



Open Letter to Member States of the International Conference on the Great Lakes Region regarding the ongoing security and humanitarian situation in Sudan

Heads of State and Government
International Conference on the Great Lakes Region
c/o Executive Secretariat
P.O. Box 7076
Bujumbura-BURUNDI
Boulevard du Japon, No 38

By email: secretariat@icglr.org

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Your excellencies,

We, the undersigned civil society organisations, call on the 6th Ordinary Summit of the International Conference on the Great Lakes Region (ICGLR) Heads of State and Government to take urgent action to address the ongoing security and humanitarian crisis in Sudan, including by establishing a joint commission of inquiry to investigate the situation.

The theme of the current summit ongoing in Luanda, Angola, is “Accelerating the effective implementation of the Pact and its Protocols for a more democratic and stable Great Lakes Region.” Nowhere is there a more urgent need for robust action to ensure that the Pact and its Protocols are implemented and that the ICGLR’s promise of peace and development are realised, than in Sudan’s conflict affected regions of Darfur, Southern Kordofan and Blue Nile.

For the past five years, civilians have borne the brunt of the conflict between government of Sudan forces and the Sudan Peoples’ Liberation Army – North (SPLM-N) rebels in Southern Kordofan and Blue Nile. The government has continued to bomb and shell civilian areas forcing people from their homes and severely disrupting the livelihoods of the people living there. Sudan is the only country in Africa that targets its own population with air strikes in this way. This violence has forced 1.7 million people from their homes, roughly half of the population of the two states.¹

As the five year anniversary of the conflict approached last month, a particularly devastating attack by a government fighter jet on Heiban Town in Southern Kordofan killed six

¹ USAID, “Sudan – Complex Emergency, Fact Sheet #2 Fiscal Year 2015,” February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/02.12.15%20-%20USAID-DCHA%20Sudan%20Complex%20Emergency%20Fact%20Sheet%20%232.pdf>

schoolchildren, including three from the same family.² Over the course of the conflict, civil society groups, including the National Human Rights Monitors Organisation (NHMRO) and the Sudan Consortium have documented hundreds of such incidents. In 2015 alone, NHMRO verified 309 attacks killing 46 people and injuring 140, an increase of 78% since 2012.³ The pattern of these attacks has consistently shown an increase in bombing linked to the planting and harvesting seasons, suggesting a deliberate attempt to disrupt agricultural production. Whether intentional or not, this pattern has produced devastating consequences, with the Famine Early Warning Systems Network predicting Emergency (IPC Phase 4) levels of food insecurity by September 2016.⁴ The government of Sudan has consistently refused to allow humanitarian access to the civilian population in rebel held areas and has obstructed access to those in government held areas as well.

In Darfur, the conflict, ongoing since 2003, has intensified once more since 2014. The Armed Conflict Location and Event Data Project identified 487 incidents of violence against civilians in Darfur alone in 2015, killing an estimated 422 people.⁵ This violence has driven tens of thousands from their homes in 2016, with over 129,000 people displaced from Jebel Marra alone since mid-January.⁶ The UN Panel of Experts on Sudan in 2015 characterized the Government strategy in Darfur as one of “collective punishment” and “induced or forced displacement” of communities from which the armed opposition groups are believed to come or operate.⁷ Government offensives against communities perceived to support the armed opposition have followed a pattern of aerial bombardment followed by ground attacks, including the destruction and looting of villages. The Rapid Support Forces (RSF), a paramilitary government force under the command of the National Intelligence and Security Service (NISS), and other government forces, have led a number of brutal counterinsurgency campaigns against civilian populations since their creation in mid-2013, supported by aerial bombardment.⁸ Reports of killings and rapes are also widespread.

There is serious reason to believe that international crimes have been committed in the three areas. In Darfur, not only is ongoing violence reported, but the International Commission of Inquiry on Darfur found in March 2005 that crimes against humanity and war crimes had been committed.⁹ Since then, the International Criminal Court (ICC) has charged seven individuals with war crimes, crimes against humanity and genocide in relation to the situation. In Southern Kordofan and Blue Nile, an analysis of publicly available data indicates that is strong circumstantial evidence that international crimes have been committed.

² Nuba Reports, “Six Children Killed, Sudanese Call for Justice in Heiban,” 16 May 2016.

³ Sudan Consortium and NHRMO, “Human Rights Violations in Southern Kordofan and Blue Nile: 2015 in Review,” 20 April 2016, http://www.sudanconsortium.org/darfur_consortium_actions/reports/2016/2015ARFINAL.pdf

⁴ Famine Early Warning Systems Network, “Increasing staple food prices continue to limit food access for poor households,” March 2015, available at <http://www.fews.net/east-africa/sudan/key-message-update/march-2016>.

⁵ See the Armed Conflict Location and Event Data Project (ACLED) database, available at: <http://www.acleddata.com/>.

⁶ International Criminal Court (ICC), “Twenty-Third Report of the Prosecutor of the International Criminal Court to the UN Security Council Pursuant to UNSCR 1593 (2005),” June 2016.

⁷ UN Security Council, “Letter dated 16 January 2015 from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council”, 19 January 2015.

⁸ ACJPS, FIDH, IRRI, Human Rights Watch, Amnesty International et al, “NGO Letter regarding human rights situation at 30th session of the UN Human Rights Council”, 3 September 2015.

⁹ United Nations, “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General,” 25 January 2005.

The ICGLR is under a particular obligation to act in this context because, in addition, to its general mandate to promote peace and development, it has committed to preventing and punishing international crimes. Article 8 of the ICGLR Pact on Security, Stability and Development for the Great Lakes Region obliges states in the region to both “refrain from, prevent and punish, such crimes” and to “ensure the strict observance of this undertaking by all national, regional and local public authorities and institutions.”¹⁰ In December 2011, the ICGLR’s Regional Committee for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all Forms of Discrimination, noting information received from NGOs, expressed concern about the situation in Southern Kordofan and Blue Nile. The Committee asked for the support to conduct an investigation mission.¹¹ The mission never materialised.

Since then, the international community has failed to address the situation: peace talks have collapsed and the international criminal investigation in Darfur has stalled. In reporting to the UN Security Council (UNSC) in early June 2016, the ICC Prosecutor, Fatou Bensouda, highlighted the frustration amongst Darfur victims and witnesses concerning the international community’s failure to deliver them justice. Her report highlighted that whilst the UNSC has expressed deep concern about the significant increase in the number of displaced persons in Darfur since 2014 and the restriction of humanitarian access to conflict areas, it has failed to exercise its powers to ensure execution of any of the arrest warrants or respond to Bashir’s “flagrant disregard” for UNSC resolutions.¹²

In view of the failure of the international community to halt the commission of international crimes in Sudan’s conflict zones and improve the humanitarian and security situation in Sudan, regional action is urgently needed. A joint investigation by the ICGLR could play a critical role in addressing the ongoing crisis by providing a credible analysis of responsibility for the commission of international crimes, whether committed by state or non-state actors. Indeed, such joint investigations are envisaged by the ICGLR Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (Atrocity Crimes Protocol).¹³

While a joint commission of inquiry would not resolve the ongoing conflict, it could provide a strong and credible analysis of the situation that could form the basis for future action by the ICGLR and other regional bodies. We request the committee to undertake the following tasks:

- Regularly review the situation in Sudan as per Article 38(2)(a) Atrocity Crimes Protocol;
- Collect and analyse information concerning atrocity crimes in Sudan as per Article 38(2)(b) Atrocity Crimes Protocol;

¹⁰ ICGLR, Pact on Security, Stability and Development For the Great Lakes Region, December 2006, Amended November 2012, available at: <http://icglr.org/images/Pact%20ICGLR%20Amended%2020122.pdf>.

¹¹ See ICGLR Regional Committee, “Recommendations of the ICGLR Committee on Genocide Prevention to the RIMC during the Summit in December, 2011,” December 2011, available at: <http://www.responsibilitytoprotect.org/Zanzibarpdf.pdf>.

¹² International Criminal Court (ICC), “Twenty-Third Report of the Prosecutor of the International Criminal Court to the UN Security Council Pursuant to UNSCR 1593 (2005),” June 2016.

¹³ The full text of the Protocol is available at:

http://icglr.org/images/LastPDF/Protocol_on_Crime_Prevention_and_Punishment_of_the_Crime_of_Geno.pdf.

- Suggest specific measures to effectively fight impunity and ensure redress for atrocity crimes in Sudan as per Article 38(2)(d) Atrocity Crimes Protocol;
- Raise awareness on peace and reconciliation in Southern Kordofan and Blue Nile through regional and national programmes as per Article 38(2)(e) Atrocity Crimes Protocol; and
- Recommend policies and measures to guarantee the rights of victims of atrocity crimes to truth, justice and compensation, as well as their rehabilitation as per Article 38(2)(f) Atrocity Crimes Protocol.

In addition, the ICGLR should call on the government of Sudan to take urgent action to protect its citizens in conflict zones and to allow full and unimpeded humanitarian assistance to all populations in need.

Yours sincerely,

Mossaad Mohamed Ali
Executive Director
African Centre for Justice and Peace Studies

Andie Lambe
Executive Director
International Refugee Rights Initiative

Montasir Waren
Executive Director
National Human Rights Monitors Organisation

Sudan Consortium

Monim El Jak
Acting Executive Director
Sudan Democracy First Group