

# Sudan Community Compensation Program Proposal

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## Abstract

On May 1, 2015, BNP Paribas S.A. (BNPP), was sentenced to pay \$8.9736 billion for violations of U.S. sanctions, mostly with regard to Sudan. Of this \$8.9736 billion penalty, the Department of Justice published notice that \$3.8336 was available for compensation to people who were “directly and proximately harmed by BNPP’s sanctions violations.” This proposal focuses on the Sudan component of the BNPP penalty available to the Department of Justice for compensation.

The proposal asks that the Sudan compensation money be placed into trust for the Sudanese communities who were harmed as a result of BNPP's illegal behavior in the form of a “Sudan Community Compensation Program” and proposes that the primary focus of the compensation program should address the most critical emergency humanitarian aid shortfalls for all existing Sudanese refugees and IDPs, totaling well over 4 million people.

## A. Executive Summary

On May 1, 2015, BNP Paribas S.A. (BNPP), was sentenced to pay \$8.9736 billion for violations of U.S. sanctions, mostly with regard to Sudan. Of this \$8.9736 billion penalty, the Department of Justice published notice that \$3.8336 was available for compensation to people who were “directly and proximately harmed by BNPP’s sanctions violations.”

This proposal focuses on the Sudan component, expected to be between \$2.8 billion and \$3.48 billion, and asks that this money be placed into trust for the Sudanese communities who were harmed as a result of BNPP's illegal behavior in the form of a “Sudan Community Compensation Program.” This program includes communities that were harmed, not only in Sudan, but also in present-day South Sudan, which until its independence in 2011 was part of Sudan.

BNPP's settlement agreement with the Department of Justice noted BNPP's illegal behavior in violation of U.S.-imposed sanctions on Sudan in the period 2002 through December 2008. In the one-year period, alone—July 2006 through June 2007—BNPP processed \$6.4 billion in illegal transactions involving Sudan. In addition to illegal transactions, BNPP provided illegal letters of credit for the Government of Sudan and held most of the Government of Sudan's foreign currency assets. As a result, BNPP provided substantial financial support for Government of Sudan's war against its people.

BNPP also helped Sudan finance its oil industry, which provided Sudan's primary export and source of government revenue. In addition, the letters of credit and foreign exchange substantially and inevitably helped as the Government of Sudan ramped up its military expenditures during this period. Sudan's large military purchases during this period included such deadly equipment as MiG-29's and Mi-24 helicopter gunships, which the Government of Sudan used in its various wars against its own people in the period 2002 through 2008, as well as subsequently. These weapons have historically had long use in Sudan's military, and the Government of Sudan continues to employ these weapons in its attacks against its people. Therefore, it is appropriate and reasonable to consider the people harmed by BNPP's actions to include the period 2002 through the present.

The primary use of the Sudan Community Compensation Program should be to address the most critical emergency humanitarian aid shortfalls for Sudanese refugees and Internally Displaced Persons whose displacement was a result of attacks by the Government of Sudan and/or its militia proxies. The compensation program should provide assistance as quickly as possible in the current year and also address the most critical shortfalls in the following years.

The secondary use of the Sudan Community Compensation Program should be for reconstruction and redevelopment projects for the affected Sudanese communities. That part of the program, however, must be deferred to some future date when the current oppressive Government of Sudan has been removed from power.

Some of the essential operating principles of the Sudan Community Compensation Program:

- The compensation program should be a community-based reparations process, rather than a process of individuals submitting individual claims. Responding to community needs is particularly appropriate because the crimes that the illegal BNPP actions helped facilitate were genocide and crimes against humanity targeting classes/tribes of Sudanese.
- The primary focus of the compensation program should address the most critical emergency humanitarian aid shortfalls, such as food, water and acute healthcare, for all existing Sudanese refugees and IDPs, totaling well over 4 million people.
- The Government of Sudan should get none of the money that is disbursed.
- Administration of the Sudan-related reparations process should be separate from any other possible process for Iran and Cuba.

- The compensation program should be structured so that it augments, rather than replaces humanitarian assistance funding from the U.S., Europe, UN, and others.

Because the humanitarian needs for Sudanese refugees and IDPs are so enormous and urgent, it is important that the Department of Justice move as expeditiously as possible to initiate the Sudan Community Compensation Program so that funds can begin to flow to existing aid agencies capable of helping with the most critical emergency aid requirements.

## B. Proposal for a Sudan Community Compensation Program

### Background

On May 1, 2015, BNP Paribas S.A. (BNPP), was sentenced “for conspiring to violate the International Emergency Economic Powers Act (IEEPA) and the Trading with the Enemy Act (TWEA) by processing billions of dollars of transactions through the U.S. financial system on behalf of Sudanese, Iranian and Cuban entities subject to U.S. economic sanctions.”<sup>1</sup> BNPP was ordered to forfeit \$8,833,600,000 to the United States and to pay a \$140,000,000 fine.<sup>2</sup> Of this \$8.9736 billion penalty, the Department of Justice published that \$3.8336 billion was available for compensation to people who were “directly and proximately harmed by BNPP’s sanctions violations.”<sup>3</sup>

This proposal focuses on the Sudan-related component of the penalty paid by BNPP, the size of the Sudan-related component, the classes of people harmed, and how a Sudan restitution program should be structured. This program includes communities that were harmed, not only in Sudan, but also in present-day South Sudan, which until its independence in 2011 was part of Sudan.

### BNPP's Illegal Behavior

BNPP was found guilty of processing \$6.4 billion of illegal transactions related to Sudan, \$1.74 billion related to Cuba, and \$650 million related to Iran.<sup>4</sup> Assuming that there will be a compensation program for both Cuba and Iran harms, then the Sudan-related component should be 72.8% of the \$3.8388 billion available - \$2.8 billion. If there will not be an Iran program and/or a Cuba compensation program, then the Sudan program should be proportionally higher. For example, if there were to be an Iran program but no Cuba program, then the Sudan compensation program would represent 90.8% of the transactions and therefore \$3.48 billion of the available remaining funds.

The timeframe of BNPP's illegal behavior in violation of Sudan sanctions is 2002 through December 2008. The Statement of Facts in the US vs. BNPP case specifies that in the one-year period, alone, July 2006 through June 2007, BNPP processed these \$6.4 billion in illegal transactions involving Sudan.<sup>5</sup> In addition to these identified illegal transactions, the Statement of Facts finds that BNPP's illegal behavior began in 2002. “From 2002 up through and including 2007, BNPP ... conspired with numerous Sudanese banks and entities as well as financial institutions outside of Sudan to violate the U.S. embargo by providing Sudanese banks and entities access to the U.S. financial system.”<sup>6</sup> Lastly, additional details on the case of U.S. vs BNPP from the Settlement Agreement between the U.S. Department of the Treasury's Office of Foreign Assets Control and BNPP stated “that BNPP continued processing Sudan-related USD transactions through *at least* December 2008.”<sup>7</sup> As a result, the timeframe of BNPP's illegal activity in support of the Government of Sudan is 2002 through December 2008 (*italics added*).

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1 “BNP Paribas Sentenced for Conspiring to Violate the International Emergency Economic Powers Act and the Trading with the Enemy Act,” Department of Justice press release, May 1, 2015- <http://www.justice.gov/opa/pr/bnp-paribas-sentenced-conspiring-violate-international-emergency-economic-powers-act-and>

2 Ibid.

3 United States vs. BNP Paribas Frequently Asked Questions, Department of Justice, May 1, 2015, accessed August 9, 2015 - <http://www.usvbnpp.com/frequently-asked-questions.aspx>

4 “BNP Paribas Sentenced for Conspiring to Violate the International Emergency Economic Powers Act and the Trading with the Enemy Act,” Department of Justice press release, May 1, 2015- <http://www.justice.gov/opa/pr/bnp-paribas-sentenced-conspiring-violate-international-emergency-economic-powers-act-and>

5 Statement of Facts, US vs BNPP, Department of Justice, June 28, 2014, page 20 -

<http://www.justice.gov/sites/default/files/opa/legacy/2014/06/30/statement-of-facts.pdf>

6 Ibid., page 6.

7 Settlement Agreement between the U.S. Department of the Treasury's Office of Foreign Assets Control, Department of

The Statement of Facts noted:

As a result of BNPP's conduct, the Government of Sudan and numerous banks connected to the Government of Sudan, including SDNs, were able to access the U.S. financial system and engage in billions of dollars' worth of U.S. dollar-based financial transactions, significantly undermining the U.S. embargo.<sup>8</sup>

In addition to processing U.S. dollar transactions, BNPP “developed a business in letters of credit for the Sudanese banks. Due to its role in financing Sudan's export of oil, BNPP Geneva took on a central role in Sudan's foreign commerce market.”<sup>9</sup> Sudan's primary export and source of government revenue in this period was oil.<sup>10</sup> Further, one Sudanese government bank's deposits at BNPP “represented about 50% of Sudan's foreign currency assets during this time period.”<sup>11</sup> Indeed, Deputy Attorney General Cole described BNPP as acting “as a de facto central bank for the Government of Sudan.”<sup>12</sup>

As a result, BNPP actions provided substantial financial support for the Government of Sudan's war against its own people in various regions of the country. In addition, the letters of credit and foreign exchange substantially and inevitably helped as the Government of Sudan ramped up its military expenditures during this period.<sup>13</sup> Sudan's military purchases during this period included MiG-29 and Su-25 ground attack jets,<sup>14</sup> Mi-17 combat helicopters and Mi-24 helicopter gunships,<sup>15</sup> artillery and armored vehicles,<sup>16</sup> Antonov-24 and Antonov-26 transports operating as barrel bombers,<sup>17</sup> and small arms,<sup>18</sup> all of which the Government of Sudan used in its war against its people in the period 2002 through 2008. Furthermore, the Government of Sudan continues to employ these weapons in its attacks against its people, because these weapons have historically had long use in Sudan's military. Therefore, it is appropriate to consider the people harmed by BNPP actions to include the period 2002 through the present. Details about the Government of Sudan's military expenditures are documented in Section C below.

### **Impact and Harm Caused by BNPP's Illegal Behavior**

BNPP's illegal actions in the period 2002 through December 2008 are particularly significant because this timeframe includes the start of the Darfur genocide in 2003, which continued throughout the period and continues to this day. Genocide in Darfur was unanimously recognized as such by the U.S. Senate and House of Representatives in July 2004,<sup>19</sup> by Secretary of State Colin Powell in September 2004,<sup>20</sup> and by President

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Treasury, June 30, 2014, page 4 - [http://www.treasury.gov/resource-center/sanctions/CivPen/Documents/20140630\\_bnp\\_settlement.pdf](http://www.treasury.gov/resource-center/sanctions/CivPen/Documents/20140630_bnp_settlement.pdf)

8 Statement of Facts, US vs BNPP, Department of Justice, June 28, 2014, page 7 -

<http://www.justice.gov/sites/default/files/opa/legacy/2014/06/30/statement-of-facts.pdf>

9 Ibid., page 7-8.

10 Foreign Trade Statistical Digest, Central Bank of Sudan, table of Trade Balances 2005-2014, page 5-

[http://www.cbos.gov.sd/sites/default/files/digest\\_q4\\_14.pdf](http://www.cbos.gov.sd/sites/default/files/digest_q4_14.pdf)

11 Ibid., page 8.

12 Remarks by Deputy Attorney General Cole at Press Conference announcing the BNPP settlement, June 30, 2014 -

<http://www.justice.gov/opa/speech/remarks-deputy-attorney-general-cole-press-conference-announcing-significant-law>

13 Small Arms Survey and Stockholm International Peace Research Institute (SIPRI) military expenditure database, detailed in Sudan Community Compensation Program Proposal, Section C, Weapons and Arms in Sudan: Acquisition and Use, 2002 - 2008 and Following, pages 14-15.

14 Small Arms Survey, Sudan Issue Brief, December 2009, Table 1, Conventional weapons systems transfers to Khartoum, 2004-2009, page 2 - <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-15-arms-flows-and-holdings-in-Sudan.pdf>

15 Ibid., page 2.

16 Ibid., page 2.

17 Sudan Community Compensation Program Proposal, Section C, Weapons and Arms in Sudan: Acquisition and Use, 2002 - 2008 and Following .

18 Small Arms Survey, Sudan Issue Brief, December 2009, page 1,3.

19 <https://www.congress.gov/bill/108th-congress/house-concurrent-resolution/467>

George Bush in September 2004.<sup>21</sup> The UN Security Council referred the situation in Darfur to the ICC in March 2005,<sup>22</sup> and the ICC issued its first arrest warrants for Sudanese government officials in 2007.<sup>23</sup> BNPP's substantial financial support for the Government of Sudan helped that government to fund and pursue its attacks against the Fur, Zaghawa, Massalit and other non-Arab tribal groups in Darfur.

The Fur, Zaghawa, and Massalit tribes in Darfur may have been the most prominently reported communities harmed by the Government of Sudan in the period 2002 through December 2008, but they were not the only ones harmed during this period and in the extended period of 2002 through the present. Communities that were also harmed significantly by the Government of Sudan in this period include the Dinka Ngok in Abyei, the various Nuba tribes of South Kordofan, African tribal groups in Blue Nile (particularly the Ingessana), as well as civilians from various ethnic groups along the North/South border, from Upper Nile State to Western Bahr el-Ghazal. Particularly victimized were the Nuer communities of Unity State (formerly "Western Upper Nile") during 2002, the last year of major fighting in the long North/South civil war (1983 – 2005). (South Sudan was part of Sudan until its independence in 2011.) In addition, the eastern Sudan states of Red Sea, Kassala, and Gedaref (particularly the Beja people) suffered terribly from economic and political marginalization and domination by the government's military and security forces. Lastly, the Nubian people of far northern Sudan have similarly been marginalized and harmed by environmentally and economically irresponsible dam projects along the Nile as it approaches Egypt; many thousands of farmers have been displaced from their lands without meaningful compensation.

Collectively, the harm to these communities was enormous, with hundreds of thousands killed, untold number raped and injured, well over four million displaced internally and externally, typically with near complete loss of property, livelihood and opportunity. Details about the harm to these communities are documented in Section D below.

Given the large scale of the harm inflicted by the government on whole communities of Sudanese, and the complexity of addressing compensation details, it is appropriate to structure the Sudan-related compensation program as a community-based trust fund, rather than a process of individual claims of restitution.

### **Sudan Community Compensation Program Elements**

The Sudan Community Compensation Program must address two essential issues, both of which arise because the same Government of Sudan that perpetrated the crimes against its people is still in power and still perpetrating similar crimes.

First, the affected Sudanese communities are suffering multiple severe humanitarian crises, particularly with regard to lack of food, lack of drinking water, adequate sanitation, and even rudimentary healthcare. These crises exist because the Government of Sudan continues to restrict and often block aid for these marginalized communities and because international funding for aid to these communities is facing a disastrous shortfall. For example, according to OCHA (United Nations Office for the Coordination of Humanitarian Affairs), funding is available for only 39% of the identified humanitarian assistance programs for displaced people in Sudan, a shortfall of 61% of the \$1.04 billion requested.<sup>24</sup> However, the shortfall is actually much higher

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20 "U.S. Calls Killings In Sudan Genocide, Khartoum and Arab Militias Are Responsible, Powell Says," Washington Post -

<http://www.washingtonpost.com/wp-dyn/articles/A8364-2004Sep9.html>

21 "George W. Bush Address to the United Nations," September 21, 2004 -

<http://www.presidentialrhetoric.com/speeches/09.21.04.html>

22 <http://www.un.org/press/en/2005/sc8351.doc.htm>

23 ICC investigations and cases on the situation in Darfur - [http://www.icc-cpi.int/en\\_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/Pages/situation%20icc-0205.aspx](http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/Pages/situation%20icc-0205.aspx)

24 OCHA, Sudan Humanitarian Bulletin, August 10 – 16, 2015 -

<http://reliefweb.int/report/sudan/sudan-humanitarian-bulletin-issue-33-10-16-august-2015>

because the OCHA work plans do not include assistance for people in areas such as South Kordofan and Blue Nile states that are inaccessible because the Government of Sudan blocks access.

Therefore, as an emergency measure, at least 10% of the Sudan Community Compensation Program should be immediately provided for the highest priority, critical humanitarian needs, such as food, water and acute healthcare, of the affected communities. (A similar emergency measure may be critically required in the following years.) It is important to note that organizations and management structures are already in place to provide for the effective delivery of this aid, including via international NGOs, USAID, World Food Program, and UN OCHA (United Nations Office for the Coordination of Humanitarian Affairs). Failure to at least partially address this emergency requirement would unnecessarily allow more of the victimized communities to die or suffer gratuitously, which would be an unconscionable and perverse injustice, given the existence of a program whose purpose is to provide compensation for victims. Details about the emergency requirements are documented below.

Secondly, reconstruction and redevelopment projects for the affected Sudanese communities must be deferred to some future date when the current oppressive Government of Sudan has been removed from power. Only after a fundamental change in governance in Sudan will it be possible to effectively employ funds for reconstruction and redevelopment. As a result, this component of the Sudan Community Compensation Program will be a long term one. Once the Sudan Community Compensation Program is chartered, there will be ample time to address the significant and complex questions of how to develop the detailed process for representing the affected communities and administering the funds held in trust for the Sudan Community Compensation Program.

Some of the principles to guide how the Sudan Community Compensation Program uses the funds held in trust include:

- The compensation program should be a community-based reparations process, rather than a process of individuals submitting individual claims. This need is particularly appropriate because the crimes that the illegal BNPP actions helped facilitate were genocide and crimes against humanity targeting classes/tribes of Sudanese.
- The primary focus of the compensation program should address the most critical emergency humanitarian aid shortfalls, such as food, water and acute healthcare, for all existing Sudanese refugees and IDPs, totaling well over 4 million people.
- The secondary focus of the compensation program should address the longer term need for redevelopment and reconstruction, once the conflict and oppression by the Government of Sudan finally ends.
- The Government of Sudan should get none of the money that is disbursed.
- Administration of the Sudan-related reparations process should be separate from any other possible process for Iran and Cuba.
- The compensation program should be structured so that it augments, rather than replaces humanitarian assistance funding from the U.S., Europe, UN, and others. It is particularly important that this trust fund should not be the piggybank that allows the world to ignore the need to help marginalized and oppressed affected communities in Sudan. To avoid this problem, it may be necessary to fix or limit the portion of the trust fund to be used for humanitarian purposes in a given year.

## **Starting the Sudan Community Compensation Program**

Because the humanitarian needs for Sudanese refugees and IDPs are so enormous and urgent, the Sudan Community Compensation Program must start up quickly so that funds can begin to flow to existing aid agencies capable of helping with the most critical emergency aid requirements.

One approach to starting the Sudan Community Compensation Program quickly is to ask an existing agency, such as USAID, to oversee the disbursement of the first round of funds to address the highest priority, critical humanitarian needs of the affected communities. USAID is a good example because it is already quite familiar with the needs of Sudanese refugees and IDPs and already working with the broad range of aid agencies to deliver humanitarian assistance on the ground to those in need. This approach could be effective quickly, while the trust fund operation and management structures are being established.

Another approach to start the Sudan Community Compensation Program quickly is to identify and charter an originating trustee for the fund. Ideally, the originating trustee would:

- Have substantial experience with the U.S. government,
- Have extensive knowledge of Sudan and humanitarian efforts for Sudanese communities,
- Be respected by a broad range of Sudanese communities, particularly those communities most harmed by the Government of Sudan,
- Organize the initial efforts to deliver the most critical emergency aid requirements via established humanitarian aid organizations,
- Recruit additional trustees for the fund,
- Lead the development of the processes to operate and manage the fund,
- Help to address significant and complex questions about developing a detailed process for representing the affected communities and administering the funds held in trust for the Sudan Community Compensation Program,
- Have the management and leadership skills to make the Sudan Compensation Program a success.

Of course, there are other approaches that could be employed to quickly start the Sudan Community Compensation Program so that it almost immediately delivers benefits where aid is desperately needed and earns credibility as it begins the long process of organization and restitution ahead. These two approaches are presented to establish tangibly that real help can be quickly delivered for life-saving and other critical humanitarian needs, and that urgent action to initiate the Sudan Community Compensation Program is warranted.



## C. Weapons and Arms in Sudan: Acquisition and Use, 2002 – 2008 and Following

The period **2002 – 2008** was marked by Khartoum’s large increase in its inventory of small arms, light weapons, and heavy weapons systems. Small Arms Survey (SAS), Stockholm International Peace Research Institute (SIPRI), Human Rights Watch (HRW), Amnesty International, and other investigators have been able to piece together a fairly comprehensive picture of weapons acquisitions during the period in question, despite the Government of Sudan’s notorious opacity on matters of arms purchases. The vast majority of these purchases come from China, Russia, Belarus, and Iran. [Small Arms Survey reported in its December 2009 overview](#) of Sudan that “China and Iran together accounted for an overwhelming majority (more than 90 percent) of the National Congress Party’s self-reported small arms and light weapons and ammunition imports over the period 2001 – 2008.” Both countries are known to facilitate the breaking of arms embargoes and to create non-transparent documentation for sales.

An inventory of weaponry, collated from all authoritative sources, appears as **Appendix 1**. Total military expenditures also increased significantly during the period **2002 – 2008**, as indicated by the graph that appears in **Appendix 2**; a few additional sources are indicated as well. A **bibliography** of key studies of arms acquisitions, military expenditure, and—more recently—**military exports** within Africa follows **Appendix 3**.

Significant financial activity by the Government of Sudan in the period **2002 – 2008** was made possible because of letters of credit facilitated by **BNPP Paribas (BNPP)** and other criminal financial activities, which the U.S. Department of Justice specifically noted in its criminal indictment of BNPP, as well as finding more broadly that:

BNPP ... conspired with numerous Sudanese banks and entities as well as financial institutions outside of Sudan to violate the U.S. embargo by providing Sudanese banks and entities access to the U.S. financial system. ([Statement of Facts in the US vs. BNPP case](#), released by the U.S. Department of Justice, June 30, 2014)

Revenues within the Central Bank of Sudan as well as the various government budgetary offices are also notoriously opaque, and monies received from abroad are *ipso facto* completely fungible within the broad (and highly selective) set of expenditures and income details that are announced publicly by Khartoum in numerically untenable annual budgets. These budgets include no line items for military or security expenditures, even as conducting war against insurgencies on three fronts is enormously expensive, as are the various security services, which have vast quantities of weapons and equipment and are heavily staffed. The National Intelligence and Security Services (NISS) have a very wide reach, as does Military Intelligence, which is prominent in Khartoum, but also Darfur and South Kordofan.

Notably, [Small Arms Survey \(December 2009\)](#) concludes that “Khartoum’s acquisition of new weaponry will likely lead to greater arms proliferation and insecurity in Sudan, given that government stocks are a major source of weaponry for armed groups (both government allies and adversaries).”

Some of the larger weapons systems purchased by the Government of Sudan are extremely expensive (see **Appendix 3**). For example, Khartoum purchased **12 MiG-29s in 2002** at a cost of more than \$10 million each, and this was the price before the very considerable expenses of service and training contracts. An **additional 12 MiG-29s** were reportedly delivered in **2008** according to the *Sudan Tribune* ([July 20, 2008](#)). Helicopter gunships were used extensively in what is now South Sudan, although in 2002 was a region of Sudan known as **Western Upper Nile** (now Unity State). According to a range of sources (see below and **Bibliography**; all entries with URLs) dozens of helicopter gunships (**Mi-17s** and **Mi-24s**) were purchased in the years following **2002**. These weapons have been used extensively against civilians in areas that remain in

Sudan after the independence of South Sudan (**July 9, 2011**). Indeed, Darfur has seen constant aerial attacks, by both rotary and fixed-wing aircraft, since the beginning of major conflict in **2003**.

Large weapons systems purchased **in and since 2002** include:

- MiG-29** advanced military jet aircraft
- Sukhoi-25** ground-to-air fighter aircraft
- Mi-17** and **Mi-24** military helicopters
- Antonov-24** and **Antonov-26** cargo planes, retrofitted to be crude bombers, from which barrel bombs are simply rolled out the cargo bay without the benefit of a bombing siting mechanism
- Chinese WeiShi-2/3** missiles, with a potential range of 200 kilometers:

The last if these was first reported in South Kordofan on **February 17 and 18, 2012**; the [advanced, long-range Chinese Wei Shi](#) rockets hit the villages of Um Serdeba and Tabanya in the Nuba Mountains (an earlier attack was reported by Ryan Boyette from the Nuba Mountains to *Sudan Tribune*, **5 December 2011**). A father was killed in these later attacks, along with his three daughters and a son; his wife and another child were badly wounded. Enough fragments survived from these attacks to be identified by a weapons expert working for Amnesty International:

**The [WeiShi] rockets fired from more than 25 miles away, travel at 3,000 miles per hour and pack a 330-pound warhead often loaded with steel ball bearings to increase lethality, experts say.** Where they land is random, witnesses say, and they often slam into villages instead of legitimate military targets. **"They arrive without any warning,"** said Helen Hughes, an arms control researcher at Amnesty International. **"And they are being used indiscriminately, which is violation of international humanitarian law."** (*New York Times* [Nairobi], March 13, 2012) (*all emphases in all quoted material has been added*)

Amnesty International also reported WeiShi missile attacks in **June 2012**:

China has also been one of the main suppliers of conventional arms to the SAF. Amnesty International has identified the use of **Chinese-manufactured 302mm Weishi multiple-launch rockets in ground bombardments** in the area of Kauda in late 2011 and early 2012, which have been used indiscriminately in civilian areas. ("We can run away from bombs, but not from hunger": Sudan's Refugees in South Sudan," Amnesty International, June 2012, page 11)

In its **2007 report on Chinese weapons transfers to Sudan**, Human Rights First noted:

In 2007, television footage from a military parade celebrating Sudan's 52nd Independence Day **showed that Sudan had late-model battle tanks, infantry fighting vehicles, and military trainers from China.**

In all its counter-insurgency wars, Khartoum's Sudan Armed Forces (SAF)—both in its ground attacks and aerial assaults—have been demonstrably indiscriminate, as the use of the WeiShi missile amply demonstrates. Indeed, there is overwhelming evidence that civilians have been *deliberately targeted* wherever the Government of Sudan has waged war. The indiscriminate nature of military assaults on the ground and from the air, as well as the deliberate nature of attacks on civilians, is discussed in **Appendix 3**.

The broadest generalizations to be drawn from the research materials assembled here are the following:

**I.** Annual imports of small arms and light weapons, as well as their ammunition, have been growing and have flooded the conflict zones of Sudan; additionally, the Government of Sudan has directly armed various militia forces in South Sudan opposed to the Government of South Sudan;

**II.** The Government of Sudan has **since 2002** imported massive amounts of weaponry (much of it highly advanced), as well as small arms and large quantities of ammunition (which is also now manufactured domestically):

**Major weapons systems, including:**

- aircraft: a wide range of fixed-wing and rotary military aircraft
- missiles, including the WeiShi 2/3
- heavy artillery
- tanks, including modern versions of Russian tanks replacing the T-55s
- armored personnel carriers (APC)
- infantry fighting vehicles (IFV)
- towed Multiple Rocket Launchers (MRL)
- portable SAM (Surface to Air Missile)

**Light weapons, including:**

- numerous sizes of mortars
- recoilless rifles
- heavy machine guns (including the Russian-built heavy “Doshka” machine guns (12.7mm), often mounted on Land Cruisers

**Small arms (both imported and manufactured domestically):**

“Supply and Demand: Arms flow and holdings in Sudan, December 2009,” [Small Arms Survey \(December 2009\)](#) reports that the various military entities controlled by the Government of Sudan possess more than **450,000 small arms**, mainly Kalashnikov automatic weapons.

To the extent that information about numbers purchased and date of acquisition are available, they appear in **Appendix 1**.

**III.** Military expenditures by the Government of Sudan, according to research by the **Stockholm International Peace Research Institute**, come to **many billions of dollars during the period 2002 – 2008**, although the opacity of the GOS is in many areas nearly complete;

**IV.** The GOS uses weapons banned by international treaties, including cluster munitions and bombs. This has been authoritatively confirmed by **Human Rights Watch**: “Sudan: Cluster Bombs Used in Nuba Mountains, April 15, 2015, and is part of a broader pattern of indiscriminate aerial attacks and deliberate attacks on civilian and humanitarian targets (see **Appendix III**). Reports of chemical weapons use have appeared continually since a 2000 report by Doctors Without Borders/Médecins Sans Frontières (MSF): *Living under aerial bombardments: Report of an investigation in the Province of Equatoria, Southern Sudan, February 20, 2000*).”

V. The GOS has armed opposition militia forces in South Sudan, as definitively established by “Following the Thread: Arms and Ammunition Tracing in Sudan and South Sudan,” page 25 **Small Arms Survey** (May 2014) and “Arms trajectory: Sudan’s arms footprint spans conflict zones,” *Jane’s Intelligence Review*, January 2015; see also “The Military Industry Corporation (MIC),” **Small Arms Survey**, July 2014.

VI. It is important to bear in mind when, considering the actual and potential harm done to Sudanese and now South Sudanese civilians, that military procurements assisted by the criminal financial activities of BNPP can have a long life. Many of the T-55 tanks in the SAF arsenal are from the late 1990s; many of the Antonov cargo planes (both the Antonov-24 and subsequently the Antonov-26) have extremely long lives, despite heavy use; and although the GOS has lost many helicopter gunships in various battles, the SAF still has a large functional fleet of these weapons, particularly deadly when used against civilians, as the example of Bieh demonstrates. (The example of Bieh is detailed in the **commentary** below.)

In short, the financial/military benefits accruing to the Government of Sudan from **2002 – 2008** continue to support its war-making ability to this day. Weapons—whether small arms, light weapons, or major weapons systems—continue to destroy civilian lives and livelihoods, and have been instrumental in [displacing some 4 million people, either in Sudan or as refugees](#) in neighboring countries. Ethnically targeted counter-insurgency wars have killing hundreds of thousands of civilians, destroying many thousands of civilian villages, and permanently changing the demography of much of Sudan, ensuring the present destruction will have consequences long into the future.

Khartoum’s relentless focus on securing revenues for its military and security forces is largely responsible for the fact that [some 550,000 in Sudan children suffer from Severe Acute Malnutrition \(SAM\), most of whom will die without emergency supplementary feeding](#). Additionally, more than 1 million children in Sudan suffer from Acute Malnutrition; as a consequence, the **Global Acute Malnutrition (GAM) rate for children in Sudan under five is 16.3 percent**, a figure above the **emergency humanitarian threshold of 15 percent**. In some areas of Darfur, South Kordofan, and Blue Nile the GAM figures are much higher. Khartoum simply refuses to rationalize national expenditures in ways that address fundamental health and food security issues.

Those most “directly and proximately” harmed by the criminal actions of BNPP are the people in the **conflict regions of Sudan**, as well as **much of South Sudan**, and the **refugee camps in eastern Chad, Ethiopia, as well as South Sudan**. They urgently need emergency humanitarian relief and eventually some means of putting their lives and families back together again.

## Appendix 1: Inventory of weapons

### Conventional weapons systems transfers to Khartoum

| Supplier country | Weapons/systems                        | Number | Year(s) delivered |
|------------------|--|--------|-------------------|
| Belarus          | T-55M tanks                            | 60     | 1999 – 2001       |
|                  | BM-21 Grad 122 mm self-propelled MRL   | 12     | 2002 – 2003       |
|                  | D-30 122mm towed gun                   | 24     | 22003             |
|                  | 2S1 122mm self-propelled gun           | 10     | 2003              |
|                  | BMP-2 infantry fighting vehicle        | 9      | 2003              |
|                  | BRDM-2 armoured reconnaissance vehicle | 39     | 2003              |
|                  | BTR-70 armoured personnel carrier      |        |                   |

|                               |  |         |                |
|-------------------------------|--|---------|----------------|
|                               | (with “Kobra” weapons turret)                          | 2       | 2007           |
|                               | Su-25 FrogfootA ground attack aircraft                 | 15      | 2007 – 2008    |
| <b>China</b>                  | Type -63 107mm towed MRL<br>(Multiple Rocket Launcher) | 460*    | 2001 – 2014    |
|                               | Type-85-IIM tank                                       | 25      | 2002 – 2006    |
|                               | A-5C Fantan ground attack aircraft                     | 12 – 20 | 2002           |
|                               | WZ-551 armoured personnel carrier                      | 10      | 2003           |
|                               | K-8 Karakorum trainer/combat aircraft                  | 12      | 2005           |
|                               | FN-6 portable surface-to-air missile                   | 50      | 2006           |
| <b>Iran</b>                   | Rakhsh armoured personnel carrier                      | 20      | 2005 – 06      |
|                               | Type-86 infantry fighting vehicle                      | 10      | 2003           |
|                               | T-72Z tank   | 10      | 2006           |
|                               | Ababil UAV   | 5       | 2008           |
|                               | Shahine   Towed MRL                                    | 5       | 2008           |
| <b>Russian<br/>Federation</b> | BTR-80 infantry fighting vehicle                       | 30      | 2001 – 2002    |
|                               | Mi-24P/Hind-F combat helicopter                        | 12      | 2005           |
|                               | Mi-8MT/Mi-17/Hip-H helicopter                          | 15      | 2004 – 2008    |
|                               | Type 59D tank  | 40      | 2010 – 2014**  |
|                               | WZ-551/Type 92 infantry fighting vehicle               | 45      | 2006 – 2014    |
|                               | MiG-29S/Fulcrum-C                                      | 12      | 2003 – 2004    |
|                               | BT6 trainer aircraft                                   | 9       | 2005           |
|                               | K-8 Karakorum trainer/combat aircraft                  | 12      | 2005 – 2008    |
|                               | FN-6 portable surface-to-air missile                   | 50      | 2006           |
|                               | V-46 diesel engine                                     | 10      | 2006           |
|                               | V-55 diesel engine                                     | 50      | 2008 – 2012*** |
| <b>Slovakia:</b>              | Cobra 30mm Infantry Fighting<br>Vehicle, with turret   | 10      | 2007           |
| <b>Ukraine:</b>               | AI-25   Turbofan                                       | 12      | 2006 – 2008    |
|                               | An-32/Cline (re-engineered<br>Antonov-26)              | 5       | 2008 – 2009    |

Sources: UN Register on Conventional Arms; **Stockholm International Peace Research Institute Arms Transfers Database**; equipment sighted in Khartoum, 2007–08

\* includes production in Sudan

\*\* ordered in 2008; assembled in Sudan

\*\*\* ordered 2007

(for the most authoritative report on Sudan’s domestic weapons production, see “The Military Industry Corporation,” [Small Army Survey, 2014](#))

[accessed August 18, 2015 from page 2, “Supply and Demand: Arms flow and holdings in Sudan, December 2009,” [Small Arms Survey \(December 2009\)](#)]

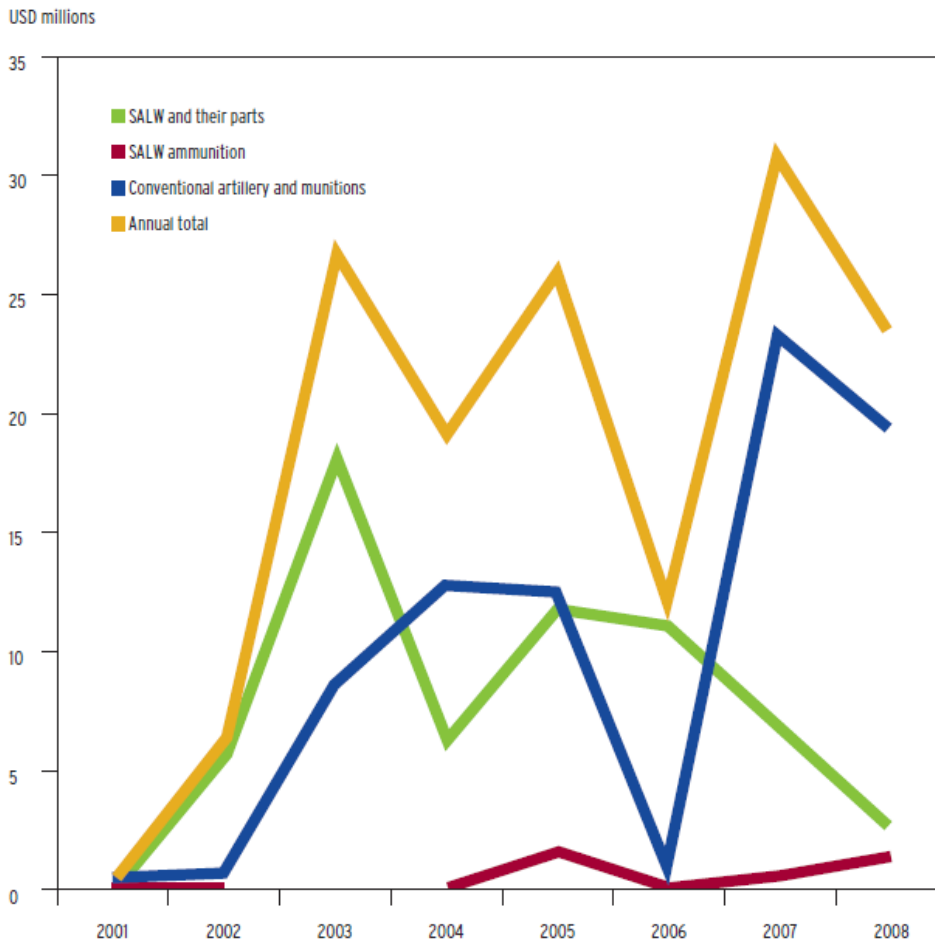
The report notes that Khartoum provides,

...no official information about its arms acquisitions. Nevertheless, customs data, field observations, and data supplied by other countries to the UN Register of Conventional Arms indicate that **since 2000** Sudanese (i.e., the National Congress Party) arms purchases have been dominated by four supplier states: China, Iran, the Russian Federation, and Belarus. All these arms supply relationships were well established during the latter phase of the civil war [1983 – 2005—ER].

Major transfers are reported [see above—ER], although this must be regarded as an incomplete assessment. Customs data, despite some serious evidential inadequacies, also support the view that *Khartoum's imports of small arms and light weapons in particular have grown in magnitude since 2001* and have become dominated by direct imports from **China and Iran**. According to customs data, these two countries were responsible for **72 per cent and 22 per cent, respectively**, of reported transfers of small arms and *light weapons, small arms and light weapons ammunition, and conventional munitions and artillery from 2001 to 2008*.

Figure 2 of the **Small Arms Survey** report show a huge increase in the amount spent on small arms, small arms ammunition, and conventional artillery and munitions (graph on page 3 reproduced here).

**Figure 2 Annual procurement of small arms and light weapons, their ammunition, and conventional artillery/munitions reported by Khartoum to UN Comtrade, 2001-08<sup>a</sup>**



Source: UN Comtrade (n.d.)

On page 8 the **SAS** report concludes by noting that the various military, paramilitary, and security forces of the Government of Sudan have among them **460,000 small arms**, chiefly Kalashnikov automatic weapons.

Finally, the Government of Sudan has **approximately 20 Antonov-12, Antonov-24, and Antonov-26, and Antonov-32** cargo planes, retrofitted to be crude “bombers” which fly at a very high altitude (approximately 4,000 meters), and from which bombs are simply rolled out the back cargo bay without benefit of a bombing siting mechanism (although “twenty” is a [common approximation](#), there is no definitive census for the Antonov fleet; nonetheless, reports from a wide range of sources, including the UN Panel of Experts for Sudan, suggest that the figure is a reasonable estimate, given the scale of activities and locations where the aircraft are based). The Antonovs have no militarily useful accuracy, but they have been used relentlessly in attacks on civilians and humanitarians throughout Sudan and South Sudan more than 15 years (see below). The Government of Sudan also operates a Russian-built **Ilyushin Il-76 heavy cargo plane**, photographed by the [Satellite Sentinel Project in Kadugli, South Kordofan, July 2011](#) (date of acquisition unknown, but of the two known Ilyushins in Khartoum’s air force, one [crashed spectacularly in 2008](#)).

## Appendix 2: Expenditures

It is impossible to know precisely how much the Government of Sudan spends annually on its military and security services, and the weapons with which they deploy. Nonetheless, the remarkable data base of the **Stockholm International Peace Research Institute (SIPRI)** provides us a telling graph | [http://www.sipri.org/research/armaments/milex/milex\\_database](http://www.sipri.org/research/armaments/milex/milex_database)

| Year | Military expenditures (in millions of current US\$) |
|------|---|
| 2001 | \$1,052   |
| 2002 | \$1,234   |
| 2003 | \$933   |
| 2004 | \$2,651   |
| 2005 | \$2,166   |
| 2006 | \$2,377   |
| 2007 | ...   |
| 2008 | ...   |

A figure for 2007 comes from [GlobalSecurity.org](#), not nearly as reliable source as SIPRI but consistent with the general pattern SIPRI had established in previous years.

**(millions in current US\$):**

|      |             |
|------|-------------|
| 2007 | \$2,775 (?) |
|------|-------------|

**2008**—There are no extant summaries for military expenditures by the Government of Sudan in 2008, a testament to the opacity of Khartoum’s transactions with Iran, China, Belarus, and Russia. But military acquisitions, as well as a ramping up of domestic small arms production, have of course continued, up to and including the present. Several telling examples follow:

### [Sudan receives new shipment of Russian fighter jets](#)

*Sudan Tribune*, July 20, 2008 | Washington, DC

A shipment of new Russian MIG-29 tactical fighters has recently arrived into Sudan from Belarus, a source familiar with the matter told Sudan Tribune today.

### [Russia agrees to sell attack helicopters to Sudan: report](#)

*Sudan Tribune*, August 19, 2013 | Washington, DC

Sudan and Russia sealed two agreements since 2011 for the sale of two dozen Mi-24 attack helicopters and 14 MI-8 transport helicopters, a Russian newspaper reported today.

### [Sudan wants to buy five Antonovs from Ukraine—minister](#)

Reuters, February 13, 2013 | Khartoum

Sudan is in talks with Ukraine to buy five Antonov planes, its transport minister said on Wednesday, seeking to work around U.S. trade sanctions that have devastated its air fleet.

[“Sudan gets second-hand Belarusian Su-24 Fencer attack planes,”](#) *The Aviationist*, August 19, 2013

Again, it is important to stress that what is represented in this **Appendix** is only what researchers have been able to establish on the basis of observation and forensic evidence. Total military imports escaping scrutiny are, by all accounts, significant.

### **Appendix 3: Weapons used by the Government that are inherently indiscriminate**

[a] **Antonov-12, Antonov-24, and Antonov-26** aircraft have been regularly converted to crude bombers from which shrapnel-loaded barrel bombs are simply rolled out the cargo bay without benefit of a siting mechanism. Additionally, the slow-flying and unarmored Antonovs typically remain at altitudes of about 4,000 meters, and thus out of range of nearly all ground fire; this obviously greatly increases the inaccuracy of the bombing, making them even more indiscriminate. It is widely accepted that the Antonov “bombers” have no militarily useful accuracy; they are and have long been weapons for creating civilian terror, for which they are supremely effective. These long-lived planes are currently most active in the Nuba Mountains of South Kordofan, southern Blue Nile State, and Jebel Marra/North Darfur in Darfur.

Between January **2002 and December 2008** the Government of Sudan was responsible for more than **550 confirmed aerial assaults on civilians and humanitarians** in all **ten states** of what is now South Sudan, as well as all **three Darfur states**. Attacks on civilian targets were also confirmed in **eastern Chad** and **Uganda**, as well as **South Kordofan, Red Sea, Kassala, and Blue Nile** states. The criteria for confirmation as well as individual data entries for the sources of confirmed reports, number of casualties, number of bombs, as well as the date, time. All may be found in the report and data spreadsheet that make up “*They Bombed Everything that Moved: Aerial Military Attacks on Civilians and Humanitarians in Sudan, 1999 – 2011* (updated 2012), [Eric Reeves, 2012](#).

[b] Sudan has also used in South Kordofan a **highly significant new aerial weapon, Chinese long-range missiles**. On February 17 and 18, 2012, [advanced, long-range Chinese WeiShi](#) rockets hit the villages of Um Serdeba and Tabanya in the Nuba Mountains (an earlier attack was reported by Ryan Boyette from the Nuba Mountains to *Sudan Tribune*, 5 December 2011). A father was killed in these later attacks, along with his three daughters and a son; his wife and another child were badly wounded. Enough fragments survived from these attacks to be identified by a weapons expert working for Amnesty International:

The [WeiShi] rockets fired from more than 25 miles away, travel at 3,000 miles per hour and pack a 330-pound warhead often loaded with steel ball bearings to increase lethality, experts say. Where they land is random, witnesses say, and they often slam into villages instead of legitimate military targets. “They arrive without any warning,” said Helen Hughes, an arms control researcher at Amnesty International. “And they are being used indiscriminately, which is violation of international humanitarian law.” (New York Times [Nairobi], March 13, 2012)



Amnesty International also reported WeiShi missile attacks in June 2012:

China has also been one of the main suppliers of conventional arms to the SAF. Amnesty International has identified the use of Chinese-manufactured 302mm Weishi multiple-launch rockets in ground bombardments in the area of Kauda in late 2011 and early 2012, which have been used indiscriminately in civilian areas. ("We can run away from bombs, but not from hunger": Sudan's Refugees in South Sudan," June 2012, page 11)

Scores of reports indicate that artillery and heavy machine-gun fire have also been used when the threat to civilians was high, or civilians were in fact targeted.

### [c] Chemical weapons use:

There have been numerous reports over many years of the Khartoum regime's possession and use of chemical weapons. The misguided U.S. intelligence that led to the mistaken attack on the al-Shifa pharmaceutical factory should do nothing to blind us to the evidence and reports we do have. Perhaps the most compelling of these reports came from Doctors Without Borders/Médecins Sans Frontières (MSF) in their 2000 study of Khartoum's relentless bombing of civilian and humanitarian targets (it is worth recalling that MSF won the 1999 Nobel Peace Prize):

MSF [Médecins Sans Frontières/Doctors Without Borders] is particularly worried about the use or alleged use of prohibited weapons (such as cluster bombs and chemical bombs) that have indiscriminate effect. The allegations regarding the use of chemical bombs started on 23 July 1999, when the villages of Lainya and Loka (Yei County) were bombed with chemical products. In a reaction to this event, a group of non-governmental organizations had *taken samples on the 30th of July, and on the 7th of August; the United Nations did the same.*

*Although the Organization for the Prohibition of Chemical Weapons (OPCW) is competent and empowered to carry out such an "investigation of alleged use," it needs an official request made by another State Party. To date, we deplore that OPCW has not received any official request from any State Party to investigate, and that since the UN sample-taking, no public statement has been made concerning these samples or the results of the laboratory tests.*

MSF offers several eyewitness accounts of chemical weapons in bombs, including a grim narrative of events in Yei County (now Central Equatoria):

The increase of the bombings on the civilian population and civilian targets in 1999 was accompanied by the use of cluster bombs and *weapons containing chemical products*. On **23 July 1999**, the towns of **Lainya** and **Loka (Yei County)** were bombed with chemical products. *At the time of this bombing, the usual subsequent results (i.e., shrapnel, destruction to the immediate environment, impact, etc.) did not take place. [Rather], the aftermath of this bombing resulted in a nauseating, thick cloud of smoke, and later symptoms such as children and adults vomiting blood and pregnant women having miscarriages were reported.*

These symptoms of the victims leave no doubt as to the nature of the weapons used. Two field staff of the World Food Program (WFP) who went back to Lainya, three days after the bombing, had to be evacuated on the 27th of July. They were suffering from nausea, vomiting, eye and skin burns, loss of balance and headaches. After this incident, the WFP interrupted its operations in the area, and most of the *humanitarian organizations that are members of the Operation Lifeline Sudan (OLS)*

*had to suspend their activities after the UN had declared the area to be dangerous for its personnel.*

MSF concludes:

[E]vidence has been found and serious allegations have been made that *weapons of internationally prohibited nature are regularly employed against the civilian population, such as cluster bombs and bombs with "chemical contents."* (*Living under aerial bombardments: Report of an investigation in the Province of Equatoria, Southern Sudan*, [February 20, 2000](#))

Chemical weapons delivered by aerial bombardment have also been repeatedly reported by Darfuris, over a number of years, especially in the Jebel Marra area. Khartoum continues to deny the UN/African Union Mission in Darfur (UNAMID) access to Jebel Marra, in blatant contravention of the Status of Forces Agreement (2008). Even so, in 2004 the German newspaper *Die Welt* reported (15 September 2004) that Syria tested chemical weapons on civilians in Sudan's Darfur region in June and killed dozens of people. *Die Welt* cited unnamed western security sources, saying that injuries apparently caused by chemical arms were found on the bodies of the victims. ([English summary by Agence France-Presse](#), September 16, 2004).

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(see particularly [Chart 1](#))

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China and Russia have supplied weapons and aircraft to Sudan that have been used in deadly attacks against civilians in Darfur in violation of UN arms embargo, Amnesty International charged

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[Reports by the Panel of Experts](#) Submitted through the Security Council Committee Establish Pursuant to Resolution 1591 (2005) Concerning the Sudan

*[Some of these ten reports (2006 – 2015) are immensely useful in revealing Khartoum’s violation of the 2005 arms embargo on Darfur, and its continuation of offensive military flights despite Security Council prohibition; but the quality of the reports rapidly fell off as China wielded its influence to weaken the report, even attempting to block one report. Still, the earlier reports as a whole were notable in their findings and demonstrate how brazenly the Government of Sudan believes it may flout UN resolutions.]*

“Satellites Reveal Major Movement of Sudan Armed Forces in Embattled Capital of South Kordofan,” [Satellite Sentinel Project, July 6, 2011](#)

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“Sudan: Cluster Bombs Used in Nuba Mountains,” [Human Rights Watch, April 15, 2015](#)

“Supply and Demand: Arms flow and holdings in Sudan, December 2009,” [Small Arms Survey \(December 2009\)](#) (acquired August 18, 2015)

*“They Bombed Everything that Moved: Aerial Military Attacks on Civilians and Humanitarians in Sudan, 1999 – 2011* (updated 2012), [Eric Reeves, 2012](#)

UN Office for the Coordination of Humanitarian Affairs, [Sudan: Humanitarian Bulletin Issue 33 | 10 – 16, August 2015](#)

## D. Harm Suffered by Sudanese 2002 - 2008 and Following

The purpose of this section is to provide a broad overview of the harm suffered by various Sudanese communities—defined ethnically and geographically—at the hands of the Government of Sudan. It is divided into two sections to reflect the temporal window created by the case against **BNP Paribas (BNPP)** prosecuted by the **U.S. Department of Justice**. The facts as presented DOJ, and that guided the indictment of and eventual guilty plea by BNPP, begin in **2002** and end in **2008**. But since the effect of BNPP’s criminal financial activities was to assist the Government of Sudan in its pursuit of wars against its own people, chiefly through the financing of weapons purchases and continuing exorbitant domestic expenditures on the military and security services, 2008 hardly marks the end of the harm and destruction suffered by a wide range of Sudanese communities. The second part of this section details harm to these communities that may reasonably be attributed to, in part, the **benefits that continued to accrue to the Government of Sudan from BNPP’s criminal activities**.

The harm outlined here should be the basis on which restitution monies from the BNPP settlement are disbursed.

### PART ONE

#### A timeline of key events: 2002 – 2008

**2002** – Fighting continues during the last year of the **long North/South civil war**; the oil regions are particularly affected, most dramatically in what was then known as **Western Upper Nile (now Unity State in South Sudan, which remained officially part of Sudan until July 2011)**; fighting was marked by massive displacement of **Nuer civilians** from the oil concession areas, and by frequent aerial attacks on Nuer civilians (see the example of Bieh in the **commentary** below).

A “**cessation of hostilities agreement**” was signed in **October 2002**, but fighting continued well into **2003**, as reported by the **Civilian Protection Monitoring Team** deployed at the time. Eric Reeves personally interviewed victims of helicopter gunship attacks in **Unity State** during an authorized visit to the Lopiding (Kenya) hospital of the International Committee of the Red Cross (January 2003).

**Fighting in eastern Sudan diminished** as the civil war wound down, but the Government of Sudan remained intensely hostile to the people of **Kassala** and **Red Sea** states, who had joined the northern military/political opposition known as the **National Democratic Alliance**. As a result, humanitarian assistance to these states, as well as **Gedaref**, was severely curtailed—and remains so to this day. The few INGOs that had managed to establish programs in eastern Sudan were expelled in **2008**. Partly as a result, eastern Sudan has some of the worst **malnutrition and morbidity indicators** in all of Sudan

In **Darfur**, violence had begun, although it would not become genocidal until **April 2003**, when Khartoum radically shifted its counter-insurgency strategy in the face of stinging military setbacks. The **Massalit, one of the African tribal groups** in the region, had been targeted by both Khartoum and its militia proxies since the late 1990s.

[In Abyei the North/South border continued to be moved, \*de facto\*, southward](#) by military movements of **Khartoum’s SAF and Misseriya Arab militia allies**. The **indigenous Dinka Ngok** were deprived of more and more of their grazing land.

**2003** – While fighting largely ended in the North/South civil war, **Darfur exploded in ethnically-targeted destruction**. Many thousands of African villages were partially or totally destroyed. **Aggregated data in 2015 suggest that some 10,000 villages have been destroyed altogether**, the majority in the early years of the conflict. Within this grim census, the **vast majority of villages endured total destruction**, marked by comprehensive destruction of buildings, water sources (often poisoned with animal or human corpses), the destruction of seed stocks, food stocks, and agricultural implements. Cattle were killed or looted. And the inhabitants of the villages who were unable to escape were assaulted: men and boys were shot and killed; women and girls were raped. Those who were displaced initially had nowhere to flee, and simply move to neighboring villages with an ethnically similar population—or **fled to Chad**, leaving Darfur behind entirely. The [UN High Commission for Refugees reports](#) that there are today **370,000 Darfuri refugees in eastern Chad**.

In **Nubia**, in the far north of Sudan, **dam projects on the Nile River** undertaken by Khartoum had the effect of [displacing many thousands of Nubians](#); they were moved to largely worthless lands that had none of the fertility of their previous farmland near the river. (Nubia is often confused with “Nuba,” the grouping of African tribes in the Nuba Mountains of South Kordofan; they are not related.)

**Abyei’s** northern border continued to be **pushed southward**, increasing tensions between the **Dinka Ngok** and the **Misseriya Arabs**. It was clear that the Abyei issue had to be included in the peace negotiations then underway in **Kenya**.

The **January 2002 cease-fire agreement in the Nuba Mountains** was partially successful, but did not prevent the Government of Sudan from moving two brigades of its forces to **Western Upper Nile** to participate in the last stages of the oil war (such movement clearly violated the terms of the cease-fire).

**2004** – With the international community focused on securing a peace agreement between **Khartoum** and **Juba (capital of South Sudan)**, **genocide in Darfur** moved into high gear. Figures at the time show displacement, rape, and death increasing at utterly shocking rates. The **humanitarian crisis** precipitated by the genocidal violence did not generate a meaningfully [coordinated relief response until July 2004](#).

**South Sudan** was relatively calm, although **Khartoum continued to arm and supply its militia allies from the war** in a bid to de-stabilize the South. This effort to deploy Southerner against Southerner continues to this day, as the forces of the **Sudan People’s Liberation Army/in Opposition** receive substantial arms and supplies, as well as military intelligence from the Government of Sudan.

Patterns continued as in previous years in **Abyei, Nubia, and eastern Sudan**.

**2005** – This was the year in which it appeared that genocidal violence in **Darfur** might begin to burn out. There were many fewer African villages to destroy, the **African Union had deployed a small observer force**, and, in the face of constant reports from journalists and human rights workers. Khartoum adopted a posture of defensive obduracy. Still, the **scale of the violence and the magnitude of the humanitarian crisis**—which was still growing rapidly—overwhelmed relief capacity.

On **January 9, 2005, the Comprehensive Peace Agreement** was signed, with several key protocols (hence the term “comprehensive”—there was nothing geographically “comprehensive” about the agreement). It quickly became clear that the **Government of Sudan** was violating both the spirit and letter of the agreement. One of the major breaches of the agreement by **Khartoum was denying the people of Abyei the promised self-determination (January 2011)** and subsequently **seizing the entire region by military force in May 2011**.

Patterns continued as in previous years in **Nubia** and **eastern Sudan**.

**2006** – While one of the less violent years in the **Darfur** genocide, there was nonetheless very substantial violence and continuing extremely high levels of displacement. Lands were increasingly appropriated by **Arab militia groups**, including some from outside Sudan, a pattern that has continued to the present, with increasingly threatening implications for any peace process. At the same time, intra-Arab tribal fighting became an increasing concern, and in subsequent years would become an extremely serious problem within the **Arab communities of Darfur**, both militarily and in terms of humanitarian needs. Many Arab tribes attempted to steer away from the conflict, and later found themselves victimized by Khartoum.

**In May 2006** the **Government of Sudan** signed, with one rebel group, the “**Darfur Peace Agreement**” (Abuja, Nigeria). It was fatally flawed and destined to exacerbate conflict by dividing the rebel groups, a triumph for the government.

A tenuous peace continued in **South Sudan**, while patterns continued as in previous years in **Abyei**, **Nubia**, and **eastern Sudan**, despite the signing of an “**Eastern Sudan Peace Agreement**” (**October 2006**).

**2007** – **Largely a continuation of 2006 in Darfur** and the other regions; details of what continued in the way of violence appear in the analysis below.

International discussion over the **peace support operation in Darfur capitulates almost entirely to Khartoum’s demands and restrictions**, ensuring the UN/African Union “hybrid” mission (UNAMID) will fail

**2008** – **On January 1, 2008** the UN Security Council-authorized **UNAMID** officially takes up its mandate.

[Khartoum’s regular and militia forces attack UNAMID troops in January and July 2008.](#)

While violence in Darfur has abated to a degree, there is **still massive destruction and suffering inflicted on the African tribal communities of Darfur**

The move to Southern independence accelerated, particularly after the terribly [destructive raid on Abyei town in May 2008](#), which sent **many tens of thousands of Dinka Ngok fleeing to South Sudan**.

## **Commentary on harm that was inflicted by the Government of Sudan during the period 2002 – 2008**

Various communities in greater Sudan—including the various states of **Sudan**, **South Sudan**, and **refugee camps in which Sudanese predominate**—have suffered grievous harm for more than twenty-five years under the governing **National Islamic Front/National Congress Party** regime in Khartoum. The present analysis concentrates particularly on Sudanese communities harmed between **2002 and 2008**, the time period defined by the U.S. Department of Justice (DOJ) in its criminal prosecution of the **French bank BNP Paribas (BNPP)**. BNPP confessed to its guilt in criminal financial activities that substantially benefited the Government of Sudan, and to a much lesser extent the governments of **Cuba** and **Iran**. During the period **2002 - 2008**, a wide range of marginalized communities in Sudan and South Sudan (including **Abyei**) suffered brutal, often genocidal assault by the regular military and militia forces of the Government of Sudan; hundreds of thousands of Sudanese were forced into refugee camps in **Chad**; following Khartoum’s military assaults on the people of **South Kordofan** and **Blue Nile** states (**beginning in 2011**) **hundreds of**

**thousands of Sudanese were obliged to flee** to newly independent **South Sudan, Ethiopia,** and other countries.

The **seven-year period** discussed here should in no way diminish the significance of the suffering, destruction, and harm that preceded and followed the window of BNPP's illegal financial support of the Sudan as defined in the DOJ prosecution of BNPP. The period **2009 to the present** has seen continuing violence, displacement and severe mistreatment of many Sudanese communities by their government. Humanitarian assistance has been militarily blocked to a number of regions, even as malnutrition and morbidity rates soar. In Sudan as a whole **more than 4 million people** have been turned into [refugees](#) or [Internally Displaced Persons](#). [Hundreds of thousands have died](#), often leaving families bereft and without protection or possible livelihoods.

Broad humanitarian needs have not been funded—in part because of the **continuing hostility of the Government of Sudan to international nongovernmental relief organizations (INGOs)**, in part because of a weariness with the endless war of attrition that Khartoum has waged, commandeering billions of dollars of precious humanitarian capacity. The **Government of Sudan itself makes virtually no significant humanitarian efforts on the part of its various and geographically diverse communities.**

**The period 2009 through the present is a** legitimate extension to the time window of harm caused by BNPP's illegal actions from 2002 through 2008, since benefits accruing from BNPP's criminal behavior in service of the financial needs of the Government of Sudan continued to sustain the various means of harming communities, primarily in the form of large expenditures on weapons for the regular military forces (the **Sudan Armed Forces, or SAF**), a wide range of paramilitary and militia forces serving Khartoum's military ambitions, and a highly elaborate, sophisticated, and mutually reinforcing set of security services, including not only the **National Intelligence and Security Services (NISS)**, but **Military Intelligence** as well. All of these forces were and are actively causing harm in Darfur, for example.

**2002 –**

**2002** was the last year of serious fighting between the Government of Sudan and the **Sudan People's Liberation Army/Movement** (made up chiefly of fighters from what is now South Sudan, as well as **South Kordofan** and **Blue Nile** states in Sudan. Through **October 2002, when a "Cessation of Hostilities Agreement"** was signed, fighting was intense and some of the most destructive aerial bombardment of civilian targets occurred during this period. Fighting was concentrated in the oil regions, then referred to as **"Western Upper Nile" (WUN)** (currently **Unity State** in **South Sudan**, but at the time and **until July 2011 part of Sudan**). **Some 400,000 primarily Nuer civilians** had been cleared from the oil concession areas of WUN by scorched-earth tactics employed by the Government of Sudan (the Nuer are the second largest tribal groups in **South Sudan's Nilotic** tribal family, which includes the largest tribal group, the **Dinka**).

We gather some sense of the pace of displacement from the UN's Integrated Regional Information Networks reports (June 6, 2002): "Humanitarian actors working in Sudan estimate that **between 150,000 and 300,000 people were displaced in Western Upper Nile alone between January and April [2002]."** *[emphasis added]*

We get some sense of how destructive the campaign of oil field clearance was in noting the events of **Bieh (WUN) in February 2002**—in the heart of the oil concession region:

On **February 20, 2002** the village of Bieh [in the middle of oil concession Block 5a, then under development], just to the east of road construction, endured an especially cruel and destructive aerial attack. **Two SAF Mi-24 helicopter gunships** were deployed, both of which had flown over Bieh

twice earlier in the day. On the final pass, in broad daylight, one gunship hovered overhead and conducted precautionary reconnaissance. The other helicopter gunship moved to a low hover position and then directed machine-gun fire and numerous rockets into a crowd of mainly women and children who had gathered for a UN World Food Program food distribution. Twenty-four civilians were killed (including children), scores were injured, and many fled into the bush without food. A former high-level Western official who was camped near Bieh on an assessment mission at the time of the attack reported that even more casualties were discovered burned to death in the village tukuls that had been attacked with rockets.

Humanitarian sources confirmed that there was no military presence in or near Bieh. Moreover, the faces of the pilot and gunner could be clearly seen from the ground by WFP workers; the gunner and pilot, in turn, could clearly see that they were firing on noncombatants. This was made explicit at the time by Laura Melo, WFP spokeswoman in Nairobi:

"The helicopter was flying low enough that our staff could see inside the helicopter and a man inside firing a machine gun. How could they not see that there was food being distributed, that women and children were receiving food?" Melo said. (Associated Press [dateline: Nairobi], February 28, 2002)

Moreover, as Melo also pointed out, WFP had informed Khartoum officials of the food distribution ("All [humanitarian] interventions are cleared ahead of time and this one was also cleared"); the UN compound in Bieh was also well-marked and well-known. The facts are simply indisputable (a photographic record was made by relief workers at the time), and it is all too clear that the SAF intention was to kill civilians gathered for food aid and disrupt humanitarian relief in Bieh (there was of course an immediate withdrawal of all humanitarian personnel).

(from *"They Bombed Everything that Moved": Aerial Military Attacks on Civilians and Humanitarians in Sudan, 1999 – 2011*, Eric Reeves, 2011; [updated through 2012](#))

There were many other "Bieh's" during 2002: in **June** the **International Rescue Committee** spoke out, declaring of the attack on **Malual Kon**:

The IRC strongly condemns Sunday's bombing by the Government of Sudan of a peaceful village in southern Sudan; the IRC further notes that the village is "far from the frontlines and is an established centre for relief operations for the United Nations and other humanitarian agencies, including IRC." (Reuters, June 26, 2002).

Between January 2002 and December 2008 the Government of Sudan's airforce, on 577 confirmed occasions, attacked civilian and humanitarian targets in South Sudan and Sudan. (For all data, see spreadsheet from ["They Bombed Everything That Moved": Aerial attacks on civilians and humanitarians in Sudan, 1999 – 2013](#).) In 2002, the last year of major fighting in the long north/south civil war, there were 161 confirmed aerial attacks on civilian and humanitarian targets in South Sudan and Sudan. The attacks of 2002 targeted primarily Unity State and Eastern Equatoria, but also included attacks on: Northern Bahr el-Ghazal, Western and Central Equatoria, Jonglei, Warrap; in the north, there were attacks on South Kordofan and Blue Nile. Many of the attacks caused very significant civilian casualties and extensive damage; for example, the attack on Mundri, Western Equatoria (September 21, 2002), caused the deaths of 22 people and injured many more; four children and nine adults were killed in another attack on Mundri, Western Equatoria the same day. Most attacks were of course not reported in confirmable fashion.

Traveling in Western Equatoria in January 2003, Eric Reeves found civilians and humanitarian relief workers



acutely attuned to the possible sound of Antonov “bomber” engines. The climate of fear that had continued so long predictably took a considerable time to diminish. The consequences of ongoing psychological terror of the sort produced by radically indiscriminate aerial bombardment, over a period of years, are simply devastating.

Aerial assaults were accompanied by **militarily enforced embargoes on food aid**. UN and Agence France-Press reported that **Khartoum** has further exacerbating the humanitarian crisis in South Sudan by **preventing the delivery of 5,000 tons of World Food Program food aid from Ethiopia**; the food aid "was originally intended to be distributed to Sudanese primary schools in areas suffering food shortages" (AFP, June 17, 2002).

### **2003 – 2005:**

Although large-scale fighting between Khartoum’s forces and the (South) **Sudan People’s Liberation Army** had ceased in **2003**—and a formal peace agreement (the **Comprehensive Peace Agreement, January 2005**) signed—violence continued in many regions of what would remain part of the country of Sudan until the **independence of South Sudan in July 2011**. Darfur in particular had been the target of a vast counter-insurgency campaign that was finally genocidal in nature. All three of the states that made up Darfur were affected, and the ethnic communities targeted were initially overwhelmingly the non-Arab groups of the region; in particular, civilians from the **Fur** (the largest ethnic group in Darfur), the **Massalit**, and the **Zaghawa** were the focus of a comprehensive campaign of village destruction, displacement, murder, rape, and land seizures. Khartoum deliberately chose to target civilians, not the rebel groups fighting against Darfur’s severe marginalization, both economic and political, as well as in protest of a total breakdown in security and in the regional judiciary.

Early victories in **2003** by the rebel groups (primarily the **Sudan Liberation Army, or SLA**) revealed that Khartoum’s regular military forces could not fight effectively against rebel forces. In **April 2003**, Khartoum responded with a strategic change in its counter-insurgency campaign. Arab militias, commonly known as the *Janjaweed*, were aggressively recruited by the Government of Sudan and provided substantial weaponry and supplies—and a clear incentive. The militia forces were allowed to take whatever they wished from villages as they were being destroyed. As a consequence of this strategic shift, many thousands of villages of these ethnic groups were destroyed—over 90 percent in the case of [the Massalit, who had been particular targets of violence since 1998-99](#).

Displacement during the period reached staggering levels, and included other non-Arab tribal groups as well (the **Birgid** and **Tunjur**, for example). By the end of 2006, as a consequence of the mass destruction of African villages, the population of Internally Displaced Persons IDPs had [reached almost 2 million in camp settlements](#); many more were displaced but did not reach IDP camps. This represented an increase of more than **270,00 new IDPs** over the previous year’s total (year’s end **2007**).

Violence was concentrated in various parts of Darfur, depending on where Khartoum felt civilian targets were most vulnerable. Thus the UN’s Office for the Coordination of Humanitarian Affairs found at the end of 2006:

**Between October and December 2006**, over 160,000 people have been newly displaced, **half of them in South Darfur mainly due to militia attacks**. Many of these newly displaced hide in the bush before attempting a return to their villages or moving on to IDP settlements, while **many others are displaced for the second or third time**.

Presently, the greatest violence against civilians is occurring in North Darfur.

At other times, the focus of military and militia activity was in West Darfur or North Darfur. A detailed archival chronicle of representative examples of violence in the period 2003 – 2006 appears in *A Long Day's Dying: Critical Moments in Darfur Genocide* by Eric Reeves (Key Publishing [Toronto], 2007); the most important contemporaneous reports are cited throughout the text. For **2003**, see in particular **pages 19 – 51**.

At the same time, fighting in **Eastern Sudan**—a continuation in many respects of the long North/South civil war (**1983 – 2005**)—was devastating, if vastly under-reported. Although a [peace agreement was finally signed by the rebel groups](#) (primarily the **Beja Congress** fighters and those known as the **Raishaida Free Lions**) and Khartoum in **October 2006**, its terms were never honored by the Government of Sudan, and the eastern states of **Red Sea, Kassala, and Gedaref** remain among the poorest and least well-served of any in Sudan. Malnutrition indicators, as well as other key humanitarian indicators, have frequently remained above the emergency threshold for long periods of time.

Many in Darfur, especially West Darfur and North Darfur, found insecurity intolerable and by the end of **2006**, approximately **240,000** people had fled to **Chad**; that number has grown to **370,000**, according to the **UN High Commission for Refugees**. Darfuri refugees in eastern Chad are among the most neglected of any refugee population in the world, even as a great many people have been in the border camps for more than a decade. Most who fled were able to carry only a very small amount of their possessions; and livestock that made it to Chad were immediately in competition with local livestock for land yielding forage.

The most violent period in the Darfur genocide was **2003 – 2005**; village destruction during this time (extensively detailed, using contemporaneous news and human rights reports, in *A Long Day's Dying*, **pages 19 – 236**, “Rwanda Redux”) was extraordinarily comprehensive. All structures—homes, markets, mosques, health centers, schools—were burned; so, too, were food stocks and seed stocks; water wells were poisoned with animal or human corpses—an enormously destructive act in arid Darfur; livestock were killed or looted; men and boys were killed, women and girls raped. Typically after an onslaught by the Government of Sudan’s aerial military assets, followed by ground forces that often included both regular SAF troops and *Janjaweed*, there was simply nothing left. In some cases even fruit trees were cut down to deny any possible future reason to return to the destroyed village areas. The lands that typically surrounded non-Arab villages were ravaged by the cattle and camels of the *Janjaweed*, and often seized as “belonging” to those who had prevailed militarily—[a phenomenon that continues to this day](#).

**Eastern Chad**, to which hundreds of thousands of Darfuris have fled, has endured violence and destruction very similar to that inside Darfur itself:

[Amnesty International’s new report on Chad] also highlights an **emerging pattern of coordination between the Janjawid and Chadian armed groups based in Darfur. As the latter mount attacks on the Chadian army along one part of the border, the Janjawid move in against the civilian population in another part, targeting specific tribes not allied to the Chadian rebels** [i.e., non-Arab tribal communities].

“As they did in Darfur, they have targeted the sedentary farming populations in each area, killing, pillaging, and driving the villagers out,” Amnesty International reported. Most of the victims were from the Dajo, Mobeh, Masalit and Kajaksa and other smaller sedentary groups [non-Arab communities]. (UN IRIN [Nairobi/Dakar], June 29, 2006) (*emphasis added*)

At the same time, **systematic aerial bombardment of civilian targets** continued in many areas of Darfur, and occasionally in other locations. An [exhaustive monograph on these attacks](#), as well as bombing campaigns in other time periods, reveals that between January 1, 2004 and December 31, 2006 **Khartoum**

carried out more than 200 confirmed aerial assaults on non-combatants—and the likely number of actual attacks was almost certainly many times this number, but were not reported or could not be adequately confirmed (see [“They Bombed Everything that Moved”: Aerial military attacks on civilians and humanitarians in Sudan, 1999 – 2012](#)). Radio Dabanga, a highly reliable news source, has regularly reported these aerial attacks on the basis of an extensive network of contacts on the ground. Human rights groups, which have been barred from Darfur for years, also reported on aerial attacks while they were able to maintain a presence on the ground. The following excerpts are entirely characteristic:

The Sudan Air Force bombed three areas on 11 December. In Hashaba, about 100 kilometres north of al-Fasher, the capital of North Darfur, many members of a family, including six children, were killed.”] (Amnesty International press release, December 12, 2006)

These attacks caused hundreds of casualties as well as tremendous destruction of water points and wells, livestock, and village structures.

**Jan Egeland, former Emergency Relief Coordinator at the United Nations** provided an all too apt summary of the period in question following his fourth and final visit to Darfur:

“When I went to Darfur on my first visit in late June 2004, accompanying the Secretary-General, we saw a civilian population under attack, prompting the displacement of one million people. When I returned to Darfur last week, four million people, two-thirds of Darfur’s population, were in need of emergency assistance. The number of internally displaced has risen to an unprecedented two million. The attacks on villages and the displacement of tens of thousands of civilians continue, reaching the horrific levels of early 2004.” (UN press release, November 22, 2006)

In addition to the comments of the senior UN humanitarian official, as well as the accounts of journalists and human rights workers, we also have an extraordinarily powerful medical account of the harm suffered by Darfuris, based on data from a wide range of localities in Darfur. Drawing on the archives of the Nyala-based Amel Centre for Treatment and Rehabilitation of Victims of Torture, a recent study tells us in very specific terms the nature of the harm suffered ([“Medical Evidence of Human Rights Violations against Non-Arab-Speaking Civilians in Darfur: A Cross-Sectional Study,”](#) *PLOS Medicine*, April 3, 2012). From the cross-section of Darfuris treated at the Amel Centre we learn, for example:

Nearly all attacks (321 [98.8%]) were described as having occurred in the absence of active armed conflict between Janjaweed/ Government of Sudan forces and rebel groups. The most common alleged abuses were beatings (161 [49.5%]), gunshot wounds (140 [43.1%]), destruction or theft of property (121 [37.2%]), involuntary detainment (97 [29.9%]), and being bound (64 [19.7%]). Approximately one-half (36 [49.3%]) of all women disclosed that they had been sexually assaulted, and one-half of sexual assaults were described as having occurred in close proximity to a camp for internally displaced persons.

These findings are statistically representative of Darfur as a whole between September 28, 2004 and December 31, 2006. This is a period during which some have argued that Darfur was seeing significantly less violence than in previous years; but as the *PLOS Medicine* study makes clear, a very high percentage of non-Arab Darfuris continued to be harmed in extremely serious fashion.

#### **2006 – 2008:**

Although there was a significant decline in violence in Darfur during this period, the genocide was far from complete and Khartoum resisted strenuously international efforts to provide a robust civilian protection

force. Following a wholly ineffectual first deployment by the **African Union** (the **African Union Mission in Sudan**), the “hybrid” **UN/African Union Mission in Darfur (UNAMID)** officially took up its civilian protection mandate on **January 1, 2008**. Tragically, and largely because of Khartoum’s restrictions on UNAMID, it has proved to be a disastrously ineffective peacekeeping operation. Khartoum frequently denied access to UNAMID protection patrols, investigations, and flight clearances. At the same time, Khartoum continued its relentless aerial bombardment of civilian targets, concentrating on the rebel-controlled **Jebel Marra massif**. Those attacks have been continuous and are regularly reported to this day, particularly in the areas of **North Darfur** known as **eastern Jebel Marra**.

Even as it was **obstructing UNAMID on a systematic basis**, the Government of Sudan was also obstructing humanitarian assistance in a wide range of ways: denying visas and/or travel permits to relief workers; gratuitously holding up delivery of urgently needed relief supplies; denying access to areas of Darfur in critical need; abusing, intimidating, and assaulting relief workers; and declaring that wide areas were too “insecure” to permit humanitarian access.

The destruction of African villages continued, if on a diminished scale; the main reason for the decline was the ghastly success of the campaign of civilian destruction from 2003 – 2005. But attacks did continue, and displacement continued to rise. The **last Darfur Humanitarian Profile published by OCHA (No. 34, January 1, 2009)**—indicated a figure of **2.7 million IDPs**. These reports had chronicled the extraordinary levels of humanitarian need, Khartoum’s denial of humanitarian access to vast regions of Darfur, and the character of violence directed at civilians and relief workers. The U.S. State Department, in a powerful graphic, provides a **summary overview of village destruction from 2003 through 2009**: “Total of villages confirmed as either destroyed or damaged: **3,391** ([https://hiu.state.gov/Products/ChadSudan\\_DamagedDestroyedVillagesByYear\\_2009Aug31\\_HIU.pdf](https://hiu.state.gov/Products/ChadSudan_DamagedDestroyedVillagesByYear_2009Aug31_HIU.pdf)). Of these confirmed attacks against civilian villages, 85 per cent resulted in total destruction. And these are only the villages confirmed destroyed. Darfuris in the diaspora believe this is a significant understatement of the level of destruction. Displacement and consequent mortality were staggeringly large.

In **April 2008**, the head of UN humanitarian operations, made a quick calculation of total mortality in Darfur related to the five years of genocidal destruction to date. His figure was **300,000 dead**, a figure still cited by news organizations for lack of any other UN figure. In fact, however, considerable data have been collected by the **Center for Research on the Epidemiology of Disasters (CRED) in Belgium**, and the CRED assessment of **January 2010** contained very useful analyses of these data, if nonetheless deeply flawed by a failure to assess in a meaningful way violent mortality in the first year of the genocide. In **July 2010**, **“Darfurian Voices” reported** highly important data collected from eastern Chad, with critical implications for mortality totals in Darfur.

Synthesizing the data and conclusions from both new sources of data, **Eric Reeves argued in August 2010** that total mortality resulting from violence—directly and indirectly—was in the range of **500,000**. Neither the statistical analysis offered nor the conclusions have been challenged in any quarter. Nor has there been any other attempt to quantify total mortality from the Darfur conflict. In the intervening years mortality has risen very substantially. Khartoum has created what **Human Rights Watch** has appropriately described as **“chaos by design.”** Beyond the number of IDPs and refugees, beyond the acute suffering of those who have been forced to flee their homes and lands, beyond the terrible scourge of sexual violence that has defined Khartoum’s conduct of war from the first year of major conflict, roughly half a million have died, leaving families bereft in nearly all cases—and too often those who have perished are children and the elderly, the most vulnerable in a conflict situation such as Darfur’s. (For an extended survey of the data and reports on sexual violence in Darfur, see **Annex V, “Rape in Darfur: A continuing epidemic,” in *Compromising with Evil: An archival history of greater Sudan, 2007 – 2012***).

The failure of UNAMID and its African Union predecessor (AMIS) have been frequently noted by senior UN officials, but to no evident effect in compelling a more cooperative attitude on the part of the Government of Sudan. UN High Commissioner for Refugees Antonio Guterres declared in May 2007:

“If there has been a very important success in humanitarian relief [in Darfur], I think there has been a total failure in relation to protection and security.” (Associated Press [UN/New York], May 1, 2007)

Notably, in **May 2008** Khartoum’s forces, including **Misseriya militia allies**, attacked **Abyei town** in the contested **Abyei region** on the North/South border. Altogether there were some **80,000 people displaced**. In **May 2011**, in gross violation of the terms of the **Comprehensive Peace Agreement**, Khartoum’s forces—again with the support of heavily armed Misseriya Arab militias—militarily seized all of Abyei. More than **100,000 people were forced to flee** to South Sudan, and Sudan has effectively annexed Abyei, despite the presence of an Ethiopian brigade serving as an “interim” UN peacekeeping force. Those harmed most by the military seizure of Abyei, the **Dinka Ngok**, were to have had a self-determination referendum in January 2011, which would have resulted in an overwhelming vote to join the South.

Also during this period the **people of eastern Sudan** continued to see the grim consequences of Khartoum’s stranglehold on national wealth and power. Security forces expelled humanitarian organizations, kept international news media from focusing attention on the desperate plight of the **Beja communities** and other peoples of the east. Humanitarian indicators for the three eastern states have long been among the worst in all of Sudan. In several areas of eastern Sudan, bombing attacks occurred in **2005 and 2006** as preemptive military strikes against possible internal resistance.

In the far north, **Nubian communities** along the Nile River were forcibly removed from their fertile lands and provided in return only arid land far from any water source, as Khartoum constructed two large dams that were both environmentally irresponsible and economically unsound, given the continuing deterioration of the agricultural sector in Sudan’s economy.

Aerial bombardment of civilian targets continued unrelentingly during the 2007 – 2008 time period. Countless examples such as the following could be adduced to suggest the scale of destruction endured by the non-Arab communities of Darfur. **Sima Samar, the UN Special Rapporteur for Human Rights in Sudan**, in her report of **September 2, 2008**:

In the first three weeks of July 2008 there were 21 separate incidents of aerial bombardment. The air strikes were carried out by the Government of Sudan with *Antonov aircrafts and MIG fighter jets*. Reportedly, the strikes impacted in the vicinity of civilian communities and allegedly resulted in the deaths of 12 persons, including 5 women and 2 children. The United Nations received further reports that civilian objects, in particular cultivated land and livestock, were also destroyed. (accessed at: General Assembly, A/HRC/9/13, Report covering the period January to July 2008 [September 2, 2008]) (*emphasis added*)

As Rapporteur Samar also reported at the time, attacks on displaced persons by Government of Sudan forces and proxy militia had begun, a pattern that has continued to accelerate over the past seven years:

In another worrying example of *a direct attack on civilian targets by Government [of Sudan] forces, an attack on Tawilla by members of the Central Reserve Police (CRP) on 12 May [2008] left the town completely deserted*. After a CRP member was found dead inside the Rwanda Internally Displaced Persons [IDPs] camp, CRP personnel responded by burning and looting of huts and destroying the market. Approximately 20,000 people from Tawilla town and the IDPs from Rwanda camp were forced to flee the area. As of 22 July 2008, most have not returned to the area.

Representatives of the local community complained about killings, violent assaults and rapes that occurred during the attack. No action has been taken for accountability and justice. *[emphasis added]*

Attacks on camps for displaced civilians continued to accelerate dramatically, as did aerial bombardment of civilian communities.

## PART TWO

### Timeline Number Two: 2009 – present

(See [also Annex containing an extended timeline for 2007 – 2012](#) in *Compromising with Evil: An Archival History of Greater Sudan, 2007 – 2012.*)

Although the Department of Justice cites no examples of criminal behavior by BNP Paribas in the years 2009 and following, BNPP's illegal actions from 2002 through 2008 providing financial support to the Government of Sudan enabled **substantial weapons purchases and military/security expenditures**. These weapons continue to be directed against the people of Sudan, as well as South Sudan. Those who fled earlier violence included four million internally displaced people unable to return to their homes, most of which were destroyed, plus large refugee populations that show no signs of being able to return to Sudan: **370,000 Darfuris in eastern Chad and some 200,000 in South Sudan and Ethiopia**.

What follows are only the most salient events of the **period following 2008**, but some are particularly notable in their effects upon populations that have been harmed and continue to be harmed.

**2009 – President Omar al-Bashir is indicted by the International Criminal Court** on multiple counts of “**crimes against humanity**”; he is later indicted by the Court on multiple counts of **genocide in Darfur**.

**On March 5 the Government of Sudan expels thirteen of the most important international non-governmental humanitarian organizations**; it also shuts down three important Sudanese relief organizations in Darfur. As a consequence, the UN estimated that some **50 percent of total humanitarian capacity was lost**.

[The UN reports that 2.7 million Darfuris are internally displaced](#). **Khartoum imposes a humanitarian blockade on the Jebel Marra region**, a rebel stronghold in Darfur.

**2010 –** The number of people in need of humanitarian assistance because of conflict increases in all areas previously noted. **Morbidity** increases significantly in **Darfur**, even as the provision of **clean water and sanitation deteriorates**.

An **August 2010 study by Eric Reeves**, surveying all extant data, indicates that some **500,000 people have died from conflict-related causes in Darfur**.

**2011 – South Sudan votes to secede from Sudan (January 9, 2011)**; **Abyei** is denied a self-determination referendum and is **seized by Khartoum’s regular and militia forces in May**.

**On June 5, Khartoum’s forces initiate hostilities in South Kordofan**, and begin a campaign of ethnically-targeted killings in **Kadugli** and elsewhere. **Full-scale war** ensues between the **Government of Sudan** and the **Sudan People’s Liberation Army/North**, made up of former rebels fighting with the South but native

to the **Nuba Mountains** in the center of South Kordofan

**On August 1 Khartoum's forces initiate hostilities in Blue Nile**, a reprise of the assault on South Kordofan, and again fighting pits the **Government of Sudan** against the **SPLA/North forces from Blue Nile**. The **Ingessena African tribal population** of the region is targeted in particular.

In **July 2011** a small non-representative rebel faction from Darfur **signs the Doha (Qatar) Document for Peace in Darfur (DDPD)**. DDPD is rejected overwhelmingly by **Darfuri civil society** and the **major rebel groups**, but Khartoum insists that the Document is only basis for peace.

**2012 – Refugees from South Kordofan** pour into South Sudan, mainly to **Yida camp in Unity State**, which is in turned deliberately bombed by Khartoum's forces. **Refugees from Blue Nile flee to Ethiopia or to Upper Nile State in South Sudan**; the refugees in South Sudan arrive in one of the least hospitable regions of the South, and emergency relief efforts struggle. Refugees, camps, and humanitarians are bombed by Khartoum even as Yida camp is being bombed.

Khartoum refuses an agreement brokered by the African Union on **humanitarian access to civilians in Blue Nile and South Kordofan**.

**Sustained aerial attacks against civilian targets** in South Kordofan and Blue Nile take a tremendous toll on the civilian population.

In May the Government of Sudan **expels seven important humanitarian organizations** from **eastern Sudan**.

**2012** is also the year in which **violence again begins to accelerate significantly in Darfur**.

**2013 – Abyei is almost entirely annexed to Sudan**, and there appears no prospect that the **Dinka Ngok** displaced will be allowed to return to their homes and land.

**Humanitarian indicators** in both Blue Nile and South Kordofan reach alarming levels.

The **acceleration of violence in Darfur continues**, and humanitarian access is severely compromised.

**Nubians** join in widespread **popular demonstrations of September 2013**, in which more than **200 people are killed by the Government of Sudan's security forces**, operating with **“shoot to kill” orders**.

**2014 – Continuing dramatic escalation of the violence in Darfur** puts all humanitarian relief in jeopardy. The **number of refugees in eastern Chad spikes** dramatically. The **rape of more than 200 girls and women by regular army forces in the Tabit (North Darfur)** highlights the fact that rape and sexual assault have a weapon of war since the beginning of the Darfur genocide. Trauma for victims, their families, and their communities is almost unimaginable.

The **UN Panel of Experts** reports that **3,300 villages were destroyed** in Darfur in 2014.

**Khartoum plans a scorched-earth campaign in South Kordofan**, where the **SPLA/N** has held off government offensives for three years.

There is no improvement in conditions in **Blue Nile**, the **refugee camps**, or the situation in **Abyei**. Millions of people are in urgent need of humanitarian relief that is obstructed, impeded, or compromised by the

security forces of the **Government of Sudan**. A leaked **UNICEF report** suggests **extreme malnutrition prevails throughout much of Sudan**.

**2015** – Violence in Darfur, chiefly **North Darfur**, approaches the scale of the early years of genocide.

**Khartoum continues its humanitarian embargo**, directed at the civilian populations of **South Kordofan** and **Blue Nile** living in rebel-controlled areas.

The UN's Office for the Coordination of Humanitarian Affairs estimates that in **August 2015, 550,000 children are suffering from Severe Acute Malnutrition** (most are likely to die without therapeutic intervention). **The UN also reports that “2 million children under the age of five suffer from chronic malnutrition.”** Of these, **1 million suffer from Acute Malnutrition, and the Global Acute Malnutrition rate for children is above the humanitarian emergency threshold.** The vast majority of these people are in conflict-affected regions of **eastern Sudan, Darfur, Blue Nile, South Kordofan, and Nubia.**

**Funding shortages and well as a dramatic rise in insecurity compel more and more organizations to withdraw from Darfur**, and the **Government of Sudan** continues its policy of expelling key personnel and frequently whole organizations. The **World Food Program** faces critical, life-threatening funding shortfalls for Darfur.

The **Government of Sudan deliberately targets the Doctors Without Borders/Médecins Sans Frontières hospital in Frandalala (South Darfur) with a Sukhoi-24/25 military jet aircraft.** It is the second strike against the hospital in six months. Other hospitals are also targeted for aerial destruction.

**Water** has become an **acute problem, ultimately a health issue**, in much of Sudan but particularly the displaced persons camps of Darfur.

A **severe measles outbreak** threatens millions of malnourished Sudanese because of inadequate government vaccination efforts. Some areas are **deliberately denied access by those conducting vaccination campaigns.**

**Extensive updates and humanitarian conditions in Darfur, drawing on all available contemporaneous sources, appears as [Annex IV](#) in *Compromising With Evil: An archival history of greater Sudan, 2007 – 2012.***

## **Commentary on harm during the period 2009 – present**

Beginning in **2010**, and continuing through **2011** and to the present, Khartoum's military aircraft attacked civilian targets in South Sudan, including various states in South Sudan after that **country's independence (July 9, 2011).** The **Abyei region, which should have enjoyed a self-determination referendum in January 2011, was seized militarily by Khartoum in May 2011.** Ground and aerial attacks on civilian communities began in earnest in **South Kordofan in June 2011** and in **Blue Nile in September 2011.** The violence against these civilian communities, and its consequences, is discussed—on the basis of contemporaneous news and human rights reporting—at considerably great length in **[Section III](#) and [Annex XI](#) of *Compromising with Evil: An archival history of greater Sudan, 2007 – 2012.***

Bombing in both South Kordofan and Blue Nile has been continual since the beginning of conflict. Although helicopter gunships and modern military jet aircraft have been deployed, the mainstay of attacks on



civilians and agricultural livelihoods has been the fleet of Antonov cargo planes, crudely retrofitted as highly inaccurate bombers, with no militarily useful accuracy but an ability to terrify civilians, many of whom now live not in their villages but cave and ravines. Schools, hospitals, mosques and churches, and other clearly civilian targets—with no military presence—have been repeatedly attacked. Sorghum fields are bombed to keep farmers from tending their crops. Recent reports by *New York Times* correspondent **Nicholas Kristof**, based on his travels to the Nuba Mountains this year, give a [compelling account of life under the constant threat—and reality—of aerial bombardment](#).

Other accounts of the terrible toll taken by indiscriminate aerial assaults on civilians have been provided by Human Rights Watch and Amnesty International, as well the indigenous reporting of [Nuba Reports](#):

“Sudan: Bombing Campaign’s Heavy Toll on Children: Dying From Attacks, Hunger, Disease,” Human Rights Watch, [May 6, 2015](#)

“Sudan: Cluster Bombs Used in Nuba Mountains: End Indiscriminate Bombing,” Human Rights Watch, [April 15, 2015](#)

“How many ways to hide from bombs?” Amnesty International, [February 2013](#)

“We Can Run Away from Bombs, but Not from Hunger”: Sudan's Refugees in South Sudan, [June 6, 2012](#)

“**Genocide in the Nuba Mountains of Sudan**”---one year later, and counting,” *Dissent Magazine*, Eric Reeves, [22 June 2012](#)

**Humanitarian indicator for South Kordofan and Blue Nile are appalling and are cited at various moments in this account. Particular reports on Blue Nile are less complete than for South Kordofan, but present ample evidence of the harm endured by the Ingessena and other African tribal communities of the region:**

“Sudan: Blue Nile Civilians Describe Attacks, Abuses: Reports of Indiscriminate Bombings, Killings, Detentions Should be Investigated,” Human Rights Watch, [April 23, 2012](#)

“**Under Siege**: Indiscriminate Bombing and Abuses in Sudan’s Southern Kordofan and Blue Nile States”, Human Rights Watch, [December 11, 2012](#)

“We Had No Time To Bury Them: War Crimes in Sudan's Blue Nile State,” Amnesty International, [June 10, 2013](#)

Collectively these and other reports reveal yet another counter-insurgency campaign by Khartoum that is based on ethnically-targeted civilian destruction. Food and livestock have been looted or killed; bombing has destroyed harvests, rape is endemic; and for [more than 220,000 Sudanese civilians](#) the only recourse has been to flee to South Sudan or Ethiopia. Many live in highly distress conditions. Taken on their own, the concerted attacks on civilians since 2011 suggests that these crimes be considered genocide in the Nuba Mountains and Blue Nile.

## **Darfur**

The debate about whether or not **Darfur** was the site of genocide had long ago flamed out, largely because the issue became excessively politicized and the world—in general—no longer cared about how we referred to continuing ethnically-targeted destruction in Darfur. But the facts of the past several years, particularly in **North Darfur and the Jebel Marra region**, compel us to ask again about the nature of the harm suffered by communities in these areas, even if it is almost completely unreported.

These crimes are committed in the main by regular forces of the Khartoum regime as well as by its new militia force, the **Rapid Response Forces (RSF)**. They are often referred to as the “*new Janjaweed*,” and enjoy the open support of the Government of Sudan, which the “*old Janjaweed*” did not. The crimes, systematic in nature, include mass rapes, gang rapes, and the rape of girls; rape is a central weapon of ethnic warfare in Darfur, as human rights organizations and investigators have long argued. **Harm to Darfuri communities caused by sexual assaults has been pervasive and is finally incalculable.** Families have been destroyed, rape has typically been so physically traumatic that victims, especially girls, have often died or been severely compromised in their ability to bear children. Suicide among rape victims is not uncommon, nor is divorce, in which the husband of the victim refuses to accept her as a wife. Women have been ostracized from families and villages. To ensure that all know of the fact, those raped are often branded or scarred, permanently marking them as victims. (Again, for an extended survey of the data and reports on sexual violence in Darfur, see **Annex V, “[Rape in Darfur: A continuing epidemic](#),”** in *Compromising with Evil: An archival history of greater Sudan, 2007 – 2012.*)

More broadly, thousands of villages have been totally destroyed in recent years: [the UN estimates that 3,300 villages were destroyed in Darfur during 2014 alone](#) and 2015 shows a similar pace; these were in addition to the many thousands of villages that had been destroyed in the previous ten years of unceasing violence. Hundreds of thousands have been displaced, many without resources of any kind; the current population of displaced and refugees is approximately 3 million, overwhelmingly people from African tribal groups. Murder and violence-related mortality is not reported by the UN or the UN/African Union peacekeeping mission in Darfur (UNAMID), but the figure for recent years is certainly in the many thousands, perhaps tens of thousands. Overall, the number of people who have died in the conflict since 2003 exceeds 500,000, according to a detailed survey of all extant data and reports by Eric Reeves.

The **Jebel Marra massif in the center of Darfur**, bordering the older state divisions of West, South, and North Darfur, has long suffered in particularly cruel fashion. The region is subject to relentless aerial bombardment and has been living under a humanitarian embargo since **2008**. “**Eastern Jebel Marra**” is the region of North Darfur into which Jebel Marra descends. It lies west of **El Fasher, capital of North Darfur**, and includes the majority of towns and villages that have been the subject of attack over the past two years. Bombing is relentless here as well, as are attacks by the RSF. The majority of those displaced at present in Darfur come from the villages of Jebel Marra and “eastern Jebel Marra” (not officially a region, but a designation of a region of North Darfur).

**Tabit** is one such town, and the scene of mass rape last October 31 – November 1, 2014, perpetrated by regular army forces, and [according to Human Rights Watch](#), under orders from the commander of the local garrison. More than 200 girls and women were raped, and often gang-raped. Despite international demands, Khartoum refuses to allow investigators of any kind to travel to Tabit—or any other part of Darfur, which the regime has successfully turned into a “black box” as its campaign of civilian destruction continues. This highlights the difficulties facing any program of humanitarian assistance in Darfur as well as the challenges that will face efforts at restitution. This is true throughout Darfur, in which different regions have been the focus of counter-insurgency efforts by Khartoum at different points in the twelve-year history of the

genocide. It remains true also that the overwhelming majority of those raped, killed, and displaced are from the non-Arab, African tribal groups of Darfur.

### **A Threatening New Development in Khartoum's Strategy**

In recent years we have heard of an ominous new strategy in Khartoum's campaign from [Radio Dabanga](#), our only meaningful source of news about Darfur other than an occasional UN humanitarian report (and these reports are often suppressed, even when they contain data suggestive of massive humanitarian needs unmet, particularly nutrition). **Nomadic Arab "settlers"** have appropriated the lands of African farmers, and either used them as foraging ground for their livestock or claimed them as a means of increasing their wealth. Farmers attempting to work their lands are either killed or, in the case of women and girls, raped. The tentative movements out of the displaced persons camps by farmers run into extreme violence, for the Arab militias, whether part of the RSF or not, enjoy complete impunity as Khartoum continues its attempt to **"change the demography of Darfur and empty it of African tribes"** ([see 2004 memorandum from North Darfur](#)).

Reports that the Arab "settlers" are from outside Darfur have recently grown markedly. **Chad, Niger, and Mali** are the countries of origin most often cited. Differences in accent in the Arabic spoken, different clothing, and a clear appearance of not belonging are decisive in the minds of African Darfuris. Khartoum must be facilitating these migrations because they could not occur otherwise: the Chad/Darfur border is relatively well patrolled and once inside Darfur, any significant non-Sudanese population would be detected by **Khartoum's intelligence services**, including **Military Intelligence**. Rather, what we have are reports that on entering Darfur, these new Arab immigrants are given identity papers, and other means of facilitating an Arab re-population of a demographically changed Darfur—even land titles.

There is little reporting on Arab immigrants taking over land from displaced Darfuris, not by **UNAMID**, not by the UN, and only very occasionally by human rights groups, which are hampered by a complete lack of access to Darfur. But **land appropriation**, the conversion of farmland to foraging lands, the impoverishment of the farmers who worked the lands productively, and the violence that accompanies the land seizures—all make for what is almost certainly the greatest problem in securing a future peace for Darfur.

The change in demography has been achieved, and reversing it will take the kind of international commitment that is nowhere in sight.

### **Darfur as Exemplar**

As is the case in all the regions of Sudan that have been most affected by the violence that Khartoum has orchestrated, access is the essential issue that must be confronted. The people of **Darfur, eastern Sudan, South Kordofan, Blue Nile, Nubia, and Abyei**—all are without nearly adequate humanitarian resources, and all are denied access by various means. Jebel Marra in Darfur remains under humanitarian embargo, as do rebel-controlled areas of South Kordofan and Blue Nile. Access to eastern Sudan has long been highly restricted, and the **expulsions of 2008** give a sense of the challenges. **Nubia** has never been accessible for assessment or assistance.

Refugees in eastern Chad are at the mercy of the **Chadian regime of Idriss Déby**, which has made travel to the eastern parts of the country exceedingly difficult. And the Darfuri refugee population in eastern Chad—far too fearful to return to their homeland—has **suffered the greatest cutback in humanitarian assistance of any large refugee population in the world.**

**Refugees in South Sudan** live tenuously amidst extreme ongoing ethnic violence, with humanitarian access severely compromised during the rainy season.

The harm suffered by these various **Sudanese communities** continues to grow daily, with unforgiveable speed.

## **PART THREE**

### **Humanitarian Needs**

In light of the devastation suffered by a wide range of Sudanese communities, **humanitarian needs** as are described here by several international nongovernmental relief organizations, as well as **UN agencies** and the **U.S. Agency for International Development**.

The **U.S. Agency for International Development** (USAID) is ideally situated to assist with the allocation and disbursement of BNPP restitution monies held by the Department of Justice, both to UN agencies and international nongovernmental relief organizations (INGOs). USAID is, for example, familiar with the work of all the INGOs that have provided detailed characterizations of humanitarian needs in this proposal (see below): needs in **Sudan**, in the **refugee camps of South Sudan**, and in the **refugee camps of eastern Chad**, and to a much less extent **Ethiopia**. The major refugee populations are Sudanese in South Sudan (according to the UN High Commission for Refugees, [220,000 Sudanese refugees from Sudan's Blue Nile and South Kordofan states](#); [370,000 Darfuri refugees in eastern Chad](#)).

It should be emphasized that the program needs specified do not include very substantial portions of the Sudanese communities that have been harmed over the **past 13 years**. This is partly for lack of resources, particularly in eastern Chad. But it is also true that Khartoum bears fundamental responsibility for the attenuation of humanitarian ambitions: it continues to impose **humanitarian blockades** on the Jebel Marra region of Darfur, as well as rebel-controlled areas of Blue Nile and South Kordofan. Eastern Chad suffers because of restrictions imposed by **Idriss Déby, president of the Government of Chad**.

#### **[1] FEWSNet (a project of the U.S. Agency for International Development):**

The Famine Early Warning System Network (FEWSNet) offers the following introduction in its [most recent assessment of Sudan \(July 2015\)](#):

- **As of July 2015, an estimated 4 million people in Sudan face Stressed (IPC Phase 2) and Crisis (IPC Phase 3) acute food insecurity.** Most of these populations are in conflict-affected areas of Darfur, South Kordofan, West Kordofan, and Blue Nile states, with additional pockets of Stressed (IPC Phase 2) populations in drought-prone areas of Red Sea, North Kordofan, North Darfur and Kassala states. *About 65 percent of the current food insecure population is in Darfur and 14 percent in South Kordofan.* Crisis (IPC Phase 3) acute food insecurity is mainly among internally displaced persons (IDPs) in SPLM-N controlled areas of South Kordofan and IDPs in Darfur displaced in the last six months due to conflict. *[emphasis added]*
- **Cumulative seasonal rainfall has been below-average in Sudan's main agricultural production areas, particularly in the East and across parts of Darfur (Figure 1).** May to July rainfall was 25 to 50

millimeters (mm) below average across parts of Darfur and North Kordofan, and 100 to 200 mm below average along the eastern border, particularly in Kassala and Gadaref states (Figure 2).

- **Below-average rainfall has disrupted land preparation and delayed planting in most rainfed cropping zones.** Poor rainfall performance, in addition to recent fuel shortages in some parts of the country, have disrupted land preparation, resulting in significant delays in planting in rainfed cropping zones. Vegetation conditions, as indicated by the Normalized Difference Vegetation Index (NDVI), are currently below-average across much of the Darfur region, in the eastern surplus-producing areas of Sinar, Gadaref, and Kassala states; and in localized areas of North and South Kordofan (Figure 3). This is likely due to a combination of moisture deficits and resulting delays in planting in these areas.

- **Ongoing political and inter-communal conflict in Darfur and Blue Nile continues to cause displacement and disrupt livelihoods.** Fighting between Sudan Armed Forces (SAF) and the Sudan People’s Liberation Movement–North (SPLM-N) in Wad Abok Locality, Blue Nile State, displaced 24,500 people in June, mainly to towns in Bau and Altadamon localities, according to findings of an inter-agency assessment in Bau. In Darfur, fighting between the Rezeighat and Habania tribes since the mid-July in Sunta locality, South Darfur, and heightened tensions between Zayadia and Berti tribes in North Darfur have disrupted planting in these areas.

## [2] US Agency for International Development (USAID)

USAID reports a series of highly alarming statistics in its most recent Sudan “Fact Sheet” ([August 18, 2015](#)), citing the UN’s Office for the Coordination of Humanitarian Affairs:

- **6.6 million People in Need of Humanitarian Assistance in Sudan** (OCHA – December 2014)
- **4.4 million People in Need of Humanitarian Assistance in Darfur** (OCHA – July 2015)
- **1.7 million IDPs or Severely Affected Persons in Southern Kordofan and Blue Nile States** (OCHA – October 2014)

## [3] UN Office for the Coordination of Humanitarian Affairs (OCHA)

The figures below are drawn from OCHA's Financial Tracking Service (FTS) ([fts.unocha.org](http://fts.unocha.org)) and represent reported requirements and contributions against existing humanitarian response plans in Sudan, Chad and South Sudan. Figures for Ethiopia are not published on FTS.

For Sudan, the figures represent the entirety of the 2015 Humanitarian Response Plan.

For South Sudan and Chad, requirements are for refugees only. Please note that South Sudan requirements relate to projects targeting refugees from DRC, Ethiopia and CAR as well as Sudan. However, the vast majority of refugees in South Sudan are Sudanese: 243,819 of a total of 265,296 (<http://data.unhcr.org/SouthSudan/country.php?id=251>).

Chad requirements are for a large UNHCR project targeting Darfuri refugees in the east of the country as well as some urban refugees.

| Country/plan | Organizations | Requirements (\$) | Resources |
|--------------|---------------|-------------------|-----------|
|--------------|---------------|-------------------|-----------|

|  |                     |                      | <b>Available (\$)</b> |
|--|---------------------|----------------------|-----------------------|
| Sudan Humanitarian Response Plan 2015  | Multiple (UN, NGOs) | 1,035,894,093        | 391,634,358           |
| South Sudan Humanitarian Response Plan 2015<br>(refugee requirements only)         | Multiple (UN, NGOs) | 241,014,594          | 65,859,322            |
| Chad Humanitarian Response Plan 2015<br>(Sudanese/urban refugee requirements only) | UNHCR               | 105,874,174          | 40,952,295            |
| <b>Total</b>   |                     | <b>1,382,782,861</b> | <b>498,445,975</b>    |

## ASSESSMENTS FROM INTERNATIONAL HUMANITARIAN ORGANIZATIONS

### [4] Save the Children

Infants and young children are often the earliest and most frequent victims of refugee movements. The violent onset of war, or being forcibly displaced for other reasons, disrupts family and community structures and deeply impacts the physical and psychological wellbeing of children. In nearly every refugee situation, it is children that suffer the most, with more than 50% of the refugee population typically being children. Children in these situations are in need of critical and special attention and face an increased risk of abuse, discrimination, disease, malnutrition and gender-based violence. Add to that the risk of exposure to land mines, recruitment into armed forces or groups, and separation from their caregivers, it combines to be a volatile mix with no good outcomes for children.

With significant additional funding, Save the Children would be able to expand current programming related to Sudan and South Sudan refugees. Program activities in Health, Nutrition, Child Protection, and Water, Sanitation and Hygiene (WASH) could reach more children and their families, and Save the Children would be able to initiate and/or significantly expand activities in Education in Emergencies, and Food Security and Livelihoods. Save the Children's activities are designed to meet current life-saving needs and to strengthen household and community coping mechanisms and livelihoods capacities.

- **Sudan**

Save the Children is implementing activities in the Darfur region to reduce morbidity and mortality of children by increasing the number of Primary Health Centers that provide reproductive health, vaccination, disease outbreak prevention, and other basic health services in areas where there are very few implementing partners. Additional resources could reach more beneficiaries and improve food security among the most deprived families.

- **South Sudan**

Save the Children is implementing activities in Doro Refugee Camp that could be scaled up to address the psychosocial wellbeing of children, and increase access to quality basic education.

We need to build schools, train teachers and ensure families can afford to allow their children to attend. Education needs to be a priority before the next generation is lost.

- **Ethiopia**

Save the Children is implementing activities in the Pugndio Refugee Camp in Ethiopia to ensure that unaccompanied and separated children are provided interim care, family tracing and reunification. By establishing Community-based Child Protection Networks, SC can help to improve a protective environment for children and reduce the likelihood and scope of instances of harm, abuse, and exploitation directed against children.

The needs in each of these locations is far beyond the capacity of current resources to address, and children's futures are at risk in the absence of adequate nutrition, health care, and education opportunities. With additional funding Save the Children can scale up established activities, and introduce proven but currently unfunded activities to provide hope and a future for these children.

## **[5] International Rescue Committee**

### **CHAD**

The United Nations High Commissioner for Refugees (UNHCR) estimates that over 368,000 Sudanese refugees reside in Chad as of January 2015—an increase of over 25,000 since early 2014—and expects that their number will further increase to over 377,000 by December 2015.<sup>[1]</sup> While the conflict has diminished in scale in recent years, a durable peace permitting the large-scale return of refugees remains distant. The conflict has been marked by a long series of failed agreements, broken promises, and flare-ups of violence. Since January 2015, widespread reports of renewed violence between armed groups and against civilians in Darfur have illustrated the fragility of the situation and the continued vulnerability of the displaced people caught in the middle of this protracted crisis.<sup>[2]</sup> The possible withdrawal of the UN-African Union Mission in Darfur (UNAMID) raises the spectre of a resurgence in violence and a subsequent wave of new arrivals in Chad.

Wary of funding the same services for over a decade with little apparent long-term impact, and facing increasing demand from the Syrian civil war and other crises around the world, donors have steadily cut funding and voiced a desire to move toward “self-sufficiency” for the Sudanese refugees in Chad. Over the past two years, UNHCR and other UN agencies have pursued a strategy of self-sufficiency and integration into the local population. However, a July 2015 field report by Refugees International found that this strategy “has failed,” largely due to a lack of serious development work and a failure to address the extreme poverty, institutional feebleness, and economic stagnation of the local communities into which the refugees are supposed to integrate.<sup>[3]</sup>

Supporting refugee self-sufficiency must include the following:

- It is time to give substance to the rhetoric about self-sufficiency. If refugees are to attain a level of self-sufficiency that would permit an eventual drawdown of humanitarian aid, the international community must first make a serious investment in economic development assistance, both for the refugees and for the Chadians among whom they live.
- Essential services—health, nutrition, education, and water, sanitation, and hygiene (WASH)—must continue at present levels until the refugees are economically able to access

these services themselves. If this investment is made now, then the eventual decision to draw down humanitarian aid can be made on the basis of need, not on the basis of available funding.

- Self-sufficiency should be promoted both through standalone livelihoods programming, such as cash grants for small business activities, and through tie-ins to existing humanitarian services, such as transitioning from traditional sanitation services to income-generating community recycling groups.
- Research on livelihoods in the Sahel indicates correlations between greater decision-making power for women and a host of positive outcomes for the community at large, including greater food security, improved nutritional status for children, and more balanced use of household resources. Livelihoods activities should therefore include strong women's empowerment components, such as leadership training, vocational and entrepreneurial training, and material or financial assistance in starting up income-generating activities.

## **ETHIOPIA**

Sudanese refugees cross the border into the Benshangul-Gumaz Region in western Ethiopia where there are no less than five camps: Sherkole (a camp open since 2002 – total Sudanese population is 5,915), Ashura (3,327), Bambasi (14,878), Tongo (10,280) and, most recently, Tsore (no figures yet available). Some of these camps, like Sherkole, have been around for a long time. Population in the area can tend to move around since there have been issues with site selection (locations resting on bad soil, for example) and people not wanting to move. As such, when there is a camp moving, humanitarian actors have to start providing services again. For example, Ashura was a camp and is meant to become a transit camp (from the latest we heard), while the population is encouraged to move to Tsore.

### **More specifically, some of the gaps identified by field teams present on the ground:**

- General shortage of vehicle/transport for effective logistical support to program implementation;
- Shortage of shelter and low sanitation coverage in the camps, particularly in the more recently established camps/expansions;
- Lack of sufficient resources for comprehensive start-up and meeting basic needs (e.g. with WASH, GBV programs) particularly in newest camp, Tsore. At the same time, while a lot of attention and resources are being given to the South Sudanese response in camps hosting South Sudanese new arrivals, camps in Benishangul-Gumuz continue to have gaps and the population in that region has also grown over the past two years;
- It is reported that some refugees are still living in the hosting community (Gizen) from a previous caseload (once in/around Admazine transit center). Recently, there are refugees coming through Yabus corridor and Kushmegani area, which is inaccessible by road, although there is no official report of people living in hosting community around Kushmegani area.

## **SOUTH SUDAN**



## Yida

- Transportation challenges both on the ground as well as airlifting items. All humanitarian programs are affected by the lack of transportation means such as motorbikes to ease movement in the settlement and reaching out to beneficiaries.
- Staffing gaps affecting all programs and more significantly health. With 75 deliveries in a weekly basis and only four qualified midwives having to cover in a rotational basis 24/7 the daily work is challenging and the staff over exhausted.
- Lack of funds to procure enough drugs and medical equipment to cover the needs of the entire population.
- Need to bring the services close to the targeted population. Refugees have been recently relocated in areas where services are not available. As the settlement expands services should reach these people. Immediate needs affect access to water but also health services especially maternity facilities to avoid pregnant women delivering at home due to the distance to the clinic. Establishment of Women and girls' wellness center where GBV survivors can have easy access to medical and psychosocial support but also safe space for women and girls. Additionally, a community information center (CIC) to be established covering these areas in order for people to have access to information and being able to refer and address protection concerns and risks identified in the community.
- As security deteriorates referrals of emergency cases to the nearest hospital especially at night become a challenge. An operating theater to be established in Yida for emergency cases.
- Significant gaps in in-kind support of vulnerable cases including sanitary kits for women and girls, clothes and NFI for children, people with disabilities and elderly.
- Lack of assistive devices and rehabilitation services for people with disabilities.
- Great need to continue capacity building interventions for the authorities such as the police and the traditional mediation mechanisms and courts in order to incorporate human rights values and principles when exercising their tasks. Trainings should specifically address issues related to juvenile in conflict with the law as well as cases involving GBV survivors.

## Ajoung Thok

- Logistical support: The roads are bad most of the time, especially during the rains and we are unable to transport project materials that are lifesaving to the refugees. The air transport is too expensive and the funding by UNHCR is not adequate; ( Support logistic/operational support).
- Many gaps in funding activities under protection and WPE: Community Information centers: With large number of refugee IRC has only two centers. We need three more CICs meet the need of the refugees;

· Employment/ Income generating opportunities for vulnerable women, disables and unaccompanied children which constitute 67% of the population of the refugee population. They need opportunities to create employment and income ( vocational training etc)

<sup>[1]</sup> “2015 UNHCR country operations profile – Chad”. Accessible at: [unhcr.org/pages/49e45c226.html](http://unhcr.org/pages/49e45c226.html)

<sup>[2]</sup> “Darfur: UN received reports of significant civilian displacement”. UN Office for the Coordination of Humanitarian Affairs (OCHA). 8 January 2015. Accessible at: <http://www.un.org/apps/news/story.asp?NewsID=49758#.VQW8sNKG-Sq> | “Villagers seek refuge from renewed violence in Darfur”. Oxfam. 19 February 2015. Accessible at: <https://www.oxfam.org/en/pressroom/pressreleases/2015-02-19/villagers-seek-refuge-renewed-violence-darfur> | “Mass rape in Darfur”. Human Rights Watch. 11 February 2015. Accessible at: [www.hrw.org/node/132716/](http://www.hrw.org/node/132716/).

<sup>[3]</sup> “Sudanese Refugees in Chad: Passing the Baton to No One”. Accessible at: <http://refugeesinternational.org/policy/field-report/sudanese-refugees-chad-passing-baton-no-one>

## [6] Oxfam

### SUDAN

Oxfam’s current work in Sudan is focused on North and South Darfur, where we’re providing a combination of WASH programming in major camps, and resilience work in rural communities not directly targeted with violence (boosting agriculture extension, training and equipping paravets, helping women improve family nutrition, helping launch savings groups, distributing fuel-efficient stoves, promoting DRR, and strengthening local peace-building efforts). Our programs at the moment are reaching around 310,000 people, and our current funding shortfall is about \$1.7 million.

Clearly the overall situation in Sudan (i.e. Darfur, Kordofan) overwhelms us, especially with the access restrictions, the limited funding and the lack of actors.

### SOUTH SUDAN

Oxfam’s humanitarian response in South Sudan is now supporting more than 690,000 people – some with WASH services and some with direct food aid or livelihoods support. We also have ongoing development programs focused on agriculture, peace building, and strengthening governance and civil society. As of early June, our funding gap was around \$19 million.

In Gambella (Ethiopia), where we are providing WASH services to around 100,000 South Sudanese refugees, our funding gap is about \$1.5 million.

Figuring out the needs in Uganda and Chad that are related to South Sudanese/Sudanese refugees as opposed to other programs would take a bit of research.

## [7] Samaritan’s Purse

### SAMARITAN’S PURSE IN SOUTH SUDAN, AUGUST 7, 2015

Given that there is no indication of a resolution to the current conflict in Sudan, the Government of Sudan will likely continue to target civilians in South Kordofan and Blue Nile states through deliberate acts of war, such as aerial bombardment. These acts have displaced thousands into refugee camps in northern South Sudan, specifically Yida and Maban and thousands more have been internally displaced in Sudan. Due to the Government of Sudan's continued targeting of civilians, Samaritan's Purse expects to continue meeting the critical needs of those living in refugee camps and displaced in Sudan. It costs approximately 3,041,122 USD annually to maintain life-saving services such as provision of water, nutritional and food programming and medical care. Additionally, approximately 397,355 USD is needed to reconstruct the four churches and one school that were recently bombed by the Government of Sudan in the Nuba Mountains of South Kordofan. Should the situation remain constant for the next three years, the approximate projected cost is 9,520,721 USD. Should it remain constant for the next five years, the approximate projected cost is 15,602,965 USD.

| <b>Location</b>                    | <b>Date</b>   | <b>Description</b>                         | <b>Budget (\$)</b> |
|------------------------------------|---|--|--------------------|
| Maban, South Sudan                 | Jan 2013 –<br>July 2015                             | Secondary health services<br>and nutrition | 1,280,755          |
| Yida, South Sudan                  | Jan 2013 –<br>July 2015                             | WASH and nutrition<br>programming          | 1,478,550          |
| Blue Nile State                    | Jan 2013 –<br>July 2015                             | Medical and nutrition programs             | 191,657            |
| South Kordofan State               | Jan 2013 –<br>July 2015                             | WASH, FSL, and Emergency<br>relief         | 832,319            |
| <b>Projected</b>                   |   |  |                    |
| Maban, South Sudan                 | Projected<br>expenses<br>annually<br>beginning 2016 | Secondary Health Services<br>and nutrition | 1,490,714          |
| Yida, South Sudan                  | Projected<br>expenses<br>annually<br>beginning 2016 | WASH Programming<br>and nutrition          | 1,135,408          |
| South Kordofan State               | Projected<br>expenses<br>annually<br>beginning 2016 | FSL and Emergency Relief                   | 415,000            |
| South Kordofan State               | Projected one-<br>Time expense –<br>Date TBD        | Church and school<br>reconstruction        | 397,355            |
| Total for January 2013 – July 2015 |   |  | 3,783,281          |
| Total Projected 2016 – 2018        |   |  | 9,520,721          |

|                                    |            |
|------------------------------------|------------|
| Total Projected for 2016 – 2020    | 15,602,965 |
| Total January 2013 – December 2018 | 13,304,002 |
| Total January 2013 – December 2020 | 19,386,246 |

**Annual projected totals for IDP in South Kordofan State  
and Refugee Response: 3,041, 122**