SPLA calls for an end to the “monopoly of power” by

²⁷ *Food and Power in Sudan, op. cit.*, p.69.

“political parties, family dynasties, religious sects or army officers” would appear to have been addressed in large part by the present government.

Additionally, presidential and parliamentary elections were held in 1996, and were said by the OAU observer mission to have been:

a historic occasion, the first direct Presidential election in Sudan, and the first time the voters in the newly demarcated States have the opportunity to select their representatives to the new National Assembly.²⁸

The 1997 Agreement also calls for the inequitable development of the Sudan to be addressed. Dr Garang’s demand that Sudan should be a secular state further undermines his claim to represent the Sudanese nation. It is a fact that Sudan is an overwhelmingly Muslim country, and that as far as can be ascertained the majority of people in Sudan wish to be governed in accordance with Islamic law. The present government, in any case, exempted southern Sudan from *sharia* law in 1991.

Most if not all of the objectives that southern Sudanese have fought for since independence appear to have been secured already or are guaranteed in the 1997 Peace Agreement and the new constitution. These include a federal system, decentralised local government, a redistribution of national wealth and a referendum through which they can choose unity or separation. Virtually all of Garang’s senior colleagues, commanders and comrades-in-arms within the SPLA appear to have decided that the time has come to give peace a chance. It is unclear what it is that now keeps Garang’s SPLA out in the field.

The reality of SPLA Political and Civil Structures

The SPLA has long claimed to exercise a form of political and legal administration within those parts of southern Sudan it controls militarily. These claims in turn have been used by its international supporters to point towards some sort of political legitimacy for the organisation. It is clear however that SPLA claims in this respect are a sham. Garang’s involvement in the murder and imprisonment without trial of several early SPLA leaders and officials within the SPLA itself has been documented and was perhaps an early

²⁸ Report of the Organisation of African Unity on the Presidential and Parliamentary Elections in Sudan, *Sudanow*, Khartoum, April 1996.

indication of the larger-scale human rights abuses that were later to follow within Sudan itself.

Some respected international observers have presented a birds-eye picture of SPLA behaviour within several of those areas of Sudan under its control. John Prendergast is one such commentator. He presently the director of East African affairs at the National Security Council. Before going to work for the White House, he was a development expert and veteran analyst of north-east African affairs, and served as the director of the Horn of Africa project at the Center of Concern in Washington-DC. His 1997 book *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*, examines several important aspects of the Sudanese situation. He has a working knowledge of the SPLA, which is described as having:

attained possession of adequate means of coercion and has terrorized the southern population into passive compliance. The predominant instruments of the movement since 1983 have been and still are coercion and corruption. It has not managed to integrate society around any positive values.

The movement has been able to persist only as long as it successfully coerces, and demoralises social groups in the region. Because the cooperation of the civil population is needed, at times, in order to carry out the liberation struggle, coercion has not been a successful strategy. Corruption, in various doses, might have worked for some time, but it demoralizes both the commanders and the people...Institutionalization of the top-down arrangements by the socialist group who initially established the SPLM/A has led to a permanent oppression of those persons in the area under the control of the movement.²⁹

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

²⁹ John Prendergast, *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia*, Pluto Press, London, 1997, p.57.

exclusion zone” around areas it dominated in order to deter civilians leaving. Those leaving were murdered by the SPLA.³⁰ African Rights comments that:

All military training is, in a sense, dehumanising. It prepares people to kill others. But the SPLA took this to an extreme. It inculcated a callous attitude towards civilians...At times, the elevation of the military verged on a nihilistic attitude towards civilians and existing social structures.³¹

An even more chilling account, which directly echoes that of African Rights, is provided by the former SPLA military officer Peter Nyaba:

Independent and liberal political opinion was throttled by the security apparatus - the ‘Combat Intelligence’ - an equivalent of Nimeiri’s defunct ‘State Security Organ’...The ‘Combat Intelligence’, in its ruthless ‘anti-people’ mentality and instantaneous obedience to the SPLM/A leadership, created, in the Movement in general, and among the combatants in particular, an atmosphere of mutual distrust, suspicion, fear, indifference, apathy and outright demoralisation...This...attitude was manifest first in the training camps, and then in areas that fell under SPLA administration. The SPLA training camps themselves resembled concentration camps in which the recruits and prospective SPLA soldiers are brutalised, dehumanised and de-revolutionised...It was here that the SPLA officers and men internalised oppression and brutality. Once they were deployed at the war front, their first victims became civilians, whom they now terrorised, brutalised, raped, murdered and dehumanised.³²

Given his background, Nyaba is in a unique position to describe the behaviour of the SPLA within those areas of Sudan in which it controlled or operated within.

³⁰ *‘The Tears of Orphans’: No Future without Human Rights*, Amnesty International, London, 1995, p.89.

³¹ *Food and Power in Sudan*, op. cit., p.82.

³² Nyaba, *op. cit.*, pp.49-50.

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.³³

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.³⁴

This then is perhaps a more realistic picture of those areas of southern Sudan dominated by the SPLA than that presented to the outside world by their fellow-travellers, propagandists or apologists. Christian Solidarity International’s June 1996 Sudan report, for example, recommended support for “the efforts of the SPLM/A...to promote the values and institutions of civil society”. In this report Baroness Cox also claimed that “the SPLM/A shows a serious commitment to the implementation of principles and policies for the promotion of peace and justice”³⁵: this a year after one incident in which the SPLA slaughtered 210 villagers, of whom 180 women and children.

³³ *Ibid.*, p.52.

³⁴ Nyaba, *op. cit.*, p.58.

³⁵ *CSI Visit to Sudan, June 10-15 1996*, Christian Solidarity International, London.

The SPLA claim to a legal code

The SPLA has made a number of claims in respect of the allegations of human rights abuses levelled at it. The SPLA, for example, published a legal code in 1983, and produced new guidelines in 1994, and claimed to use them as models within parts of Sudan. It is clear that whatever the SPLA has claimed in respect of a “legal” system is a sham.

In 1995 Amnesty International declared, however, that the legal system “operating in SPLA-controlled areas fails to satisfy minimum international standards of fairness in almost every respect. The courts are not independent or impartial, it is not clear what law is applied...The administration of justice through courts-martial has been arbitrary and chaotic...The court system is characterized by an inadequate separation of powers between the executive and the judiciary: in a situation where the military is totally dominant it is easily abused.” Amnesty International went on further to cite a former Garang SPLA officer “who was involved in the administration of justice” as saying that:

The code is next to useless...There is no real judicial system”³⁶

Amnesty further recorded that:

None of the political detainees arrested between 1984 and 1993 are known to have received a trial. Some cases were investigated - although most frequently investigations appear to have focused on extracting information rather than building a legal case.³⁷

In 1997, African Rights stated that “despite much talk about the importance of the judiciary, transparency and accountability” the SPLA has not “made a serious effort to improve the situation.” One result of this was said to be “an increasingly marked abuse of the property and persons of NGOs. Nothing has ever been done about it...They put everything under the carpet, and it gets worse and worse.”³⁸

³⁶ *The Tears of Orphans: No Future Without Human Rights, op. cit.*, pp.100-101.

³⁷ *Ibid.*, p.102.

³⁸ *Food and Power in Sudan, op. cit.*, pp.330-31.

The SPLA and the New Sudan Council of Churches

Another structure in place within SPLA - controlled areas of Sudan is the New Sudan Council of Churches (NSCC), which was formed in February 1990 from Catholic and Episcopal churches in southern Sudan. The extent of its independence from the SPLA was questionable from the start. As African Rights put it: "The NSCC could not have been created without the support of John Garang". African Rights further quoted "a leading churchman" as stating that: "The Movement was behind the formation of the NSCC." Garang himself, in addressing the NSCC General Assembly in Torit in 1992, stated that he saw the NSCC as the "spiritual wing of the Movement".³⁹ This structure is publicly committed to speaking on behalf of southern Sudanese people, particularly in respect of political, civil and human rights. Given its politicised origins, plus the fact that the NSCC exists as African Rights states "in a society which is dominated by armed...movements" and that its leaders are "personally vulnerable", it is perhaps unsurprising that NSCC criticism of abuses has been mostly directed at the government.

The New Sudan Council of Churches certainly followed a pro-Garang line in the wake of the fragmentation of the SPLA in 1991. Commenting on this support for Garang, the SPLA-United grouping stated that the NSCC was not a neutral body. One of the SPLA-United leaders, Dr Lam Akol, said that "Most of the Church leaders happened to be in the area where Garang was, and could not resist the pressures of taking sides." The NSCC has also been accused of bias in its allocation of aid. African Rights quotes the leader of another rival grouping to the SPLA as saying that: "As a structure, NSCC is behind Garang. He was the one who started it, and they are still close to him. Their resources are almost all channelled to his areas."⁴⁰

African Rights' study of churches in southern Sudan, *Great Expectations: The Civil Roles of the Churches in Southern Sudan*, places on record the fatal limitations on the New Sudan Council of Churches:

Church leaders in the New Sudan recall the anti-church stand of the SPLA in its early days, and observe continuing repression

³⁹*Great Expectations: The Civil Roles of the Churches in Southern Sudan*, Discussion Paper No.6, African Rights, London, April 1995, p.29.

⁴⁰ *Ibid*, p.30.

against dissenters. Even the most courageous Church leaders have been selective in their criticisms, choosing not to name certain commanders responsible for abuses.⁴¹

Given that the report further makes it clear that little if any attention is paid to NSCC or church complaints or allegations of SPLA armed robbery, rape, forced labour, beatings or theft, the effectiveness of this structure in this respect is unclear, save perhaps in its directed and somewhat propagandistic use by the SPLA against the government of Sudan. Nonetheless, the New Sudan Council of Churches is presented as an independent body in southern Sudan.

The SPLA: a “subculture of lies”

It must be placed on record that there has been a clear pattern of deception and deceit practiced by the SPLA in respect of the outside world. The SPLA has made claims and promises to the international community which have not been truthful or honoured. The Sudan People’s Liberation Army claimed in 1986, for example, to have within its control ninety-five percent of the southern Sudanese population. As African Rights has stated, this figure was “a huge exaggeration”.⁴²

Nyaba also amply records the inaccuracy of SPLA propaganda, when he speaks of a “sub-culture of lies, misinformation, cheap propaganda and exhibitionism”:

Much of what filtered out of the SPLM/A propaganda machinery, notably Radio SPLA, was about 90% disinformation or things concerned with the military combat, mainly news about the fighting which were always efficaciously exaggerated.⁴³

The US Department of State’s Sudan *Country Report on Human Rights Practices for 1996* stated that Garang’s SPLA “continued to violate citizens’ rights, despite its claim to be implementing a 1994 decision to assert civil authority in areas that its controls”. The report also noted that Garang’s

⁴¹ *Ibid*, p.32.

⁴² *Food and Power in Sudan, op. cit.*, p.87.

⁴³ Nyaba, *op. cit.*, pp.55, 66.

movement had “failed to follow through on its promise to investigate a 1995 massacre.”⁴⁴

A prime example of the SPLA’s “subculture of lies” and misinformation were its claims surrounding the airplane crash in southern Sudan in early February 1998. This crash claimed the lives of the Sudanese first vice-president, Lieutenant-General al-Zubeir Mohammed Saleh and a number of other officials. SPLA spokesman Justin Yaac claimed on 12 February that SPLA forces had shot down the plane as it was passing through “an area we control”.⁴⁵ As the truth emerged about the crash, which was the result of poor visibility during landing, the SPLA had to withdraw its claim. SPLA spokesman John Luk stated that they had no forces in the area in southern Sudan where the crash occurred.⁴⁶

The SPLA: tribalist and racist?

The Sudan People’s Liberation Army’s claim, and claims made on its behalf by its various international supporters, that it is an authentic voice of southern Sudan and even the Sudanese people at large has been critically undermined by the allegations that it is in effect a tribalist, and even racist organisation. That the SPLA has, for several years, been essentially based upon, and dominated by, one of southern Sudan’s many tribal groupings, is clear. Since its inception Garang’s SPLA has relied upon Dinka communities in Upper Nile, especially the Bor Dinka, and the Dinka in Bahr el Ghazal for its manpower. It has also been dominated by people belonging to these Dinka communities. Nyaba confirms the unambiguously tribal origins of the SPLA:

Initially, political mobilisation for the SPLM/A in 1983/4 was along the lines that the Bor and the people of Kongor would have an opportunity to acquire weapons they needed to fight back, or revenge the cattle rustling practised against them by the Murle. This mobilisation that took more than ten thousand Bor youth to SPLA training camps in 1983 was not for the national agenda of

⁴⁴ *Country Report on Human Rights Practices for 1996*, Bureau of Democracy, Human Rights and Labor, Washington-DC, 30 January 1997, p.2

⁴⁵ ‘Sudan rebels say they downed vice-president’s plane’, News Article by Reuters on February 12, 1998 at 11:48:31.

⁴⁶ ‘Sudan rebels withdraw plane crash claim’, News Article by Reuters on February 13, 1998 at 05:15.

liberation but to settle local scores with their neighbours, the Murles or the Nuers.⁴⁷

The essentially tribalist nature of the SPLA has been confirmed and commented upon by various human rights organisations. Africa Watch reported on early manifestations of the murderous effects of SPLA tribalism.

In September 1985, for instance, SPLA forces captured Terakeka, the main centre of the Mandari tribe. The Bor Dinka had had a long history of enmity with the Mandaris and this resulted in killings and abuse by SPLA soldiers of Mandaris.⁴⁸ African Rights recorded that “Many Nuer had long felt themselves to be oppressed by the Dinka in the SPLA”.⁴⁹ Nyaba also clearly describes how the SPLA is seen in parts of southern Sudan:

In Equatoria...the SPLA was perceived as a Nilotic or Dinka movement whose objective was to reverse the division of the southern region, and to destroy the ‘Equatoria Region’ and impose the Dinka hegemony.⁵⁰

Nyaba’s study also describes tribal tensions between the SPLA and the Shilluk, Mandari, Toposa, Murle and Nuer communities:

Many communities had been completely alienated by the action of some SPLA officers and men and, in fact, some of them decided to cross over and allied with the enemy. For instance, the Murles rebelled against the SPLA in 1989, the Mandari had done so as early as 1984, the Toposa and the Didinga also turned against the SPLA in 1986 and 1990, etc...the SPLA sometimes posed like an anti-people military machine.⁵¹

Amnesty International, amongst other international organisations, documented the August 1991 split in the old SPLA, when the SPLA divided into two and then three factions. As mentioned above these were known for a time as the Torit and then Mainstream faction, controlled by John Garang, the Nasir

⁴⁷ Nyaba, *op. cit.*, p.24.

⁴⁸ *Denying “The Honor of Living” : Sudan A Human Rights Disaster, op. cit.*, p.154.

⁴⁹ *Food and Power in Sudan, op. cit.*, p.276.

⁵⁰ Nyaba, *op. cit.*, p.26.

⁵¹ *Ibid*, p.2.

faction led by Riek Machar, and the SPLA-Unity faction led by William Nyoun. Amnesty International recorded that “most SPLA-Torit support was drawn from Dinka”. The SPLA-Nasir faction was said to derive its support from the Nuer and Shilluk tribes of southern Sudan.

African Rights placed on record some of the reasons for the split as given by a local Nuer chief:

When we were rebels against the Sudan Government, all the assistance donated by foreign governments was converted by Garang to particular benefit. Secondly, all military assistance was diverted or given to his own tribe, and leaving the other tribes.⁵²

Following the 1991 split, Amnesty International stated that the two groups attacked each other and civilian groups “for ethnic reasons”.⁵³ Amnesty International also stated that John Garang’s group victimised civilians belonging to ethnic groups suspected of supporting the other faction:

In the early part of 1993 SPLA-Torit began an operation which involved the destruction of villages thought to be sympathetic to the Unity group. In January, 17 Latuka villages around the Imatong and Dongotona mountain 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.⁵⁴

Amnesty reported that in April 1993, Garang’s 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.”⁵⁵

⁵² *Food and Power in Sudan*, African Rights, *op. cit.*, p.276.

⁵³ *Sudan: The Ravages of war: Political Killings and Humanitarian Disaster*, Amnesty International, London, AI Index: AFR 54/29/93, 29 September 1993, p.21.

⁵⁴ *Ibid*, p.24

⁵⁵ *Amnesty International Report 1994*, Amnesty International, London, 1994, p.275.

Prendergast's *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia* also documented SPLA tactics aimed at destroying civilian centres in areas not controlled by the Garang faction. The SPLA sought to "weaken the subsistence base upon which (opposing groups) depend, utilizing village burning, cattle and crop stealing and destruction, denial of food aid". Distinct ethnic motives were also placed on record by Prendergast, who stated that there had been strained relations between the largely Dinka SPLA and the Nuer tribe as well as communities in Equatoria ever since the SPLA came into being in 1983, with the SPLA showing an "absolute disregard for their human rights"⁵⁶:

The SPLA has historically utilized...counter-insurgency tactics against populations and militias in Equatoria considered to be hostile. An important tactic in defeating opposing tribal militias has been to weaken the subsistence base upon which they depend, utilizing village burning, cattle and crop stealing and destruction, denial of food aid, etc. By destroying the subsistence base of certain groups, relations have been destabilized between various Equatorian populations...This has exacerbated relations between certain Equatorian communities. Furthermore, spreading insecurity has resulted in increasing displacement of rural populations. For example, Lafon was attacked twice in 1993 because the SPLA-Mainstream perceived that the Pari people of the area might be sympathetic to SPLA-United...Lafon was only one of a series of towns attacked by the SPLA-Mainstream in 1993 in Eastern Equatoria. The common denominator between the attacks was the destruction or stripping of all assets owned by the community, creating increased dependence and displacement."⁵⁷

Prendergast states further that:

The SPLA has undertaken forcible recruitment campaigns ('Kashas') since the mid-1980s. After the split in the movement, the SPLA-Mainstream again undertook forced conscriptions in Equatoria,

⁵⁶ Prendergast, *op. cit.*, p.57.

⁵⁷ Prendergast, *op. cit.*, p.56.

including Torit and Kajo Keji, thus further alienating a population which had barely been reconciled to the SPLA presence.⁵⁸

Prendergast was also able to confirm that this behaviour has continued:

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 Equatorian women.⁵⁹

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.”⁶⁰

Prendergast also recorded that long-standing Dinka-Nuer tensions came to a head in 1991, stating that “the Nuer have been targeted by the SPLA-Mainstream”:

The Lau Nuer bordering Bor district used the 1991 split as an opportunity for avenging years of discrimination by the SPLA. There is a common perception among this population that the SPLA commanders redirected supplies away from Nuer areas of Upper Nile towards the Dinka populations of Bor and Kongor districts. Clothes, medicines, vaccines, hooks and equipment are all alleged to have been diverted, forcing Nuer populations to trade livestock for these supplementary items which were supposed to be distributed to them free of charge.⁶¹

It is further alleged that Garang, and his SPLA, is not only tribalist but also racist. The Sudanese Catholic Information Office reported that Arab northerners have left the SPLA because of racism. One example was Farouk Saleh Mohammed Abdalla, a senior Sudanese communist, who left the SPLA after six years because of racial discrimination.⁶²

⁵⁸ *Ibid*, p.53.

⁵⁹ *Ibid*, p.28.

⁶⁰ *Ibid*, p.57.

⁶¹ *Ibid*, pp.50-51

⁶² *Sudan Monthly Report*, Sudanese Catholic Information Office, Nairobi, 15 January 1997.

It is disturbing that the United States government is militarily, diplomatically and logistically supporting an obviously tribalist SPLA led by John Garang. The implications of the SPLA militarily seizing power in southern Sudan, with all the implications for tribal genocide and carnage that such a move so clearly brings with it, are gravely disturbing.

The SPLA and Human Rights abuses

The SPLA has been associated with systematic human rights abuses from its very formation. Prendergast has stated that the SPLA “was responsible for egregious human rights violations in the territory it controlled”.⁶³ The 1995 Amnesty International report on Sudan stated:

(S)ince its inception in 1983 the SPLA’s approach to human rights issues has been characterized by ruthlessness, a lack of accountability and a complete disregard for the principles of humanitarian law...Deliberate attacks...have been...responsible...for the destruction of rural communities. Prominent internal dissidents have been detained and some have been deliberately killed. Prisoners have been tortured, in some cases to death. Prison conditions in SPLA jails have been harsh to the extent of cruelty. Military discipline is only loosely maintained.⁶⁴

Africa Watch in 1990 also reported that the SPLA was responsible for human rights abuses within those parts of Ethiopia in which it was based. In one instance, SPLA units were involved in the massacre of over 500 Ethiopian civilians in the lower Omo valley of south-west Ethiopia. The SPLA had previously been involved in cattle-raiding activities in the area.⁶⁵

Africa Rights also records that the Ethiopian regional authorities in Gambela “delivered stern warnings about the SPLA’s failure to stop its soldiers abusing the local people”. The organisation reported one such incident in September

⁶³ Prendergast, *op. cit.*, p 77.

⁶⁴ *The Tears of Orphans’: No Future Without Human Rights*, *op cit.*, p.87.

⁶⁵ *Denying “The Honor of Living” : Sudan A Human Rights Disaster*, Africa Watch, New York, 1989, p.158.

1989 when twenty Ethiopians were murdered and more than twenty houses were set on fire by SPLA gunmen. Earlier, in March that year, there had been a meeting “to resolve many complaints by local Ethiopians against SPLA lawlessness in the border region”.⁶⁶ Dr Nyaba also reveals that the SPLA was implicated in further widespread abuses of human rights in Ethiopia:

In August 1989, it became the turn of the Ethiopian Anyuaks to suffer the brutality of the SPLA. For reasons and motives which could not be established, a contingent of the SPLA went into action against the Anyuaks, both civilians and Ethiopian government militia in Itang and Piny-udo, in which nearly two hundred people, including women and children, were massacred.⁶⁷

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

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

Nyaba described one incident in which SPLA forces were initially welcomed into a village, whose inhabitants “lavishly served the soldiers with beef, grain, sorghum beer, alcohol and tobacco”. The SPLA men then “went on a drunken looting and raping spree which resulted in several murders.”

It is chilling to note that Nyaba described this incident as representing “a common feature of the initial interaction between the SPLA and the civil population....This unfortunate incident repeated itself in many other places in South Sudan wherever the SPLA ventured to set foot, without being corrected or the perpetrators punished.”⁶⁸

⁶⁶ *Food and Power in Sudan, op. cit.*, pp.83, 87.

⁶⁷ Nyaba, *op. cit.*, p.37.

⁶⁸ Nyaba, *op. cit.*, p.36.

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

The Special Rapporteur stated that:

Eyewitnesses reported that some of the victims, mostly women, children and the elderly, were caught while trying to escape and killed with spears and pangas. M.N., a member of the World Food Programme relief committee at Panyajor, lost four of her five children (aged 8-15 years). The youngest child was thrown into the fire after being shot. D.K. witnessed three women with their babies being caught. Two of the women were shot and one was killed with a panga. Their babies were all killed with pangas. A total of 1, 987 households were reported destroyed and looted and 3, 500 cattle were taken.⁶⁹

The UN Special Rapporteur's work has made it clear that this was not an isolated incident. During the Special Rapporteur's September 1993 visit to the Nuba Mountains, he spoke of a "very dark picture" of gross violations of human rights by the SPLA. Local Nuba chiefs spoke of murders, torture, rape, kidnappings, abductions and the forced conscription of Nuba children, the destruction of homes and looting of property by the SPLA. The Special Rapporteur was given lists of hundreds of victims of SPLA terrorism.⁷⁰ A Pax Christi delegation which also visited Sudan in late 1993, found that the "SPLA was involved in forced recruitment and in kidnapping and liquidating community leaders who refused to cooperate."⁷¹

Africa Watch also placed on record that the SPLA has murdered government soldiers taken as prisoners of war. After capturing the town of Bor in March 1989, for example, Africa Watch stated that there were "reports that a large

⁶⁹*Situation of human rights in the Sudan*, UN Special Rapporteur Gaspar Biro, E/CN.4/1996/62, 20 February 1996.

⁷⁰ *Situation of human rights in the Sudan*, UN Special Rapporteur Gaspar Biro, A/48/601, 18 November 1993.

⁷¹ Jan Gruijters and Efreem Tresoldi, *Sudan: A Cry for Peace*, Pax Christi International, The Hague, 1994, p.50.

number of captured soldiers, possibly running into the hundreds, were executed by the SPLA immediately following the capture.” Africa Watch also quoted a SPLA source who stated that government soldiers captured after fighting were routinely killed. The human rights group also recorded that there were “no accounts of the SPLA holding prisoners of war from (pro-government) militias.” It stated that it was likely they were not afforded an opportunity to surrender or were killed after capture.⁷² In 1998 the Sudanese Advisory Committee on Human Rights and the human rights committee of the Sudanese Parliament both issued statements which accused the SPLA of killing more than one thousand prisoners of war.⁷³

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

Africa Watch is not aware of any efforts by the SPLA to conduct systematic investigations of human rights abuses committed by members of its own forces or to punish those responsible.⁷⁴

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

is not known to have taken action against human rights abusers within its ranks, or to provide redress for the victims of abuses. It has remained silent on this issue.⁷⁵

The US Department of State’s *Country Report on Human Rights Practices for 1996* on Sudan has also stated that “the SPLM was responsible for extrajudicial killings, kidnappings, arbitrary detention, and forced conscription, and occasional arrest of foreign relief workers without charge.” As mentioned above, as recently as 1996, the American State Department has placed on record that the SPLA has not honoured promises to investigate human rights abuses, despite having guaranteed to do so.

⁷² Denying “*The Honor of Living*”: *Sudan A Human Rights Disaster*, *op. cit.*, p.155.

⁷³ ‘Sudanese government accused SPLA of killing 1,000 POWs’, Agence France Presse, 15 May 1998.

⁷⁴ Denying “*The Honor of Living*”: *Sudan A Human Rights Disaster*, *op. cit.*, p.6.

⁷⁵ ‘*The Tears of Orphans*’, *op. cit.*, p.99.

The SPLA and slavery and slavery-like practices

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

It is very clear that by Human Rights Watch/Africa’s own working definition, and that of groups such as CSI, the Sudan People’s Liberation Army led by John Garang is unambiguously identified with slavery and slavery-like practices. The SPLA has abducted tens of thousands of Sudanese men, women and children and used them as forced labour.

As we have also seen, the SPLA is a resolutely centralised organisation: John Garang has led the SPLA since 1983 and is therefore directly accountable for the kidnapping, abductions, forced labour, forced conscription and other slavery-related practices his organisation has been party to.

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

accounts of hostage-taking and forced labor suggest that the SPLA may be taking captives and civilians in occupied areas that can degenerate into slavery. There are also accounts of the treatment of captives that suggest a situation that has already degenerated into *de facto* slavery.⁷⁶

Africa Watch recorded in 1989 that “the people subject to enslavement mostly comprise Tigrayans from northern Ethiopia”.⁷⁷ The role of the SPLA in creating the circumstances for slaving within Sudan itself was touched on in the 1991 *Country Reports on Human Rights Practices* which recorded that: “It was not clear at year’s end whether the intra-SPLA fighting, marked by Nuer-Dinka tribal rivalries, would also result in the taking of slaves”.⁷⁸ The 1990

⁷⁶ *Denying “The Honor of Living”: Sudan A Human Rights Disaster*, *op. cit.*, p.162.

⁷⁷ *Ibid.*, pp.160-61.

⁷⁸ *Country Reports on Human Rights Practices for 1991*, *op. cit.*, p.391.

United States State Department's *Country Reports on Human Rights Practices* stated that "the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids".

In its 1994 report *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, Human Rights Watch/Africa documented the SPLA's use of "forced unpaid farm labor on SPLA-organized farms". Human Rights Watch/Africa also reported that "The SPLA has conducted forcible recruitment...since at least the mid-1980s" and that "Forcing civilians to porter supplies for the SPLA is a chronic abuse."⁷⁹ The abduction of civilians by the SPLA and their enforced use as porters continues to this day. These forced labourers are often moved outside of their home areas.

The SPLA and Sudan's missing children

The SPLA has long been identified with a planned, long-term policy of abducting children for use by their organisation. The SPLA's direct role in abducting more than ten thousand young southern Sudanese boys and holding them against their will in abysmal conditions has been well-documented. The 1991 *Country Reports on Human Rights Practices* placed on record that the SPLA had "forcibly conscripted at least 10 000 male minors"⁸⁰ and reiterated that the SPLA continued to use southern men for forced labour and portering. Human Rights Watch/Africa and the Children's Rights Project published *Sudan: The Lost Boys* which described the removal of young boys from southern Sudan by the SPLA in what has been described as the "warehousing" of children for subsequent use in the war.⁸¹ These children are unaccompanied and the SPLA have refused any attempts at family reunification. Once suitably isolated these children are then used for forced labour and then forcibly conscripted into the SPLA.

It is worth noting that Article 7 of the 1956 *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, includes within it the following relevant definition:

⁷⁹ *Civilian Devastation, op. cit.*, pp. 174, 189, 192.

⁸⁰ *Country Reports on Human Rights Practices for 1991, op. cit.*, p.382.

⁸¹ *Children of Sudan, op. cit.*, p.75.

Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with view to the exploitation of the young child or young person or of his labour.

As the clear intention of the SPLA was, and continues to be, to abduct young and very young children, well under the age of 18 years, without the consent of their parents, John Garang and the SPLA are guilty of slavery and slavery-like practices.

The SPLA's purposeful abduction and isolation of southern Sudanese children can be seen as a corrupted and less sophisticated version of the Nazi use of youngsters for political and military ends, the result of which is a grouping of child soldiers within the SPLA known as the "Red Army". The SPLA's abduction and gathering of children, and their subsequent treatment, is dealt with over almost thirty pages in *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*.⁸² In a separate study, Human Rights Watch/Africa concluded that:

The primary purpose, however, of luring and keeping thousands of boys away from their families and in separate boys-only camps was, in the judgement of Human Rights Watch, a military purpose. This resulted in the training and recruitment of thousands of underage soldiers who were thrust into battle in southern Sudan and briefly in Ethiopia.⁸³

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

⁸² *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, *op. cit.*, pp.195-224.

⁸³ *Children of Sudan*, *op. cit.*, p. 75.

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

The rebel SPLA has long had a policy of separating boys from their homes and families for military training...Thousands of boys went to the Ethiopian refugee camps hoping for an education and received mostly military training in segregated facilities for "unaccompanied boys." The SPLA inducted boys as young as eleven into its ranks. The separation of unaccompanied boys from their families continued when the refugees fled back into Sudan in 1991...boys in 'unaccompanied minors' schools in Eastern Equatoria were called up in 1994 and 1995, while the SPLA continued to recruit minors, a practice it denies. The 'unaccompanied boys' under its control now number about 4,500.

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

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

On 13 June 1996, Lois Whitman, the director of the Children's Rights Project of Human Rights Watch, Peter Takirambudde, director of Human Rights Watch/Africa, and Jemera Rone, Human Rights Watch's counsel and Sudan researcher, wrote to John Garang on the issue of the SPLA use of child soldiers and the treatment of Sudanese children in SPLA camps. Human Rights Watch called on the SPLA to stop using Sudanese boys in UNHCR camps in Fugnido and Dima, in Ethiopia, as underage soldiers.

The Human Rights Watch/Africa letter clearly stated that "the SPLA is still continuing in this highly irregular practice, one which is detrimental to the future of the boys concerned as well as to the future of the south as a whole." These human rights professionals added:

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

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

Young people, ages fourteen to sixteen...(when) the Red Army fought...(it) was always massacred...They were not good soldiers because they were too young.⁸⁴

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

For instance, the officer responsible for Bilpam was not held accountable for the deaths from starvation and related diseases of nearly three thousand Nuba youths under training in 1988. And yet it was known that their food was being sold at the Gambella market, and the proceeds appropriated by the commander. Similarly, the deaths from hunger and starvation of hundreds of recruits in the Dimma refugee camp were not investigated.⁸⁵

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

The SPLA and terrorism in Sudan

⁸⁴ Human Rights Watch/Africa, press release for *Child Soldiers and Unaccompanied Boys in Southern Sudan*, New York, 11 November 1994.

⁸⁵ Nyaba, *op. cit.*, p.55.

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. The SPLA also seems intent at present on the continued destruction of what little remains of the rural infrastructure in southern Sudan, and the murder, kidnapping and repression of civilians under its control at the moment.

That the SPLA has been closely identified with terrorism is beyond dispute. As mentioned above this has taken on several forms. On 16 August 1986, the SPLA shot down a civilian airliner taking off from Malakal in southern Sudan, killing sixty people. Two days later the SPLA announced it would continue to shoot down civilian aircraft. A second civilian aircraft was shot down in May 1987 with the deaths of thirteen passengers and crew.⁸⁶

The United States Department of State 1990 *Country Reports on Human Rights Practices* reported that the SPLA "conducted indiscriminate mortar and rocket attacks on the southern city of Juba, killing more than 40 civilians and wounding many others. These attacks...seemed intended to terrorize the inhabitants". The human rights report also stated that there had been "extensive pillaging and shooting of civilians by SPLA/M forces along the Sudan-Ethiopian border".⁸⁷ In November 1991 the SPLA again shelled Juba, killing 70 civilians.

In August 1991, the SPLA fragmented and one of the factions, the Nasir Group, accused Garang of human rights violations including the torture and execution of opponents, arbitrary detentions and the forced conscription of children. The SPLA-Nasir group claimed that some of Garang's southern

⁸⁶ *Denying "The Honor of Living": Sudan A Human Rights Disaster, op. cit.*, pp.116-17.

⁸⁷ *Country Reports on Human Rights Practices*, 1990, United States Department of State 1990, Washington-DC, 1991, p.387.

opponents had been incarcerated for up to six years.⁸⁸ In 1992, the SPLA continued the random shelling of Juba, killing over 200 southern civilians. Garang's group was also responsible for the cold-blooded murder of three international relief workers and a journalist.⁸⁹

In 1993, Amnesty International recorded, as but one example of SPLA terrorism, that Garang's forces had lined up 32 women from the village of Pagau, 12 kilometres from Ayod in southern Sudan, and then shot each once in the head. Eighteen children were reported to have been locked in a hut which was then set on fire. Three children who attempted to escape were then shot. The rest burnt to death. In Paiyoi, an area 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 Garang forces.⁹⁰

It is a matter of record that in its 1994 report *Civilian Devastation: Abuses by all Parties in the War in Southern Sudan*, a 279-page study, Human Rights Watch/Africa devoted 169 pages to "SPLA Violations of the Rules of War". Government violations were dealt with over 52 pages. Human Rights Watch/Africa reported that the SPLA was guilty of, amongst other things, indiscriminate attacks on civilians, abducting civilians, mainly women and children, torture, summary executions, the deliberate starvation of civilians, forced recruitment and forced labour, theft of civilian animals, food and grain, and the holding of long-term political prisoners in prolonged arbitrary detention.⁹¹

John 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 Refugee Day 1993. Most of the children drew harrowing pictures of pre-rape

⁸⁸ *Country Reports on Human Rights Practices*, 1991, United States Department of State, Washington-DC, February 1992.

⁸⁹ *Country Reports on Human Rights Practices*, 1992, United States Department of State, Washington-DC, February 1993.

⁹⁰ *Sudan: The Ravages of War: Political Killings and Humanitarian Disaster*, *op. cit.*, p.25.

⁹¹ *Civilian Devastation*, *op. cit.*, p.3.

scenes, killings and lootings, with 'SPLA' written on top of many of the pictures.⁹²

The SPLA has also callously and indiscriminately used landmines within civilian areas. The US Department of State's Sudan *Country Report on Human Rights Practices for 1996*, for example, documented that rebel forces "indiscriminately laid land mines on roads and paths, which killed and maimed...civilians."⁹³ A 1990 Africa Watch report stated that SPLA "land mines are planted at well-heads, on roads, near marketplaces, and close to injured people, so that would-be rescuers are blown up."⁹⁴

It is also clear 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 it is the United States government itself which is supporting both terrorism and international terrorism within Sudan. American government military assistance to the SPLA has been documented. The London *Sunday Times* of 17 November 1996 reported that:

The Clinton administration has launched a covert campaign to destabilise the government of Sudan...More than \$20 million of military equipment...will be shipped to Eritrea, Ethiopia and Uganda...much of it will be passed on to the Sudan People's Liberation Army (SPLA).

⁹² *Crisis Response: Humanitarian Band-Aids in Sudan and Somalia, op. cit.*, p.57.

⁹³ *Country Reports on Human Rights Practices, 1996.. op. cit.*, p.7.

⁹⁴ *Denying "The Honor of Living": Sudan A Human Rights Disaster, op. cit.*, p.157.

Africa Confidential on 15 November 1996 stated that “It is clear the aid is for Sudan’s armed opposition.” It further reported that the SPLA “has already received US help via Uganda” and that United States forces are on “open-ended deployment” with the rebels. US training camps also exist in Eritrea.

It is perhaps also 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 the American government itself clearly qualifies as a state sponsor of terrorism given its military training, logistical and diplomatic support for the SPLA. American support for the SPLA, by the American government’s 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

The organisation presented by the SPLA as its ‘humanitarian’ wing, the Sudan Relief and Rehabilitation Association (SRRA), has been revealed to be both totally controlled by the SPLA and to have been closely identified with 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.

In its premeditated efforts to deny food to those areas of southern Sudan administered by the Khartoum government, SPLA forces have shot down civilian airliners, threatened to shoot down airplanes delivering food aid, and attacked both overland food convoys and relief barges coming down the Nile. Its deliberate 1986 downing of an airliner resulted in no food relief being delivered by air to any southern town except Juba for over two years. The SPLA regularly attacked trucks delivering emergency food aid by road. In September 1988, for example, SPLA gunmen killed 23 relief workers, drivers and assistants in one such attack.⁹⁵ Prendergast confirms that: “The SPLA-Mainstream has engaged in major diversion as well as torturing or killing relief personnel”.⁹⁶

⁹⁵ *Denying “The Honor of Living” : Sudan A Human Rights Disaster, op cit., p.116.*

⁹⁶ *Prendergast, op. cit., p.54*

SPLA national executive council 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.⁹⁷

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.⁹⁸

Veteran British journalist Andrew Buckoke has stated in relation to aid that:

The SPLA seemed just as prepared to use food as a weapon as the government. It wanted to maximise the relief supplies on its side and so win the hearts and minds of all the southern tribes, but did not want to allow the supply of the government garrison towns, despite the presence there of hundreds of thousands of threatened southern civilians. Many of these civilians reported ill-treatment by the SPLA. The SPLA's reports of atrocities committed by government troops or pro-government militias were not matched by an all out effort to help the victims. On several occasions the rebels demanded hundreds of dollars from journalists who wanted to visit their areas. Their

⁹⁷ Nyaba, *op. cit.*, p.53.

⁹⁸ Prendergast, *op. cit.*, p.46.

intransigence delayed the implementation of relief programmes just as much as that of the government.⁹⁹

Buckoke also recorded that the SPLA did not seem “completely committed to publicising the people’s plight, except when it also served their own interests”.¹⁰⁰

In addition to denying food to communities associated with, or dominated by, the government of Sudan, the SPLA also diverted food aid and relief supplies from civilians under its control to sustain its own military operations. African Rights reported that:

On the whole, SPLA commanders and officials of the Sudan Relief and Rehabilitation Association (SRRA, its humanitarian wing), have seen relief flows as simple flows of material resources. The leadership has also used aid for diplomatic and propaganda purposes.¹⁰¹

African Rights further documented in relation to the SPLA that:

A large proportion of their consumption was food aid. Sudanese who were in Itang during that period later reported they routinely saw trucks being re-loaded with food at the camp stores: at times on a daily basis. Often they were just going to the nearby training camps, but relief supplies were also sometimes sold, or used on military operations in Eastern Equatoria and Upper Nile. The SPLA ‘taxed’ the supplies for the refugees, reselling substantial amounts of food on the market and earning millions of Ethiopian Birr. This income...was used to purchase vehicles and other equipment for the SPLA...Much relief was sold in Ethiopia: traded for cash, clothing, cattle and other items. By 1990, the Itang camp manager was even managing to raise enough revenue to buy vehicles for the SPLA, and was publicly commended by John Garang for doing so.¹⁰²

⁹⁹ Andrew Buckoke, *Fishing in Africa: A Guide to War and Corruption*, Picador, London, 1991, p.56.

¹⁰⁰ *Ibid*, p.51.

¹⁰¹ *Food and Power in Sudan, op. cit.*, pp.5,7.

¹⁰² *Food and Power in Sudan, op. cit.*, pp.72-73, 76-77.

The SPLA's capacity, in conjunction with the Ethiopian authorities, for deception in relation to foreign aid within SPLA-controlled refugee camps in Ethiopia has also been placed on record:

Huge refugee programmes were implemented with almost no assessment or monitoring. When relief workers or donors visited the camps, it was by appointment only and under tight government (and, more discreetly, SPLA) control. Former camp residents described how a visit would be prepared in advance. Weapons and other obvious signs of military presence would be hidden. Signs of relative prosperity...would also be concealed. Sometimes a few refugees would be specifically instructed to wear sack-cloth. No refugee was allowed to talk to a foreigner except in the presence of a fairly senior SPLA official. Then the conversation would be through a translator, who could distort and censor what was said.¹⁰³

Donor countries' attempts to ascertain how their considerable aid was being used were constantly frustrated.

In February 1991, for example, a senior-level Multi-Donor Technical Mission, which included two ambassadors, visited several SPLA-controlled refugee camps. It somewhat diplomatically reported that "due to the carefully orchestrated nature of the visit it was hard to gain candid comments". African Rights stated that the Mission "was aware that it was not getting at the truth."¹⁰⁴ Even Bona Malwal's 1991 article mentioned the SRRA's close identification with the SPLA:

It has become evident that the humanitarian wing of the SPLA, the Sudan Relief and Rehabilitation Association (SRRA) has failed to achieve much of its agenda primarily because of its close attachment to the military aspects of the SPLA.

African Rights made it clear that after the fall of Mengistu in Ethiopia and the relocation of refugee camps from that country, the SRRA:

¹⁰³ *Ibid.*, pp.74-75.

¹⁰⁴ *Ibid.*, p.75.

naturally became part of the mechanism for controlling and manipulating information...And it had to conceal this. The basic techniques of deception were already well-practised; they were similar to those that had been used in the refugee camps in Ethiopia: exaggerate the numbers of accessible people in need; make up ambiguous and false distribution reports; strictly limit the movements of the foreigners; do not let them talk to anyone without security clearance; use interpreters to censor the information from innocent interviewees; punish SPLA officials who are indiscreet.¹⁰⁵

John Prendergast was able to personally document this systematic deception:

A late 1993 SRRA directive in Maridi and Mundri stated that visitors were forbidden to talk to local people, but rather must speak to the SRRA. The recent SRRA law reads more like a police directive. 'It is an inept framework for humanitarian activities', according to one aid official. 'Its practicalities are abhorrent.'...There are SRRA minders following wherever NGO representatives go. It is consequently very difficult to monitor and follow up on aid diversions.¹⁰⁶

Douglas Johnson, an established commentator on Sudanese affairs, has said of the SRRA that:

Most of its field representatives had been selected not only from the military wing of the movement but from the security wing as well. Throughout OLS the SRRA often gave the impression that it was the procurement department for the SPLA, as least as far as food and medicines are concerned...Its representation of itself as the humanitarian wing of the SPLM was undermined by its subordination to the SPLA.¹⁰⁷

¹⁰⁵ *Ibid.*, pp.266-67.

¹⁰⁶ Prendergast, *op. cit.*, p.59

¹⁰⁷ Douglas Johnson, 'Destruction and Reconstruction in the Economy of Southern Sudan', unpublished memo, 1992, p.7, cited in Prendergast, p.62

African Rights reports that there was no evidence that funds made available to the SRRA from the money raised by Bob Geldof's Band Aid consortium ever resulted in relief being delivered. African Rights has also quoted a foreign aid donor as saying that its experience of supplying food relief to the SRRA was a negative one. The SRRA headquarters staff "just ate it...By that casual act of peculation they set back (the cause of their people) for years."¹⁰⁸

Africa Analysis recorded that in late 1997 at least 37 trucks of food and fuel, supplied in large part by USAID and the Norwegian Church Aid for displaced Sudanese refugees, disappeared while under SPLA control, near Gulu in Uganda. The food was said to have been sold in Gulu and other towns in the area. It was one more example of corruption in the rebel movement.¹⁰⁹

An additional aspect of food aid diversion was documented in May 1998. An independent consultancy commissioned by the Norwegian government to investigate Norwegian People's Aid, a channel for vast amounts of Norwegian government aid funds, concluded that Norwegian relief funds were being used to support SPLA soldiers, and thus prolonging the conflict. Norwegian People's Aid, which worked outside of the Operation Lifeline Sudan programme, was said to allowed the SPLA to sell emergency aid destined for hungry and sick southern Sudanese in order to purchase weapons of war. Norwegian aid funds were also diverted to buy the SPLA food, houses and cars, and to was pay for the schooling of the children of SPLA officers.¹¹⁰

In June 1998 the British Secretary of State for International Development, Ms Clare Short, stated that her officials, who had returned from a visit to affected areas in southern Sudan, had informed her that SPLA gunmen were closely involved in controlling food aid even at the height of the acute humanitarian crisis in Bahr al-Ghazal. She stated that food aid was clearly "feeding the fighters".¹¹¹

The SPLA's persecution of the Church

¹⁰⁸ *Food and Power in Sudan, op. cit.*, pp.88-89.

¹⁰⁹ *Africa Analysis*, 21 October 1997.

¹¹⁰ 'Aid money supported rebellion in Sudan', *Aktuelt*, Denmark, 20 May 1998.

¹¹¹ Ms Short was speaking during the *Dimbleby* Interview, on ITV, London, 7 June 1998.

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

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

In the early years of the war...the SPLA...actively repressed the Church. This paralleled the campaign against the Church being waged in Ethiopia at the time...In the late 1980s, paralleling similar developments in Ethiopia, the SPLA abandoned much Marxist orthodoxy and became more tolerant of the Church. According to Bishop Nathaniel Garang, in the early days many SPLA soldiers "smoked the Bible" - they rolled their cigarettes in pages torn from copies of the Holy Book.¹¹²

One of the earlier incidents in the 1980s involving SPLA gunmen had taken place when the SPLA captured the town of Torit in February 1989. The Roman Catholic Bishop of Torit, Bishop Paride Taban, and other Catholic clergy and believers were, in the words of African Rights, subjected to "vicious treatment". Bishop Taban was imprisoned and publicly humiliated by the SPLA. African Rights also reported that nuns had been raped by John Garang's forces. Church property was looted or destroyed. Bishop Taban was again imprisoned and mistreated by SPLA gunmen in 1992. Church property was again stolen.¹¹³

This intolerance has continued to this day. In August 1996, for example, John Garang's forces detained six Catholic missionaries at Mapourdit mission station, 35 kilometres from Akot. Four of those detained were under arrest by SPLA gunmen, and included two Australians, Sister Moira Lynch, aged 73,

¹¹² *Great Expectations: The Civil Roles of the Churches in Southern Sudan*, *op. cit.*, p.7.

¹¹³ *Food and Power in Sudan*, *op. cit.*, p.332.

and Sister Mary Batchelor, aged 68, and Father Raphael Riel the Vicar-General of Rumbek Diocese. The charges against these missionaries were said to be: “hindering SPLA recruitment, being found in possession of documents proving that they were spies from foreign countries, working for the spread of Islam under the disguise of the Cross.”¹¹⁴ A Sudanese priest, Father Raphael, received 64 lashes from the SPLA gunmen. One of those imprisoned, Father Mike Barton, described the SPLA commander as “mad and dangerous”: the same commander later accused him of “drinking the blood of children”. When Father Barton protested at the SPLA beating up a pregnant women and an old man at the mission, he too was beaten up. The Sudanese Catholic Information Office also reported looting. The six missionaries were eventually released.

The cause for their ordeal was that they had expressed concern at the SPLA’s continuing abduction of Sudanese boys as young as twelve years of age for use as forced labour or child soldiers. This detention was in direct contravention of the SPLA’s April 1996 resolution that “no person shall be held in incommunicado detention without charge or trial.” Little if any action is known to have been taken against the perpetrators.

The SPLA and the Sudanese peace process

The SPLA’s lack of any clear political agenda, and its indifference to unprecedented government concessions underpin the organisation’s lack of enthusiasm for a negotiated settlement of the Sudanese civil war. The SPLA has found itself unwilling or unable to negotiate a peaceful settlement of the war regardless of the government in power in Khartoum, whether it be a military, civil or democratic administration.

Within weeks of coming to power in 1989, the present government in Sudan convened an inclusive national dialogue conference on peace issues. This conference, which the SPLA chose not to attend, outlined a peace plan based on the decentralisation of power and resources and the protection of cultural diversity. There have been well over twenty rounds of peace talks since 1989. These have been held in Nairobi, Uganda, Nigeria, in Germany, as well as inside Sudan itself. Peace talks under the auspices of the regional Inter-

¹¹⁴ ‘Three Sisters, two Priests and a Brother prisoners of the SPLA in Mapourdit (Southern Sudan), Press Release, *Sudan Monthly Report*, Sudanese Catholic Information Office, Nairobi, 26 August 1996, available at <http://www.freeworld.it/peacelink/africa/scio/month-2a.html>

Governmental Authority on Development began in 1993. Despite having reservations, the government accepted the IGAD declaration of principles as the outline of a possible settlement. The government's internal peace moves continued, and Khartoum introduced a federal structure in Sudan in 1995, creating 26 states in Sudan, 10 of which were in southern Sudan. These were to be governed by southerners themselves.

The government signed political charters in 1996, and then the 1997 Khartoum Peace Agreement with several rebel factions. A new constitution entrenches the federal nature of government in Sudan and incorporates the legislation guaranteeing a referendum for the south as well as the interim southern government. The government has repeatedly called for a ceasefire and continues to offer amnesty to rebels for them to enter a political dialogue.

Despite all these moves to address long-standing southern political concerns, SPLA indifference to a negotiated settlement is perhaps best seen in the statement made by John Garang following the abortive peace talks in Nairobi in late 1997. Garang unambiguously stated that:

We intended not to reach an agreement...This is what we did and we succeeded in it because we did not reach an agreement.¹¹⁵

Critical peace talks were held in Nairobi in May 1998, in the midst of the severe humanitarian crisis in Bahr al-Ghazal in southern Sudan. These fared no better than those held in 1997. The SPLA refused calls by the international community, the UN, European Union, and IGAD for a cease-fire, even a temporary one aimed at preventing a possible famine, a cease-fire the government of Sudan had agreed to. The SPLA did recognise that the Sudanese government had guaranteed an internationally-supervised referendum for southern Sudanese to choose between unity and separation.

The SPLA: Sudanese voice or foreign proxy?

There are clear concerns about the SPLA's ideological and military identification with foreign governments, even to the extent that these foreign governments may be encouraging the SPLA to continue with its war against

¹¹⁵ *Summary of World Broadcasts*, BBC, 15 December 1997.

the Khartoum government. It is a matter of record that the SPLA owes its initial existence to the Mengistu *regime* and to considerable Libyan support. Uganda and the United States have recently revitalised the organisation.

The SPLA's identification with foreign governments has gone to the extent of SPLA forces having been militarily committed in support of some of these governments. African Rights has, for example, documented that the SPLA fought as surrogate forces for the Mengistu *regime*. The SPLA was used to fight Oromo Liberation Front forces, one of the liberation movements fighting against the Ethiopian government.¹¹⁶ This is also confirmed by Nyaba.¹¹⁷ African Rights recorded that Garang's adherence to the Mengistu *regime* "led to the SPLA continuing to fight for Mengistu inside Ethiopia for some weeks even after the Ethiopian army had surrendered in May 1991."¹¹⁸

It is surely deeply questionable that Dr Garang ordered Sudanese men, women and children to fight and die in defence of the Mengistu *regime* in Ethiopia, one of the most ruthless and bloodstained dictatorships the African continent has ever seen. It is likely that the choice to do so was for two reasons. Firstly, Garang was politically sympathetic to the Mengistu government and therefore ideologically committed to its defence. Secondly, it was militarily vital to defend the Mengistu *regime* given that the SPLA was so heavily dependent on the Ethiopian state for its continued use of bases, and control of refugee camps, in Ethiopia, military supplies and logistical assistance. It is also very clear that the SPLA is used by the Ugandan government as part of Kampala's military effort against rebels in northern Uganda, and has accompanied Ugandan army attacks into Sudan itself.

It is disturbing to find that the SPLA appears to be serving much the same function in the late 1990s for the United States government. The SPLA was picked up in the mid-1990s when it was at an all-time low by the American government, militarily re-equipped and re-organised and used as an additional instrument of policy in Washington's moves against the government of Sudan.

¹¹⁶ *Food and Power in Sudan, op. cit.*, p.72.

¹¹⁷ Nyaba, *op. cit.*, p.83.

¹¹⁸ *Food and Power in Sudan, op. cit.*, p.264.

Given his past political orientation, Garang's willingness for the SPLA to act as a United States government-directed military proxy in the continuing American campaign against the government of Sudan can only be for opportunistic reasons. It is also worth noting that Garang's shadow over the Sudanese political and peace process is as a consequence in large part an artificial one. The extent of Garang's true power base within southern Sudan was perhaps that revealed to be the case in the early-to-mid 1990s, a power base undermined by the political and ethnic fragmentation of the SPLA, Sudanese government concessions, constitutional changes, reforms and the rapidly unfolding peace process. That United States government's military, logistical and diplomatic support has artificially inflated the importance of the faction of the SPLA led by Garang is clear. How much more political and moral credibility Garang has lost by appearing as an American "hired gun" is less clear.

The SPLA in 1998

The stark picture of SPLA structures and behaviour inside Sudan presented above contrasts vividly with the image of the SPLA presented internationally by Garang's somewhat partisan supporters. This certainly is not how the SPLA is seen by reputable American aid and development experts such as John Prendergast, people who are non-partisan and who have spent considerable time in the country and region.

There is also the overriding fact that the SPLA has no discernible political agenda. What indication there has been of any political orientation has been what African Rights describes as the "Afro-Stalinist" variety. Dr Garang's faction of the SPLA cannot even decide whether it is for or against the concept of a separate, independent southern Sudan.

There are obvious concerns about the fitness of the SPLA to play any constructive role in the Sudanese political process, let alone its harbouring of intentions to govern Sudan. Given its flimsy political programme and appalling human rights record, it is deeply questionable that the SPLA should hold the Sudanese people to ransom by choosing not to involve itself constructively in the peace process in that country. This concern is sharpened by the fact that the military, and therefore political, position of the SPLA is one artificially sustained by the American government.

It is unacceptable that the SPLA is being encouraged by the United States government, as well as governments of Uganda, Eritrea and Ethiopia, to continue its campaign of violence in the face of clear internal attempts within Sudan to reach a negotiated resolution of the Sudanese civil war. Foreign support for the SPLA is particularly questionable given the SPLA's atrocious record and lack of accountability. Since its formation the SPLA has been identified with authoritarianism and intolerance, an intolerance which has resulted in the murder or illegal imprisonment of anyone who challenged Dr Garang. As an organisation, the SPLA has also been involved with large-scale theft and diversion of food aid, even at the height of the 1998 Bahr al-Ghazal crisis. Furthermore the political and civil structures that the SPLA has presented to the outside world have been described by independent observers as coercive, repressive and corrupt.

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

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

Given that the SPLA appears to exist, and continues to operate, at least in large part because of the military, logistical, diplomatic and political support of the United States and several of Sudan's neighbours, and given political concessions and reforms within Sudan which would appear to call into question the continuation of conflict in Sudan, the SPLA and its continued violence is a problem which the international community alone can solve.