

@CHAPTER = SUDAN

The human rights crises in Sudan over the past several years have been extremely grave. The Bush administration has taken a few positive steps in recognition of this crisis, but as a rule it has maintained public silence in the face of ongoing government abuses and it has sought to maintain close ties with the two governments that ruled Sudan in 1989. Former Sudanese President Sadiq al-Mahdi, who was elected in 1986 following the ouster of President Jaafar Nimeiri and ruled until a June 1989 military coup, began his presidency with welcome human rights improvements, including an expansion of civil and political liberties in parts of the country. But these gains paralleled seriously deteriorating conditions in the southern part of the country, which has been torn by intermittent civil war for over 30 years. President Sadiq continued the abusive policies of his predecessor by discriminating against the black ethnic groups of the south (particularly the Dinka) and by arming militias from other ethnic groups historically opposed to the first. He also added a serious new abuse -- the use of starvation as a counterinsurgency technique. In part due to Khartoum's efforts to cut off delivery of food and aid to the south, an estimated 250,000 Sudanese died of starvation in 1988 and as many as two to three million fled their homes to other destinations in Sudan. Over 400,000 fled the country altogether.

The United States has long been an important ally of Sudan, but until recently it has failed to use its considerable leverage to press the government to improve its human rights practices. The Reagan administration deferred to the Sadiq government and failed to provide aid directly to the south. *The New York Times* reported on February 17, 1989 that until the first cross-border shipment of food to Sudan from Kenya in early February, "Washington had restricted its relief food to government-held towns for fear of affronting Sudan's government, a strategic ally."

The Bush administration appeared to take a different approach and commenced shipments directly to southern Sudan, despite Khartoum's resistance. In a conversation with Africa Watch on July 27, officials in the State Department's Bureau of African Affairs insisted that the policy of providing aid directly to the south actually had been set in place by the Reagan administration, although Congressional sources have stressed that the Bush administration deserves credit for abandoning the policy of complete deference to President Sadiq. In either case, it is clear that extensive Congressional pressure played a large role in helping persuade the executive branch to assume a new aid policy.

Unfortunately, the new position on aid did not signal an increased willingness to speak out more frankly about the appalling abuses of the Sadiq government. In his February 23, 1989 statement before the Senate Foreign Relations Committee, Deputy Assistant Secretary of State for African Affairs Kenneth Brown complained that, in part because the United States had been so critical of the Sadiq government, U.S. access to the government was increasingly limited: "[O]ur privileged access is beginning to show wear as a result of extensive public criticism of Sudan, our declining assistance levels and the repeated hard messages we have delivered to Khartoum." The complaint is off point. With the exception of a serious and comprehensive chapter on Sudan in the State Department's *Country Reports on Human Rights Practices in 1988* -- written by the Reagan administration and issued in February 1989 -- we are not aware of any occasion on which the U.S. has taken the Sadiq government to task publicly.

We were not privy to whatever private protests may have been made by Norman Anderson who, until October 1989, was U.S. ambassador to Sudan. But journalists familiar with Ambassador Anderson portray him as having been all but mute in

the face of Sudan's gathering human rights crisis. According to Ray Bonner, who published an extensive article on Sudan in *The New Yorker* in March, Ambassador Anderson was extraordinarily wary of speaking with journalists because of his deference toward the Sadiq government.

Prior to the last months of the Sadiq government, Sudan had been the largest recipient of U.S. foreign aid in sub-Saharan Africa. (The administration's request for aid to Sudan for fiscal year 1989 had been \$74.4 million.) When in 1989 the Sadiq government fell deeply behind in its loan payments to the West, U.S. aid was reduced pursuant to U.S. legislation prohibiting assistance to governments that default on their debt. The legislation, the so-called "Brooke amendment," went into effect in January 1989 and prevented \$32 million from being disbursed to the Sudanese government. While the amendment prohibited new aid to Sudan, it allowed money "already in the pipeline" to continue flowing. The U.S. Agency for International Development had planned to downgrade its projects gradually through 1991. On June 30, 1989, however, President Sadiq was overthrown in a military coup headed by Omar Hassan Ahmad al-Bashir. The coup yielded further restrictions on U.S. assistance to Sudan pursuant to Section 513 of the Foreign Assistance Act, which prohibits aid to military governments that overthrow elected civilian governments. According to administration figures available in late October, the application of the Brooke amendment and Section 513 to Sudan resulted in a cutoff of \$33.5 million in aid, and the phasing out of all projects by February 1990. The Defense Department also halted \$21 million in non-lethal military assistance which, because it was "in the pipeline," had not been affected by the Brooke amendment. The items suspended included assistance in repairing C-130 aircraft, as well as trucks, communication gear, and spare parts. Neither Section 513 nor the Brooke amendment applies to food aid under the P.L. 480 program, assistance through private voluntary organizations, or disaster relief, of which the government still received approximately \$62 million in 1989.

By the end of 1989, the Bush administration was consulting with Congress to inquire whether Section 513 might be waived to allow the provision of additional assistance to the Bashir government. Congressional sources reported that in making the case for waiving the provision, the Bush administration pointed to areas of alleged "progress" by the government, including improvements in train and barge deliveries of relief, the demobilization of militias, and the release of some political prisoners.

Unfortunately, the administration's optimism on humanitarian aid appears to have been misplaced. While several additional train deliveries were indeed made following the June coup, "Operation Lifeline" (the massive feeding program organized by UNICEF and the U.N. World Food Program) was suspended on November 8. <FIn a meeting with Africa Watch in November, Jack Davison, the director of the State Department's Office of East African Affairs, discussed the possibility of waiving Section 513 to keep Sudan's C-130 aircraft in repair. He suggested that while C-130s are used to transport troops, they are also used to transport food. While this may be theoretically correct, Congressional sources insist that, to date, no food has been transported by Sudan's C-130s.> The feeding program was suspended as the result of the bombing by an "unidentified" plane of Yirol and Waat, both held by the Sudan People's Liberation Army (SPLA). <FThe SPLA has been fighting the Sudanese government and government-backed militias since 1983, when North-South tensions erupted in civil war. The civil war stems from a series of actions by President Nimeiri in violation of a 1972 national accord in which Nimeiri reinstated Arabic as the official Sudanese language, redrew agreed-upon boundaries and revived sharia law.> The government denied responsibility and announced that it was necessary

to suspend all relief flights to southern Sudan to prevent them from being attacked. In perhaps a more candid moment, Sudanese Foreign Minister Ali Sahlul stated in November that any relief going to the south without first passing through government-held towns posed a security threat.

The Bush administration's praise for human rights improvements under the Bashir government was also premature. While some political prisoners have been released, approximately 300 remained incarcerated at year's end. In addition, ten medical doctors were arrested in Khartoum soon after a doctors' strike began on November 26. The strike was to protest the arrest and dismissal of a number of doctors and the banning of the Sudan Doctors' Union. Four doctors were later tried in military courts, without legal representation, on charges including "waging war against the state." One doctor, Mamoun Mohamed Hussein, was sentenced to death, and a second was given a 15-year jail sentence. The other two were acquitted for lack of evidence. In addition, two businessmen, one charged with illegal currency trading and the other with drug trafficking, were sentenced to death and executed on December 17. Moreover, many of those prisoners arrested in the early days of the Bashir government and later released have found themselves returning to press outlets, labor unions, and professional associations that have been declared illegal. In early December, the Bashir government also announced its intention to implement a strict interpretation of Islamic sharia law, a measure frozen since the overthrow of President Nimeiri in 1985. Islamic Law has been in force in Sudan since September 1983, but no *huddud* (punishment) sentences of execution, amputation or stoning have been carried out since April 1985. At least 200 prisoners are in prison awaiting the implementation of such sentences. The measure is one of the root causes of the civil war between the government and the non-Muslim SPLA. Government officials have also made statements calling for the dismissal of all women from government service, except teachers and nurses.

The Bush administration's praise for the alleged demobilization of militias is also premature. President Bashir apparently made a decision to demobilize certain groups associated with government rivals, but at the same time it upgraded certain militias to a paramilitary force. Since its creation, this force has been implicated in some of the worst abuses in the south. One incident occurred in early November, when over 100 ethnic Nubas were slaughtered for being alleged SPLA sympathizers. The government denied involvement, but reliable reports put the blame on its paramilitary force.

In December, the administration became quite concerned about these recent developments in Sudan. On December 13, the new U.S. ambassador to Sudan, Jim Cheek, made the strongest representation to date in a private (though later leaked) message to Gen. Bashir. According to Congressional sources, the message implicitly warned that relations between the two countries would be seriously jeopardized if Gen. Bashir allowed any death sentences to be executed. However, despite the above noted execution of two businessmen four days later, this strong private protest has not yielded public condemnation or a change in the administration's policy toward Sudan.