

Report of the International Eminent Persons Group



Slavery, Abduction and Forced Servitude in Sudan

ACKNOWLEDGEMENTS

We gratefully acknowledge the generous assistance and valuable information provided to us by Sudanese from a wide range of viewpoints and allegiances – so many that it is impossible to mention them all in this brief space.

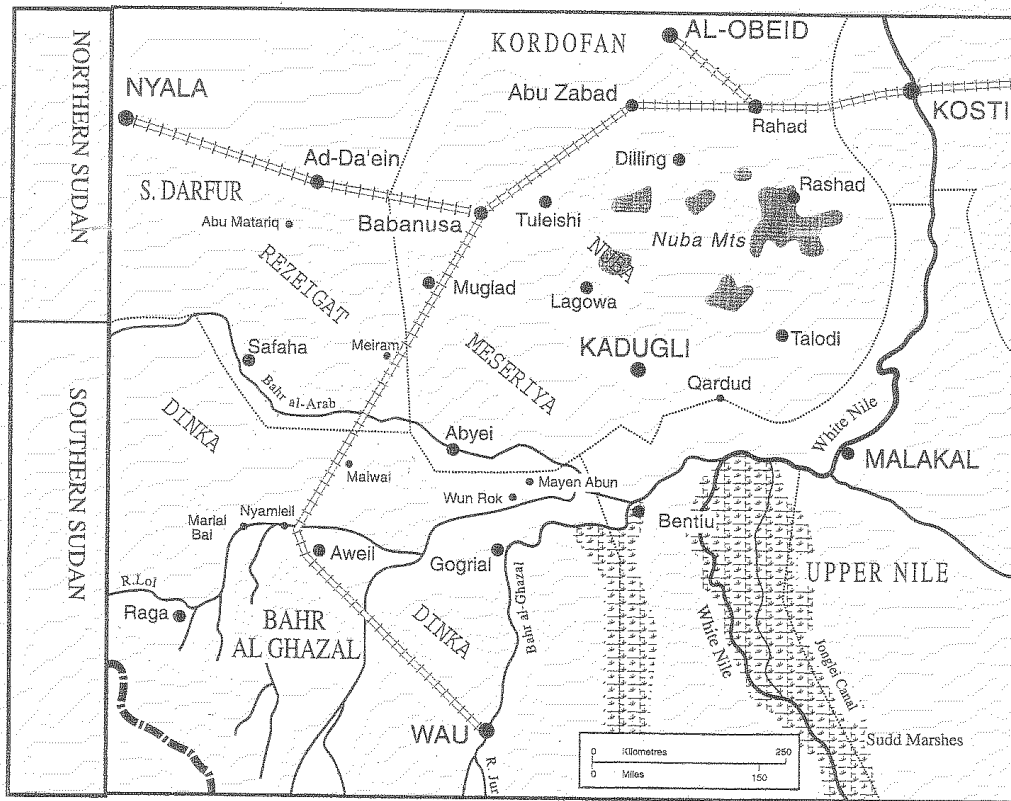
We must, however, express special thanks to Dr. Ahmed El Mufti, Chair of the Committee for the Eradication of Abduction of Women and Children and to Mr. Elijah Malok, head of the Sudan Relief and Rehabilitation Association in Nairobi, two figures from different sides of Sudan's political divide who nevertheless have a common gift for dialogue and hospitality.

We also wish to acknowledge the particular assistance and gracious hospitality we received from His Excellency, the Commissioner of South Darfur. Our sincere thanks go as well to the dedicated staff of the World Food Program, the United Nations Children's Fund and Save the Children UK for their invaluable assistance, including the aircraft and logistical support without which our travel would not have been possible. Our mission is also grateful for the support it received from the US Agency for International Development as well as from US embassies in Khartoum and Nairobi and the embassies or representatives of the United Kingdom, France, Italy and Norway in Khartoum.

Finally, we would like to record our deep gratitude to three Sudanese researchers, Priscilla Joseph, Rhoda Joseph and Maluak Ayuel, whose knowledge and skill in serving as our cultural guides and interpreters made communication and understanding possible.

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GLOSSARY OF TERMS AND ACRONYMS

Abid (Arabic)	Slave
Amir (Arabic)	Tribal chief
Baggara	Arab cattle-keeping peoples of western Sudan
CEAWC	Committee for the Eradication of Abduction of Women and Children
CSI	Christian Solidarity International (Switzerland)
DCC	Dinka Chiefs Committee
Diya (Arabic)	Blood-money
erga omnes (Latin)	common to all people
FREDCAC	Foundation for Rehabilitation, Education and Development of Children Affected by Armed Conflict
GoS	Government of Sudan
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
inter alia (Latin)	among other things
Jangei(Arabic)	Derogatory term for southern Sudanese, particularly Dinka
Jellabiya (Arabic)	A garment typically worn by northern Sudanese men
Jihad (Arabic)	Holy war
JTC	Joint Tribal Committee
khalwa (Arabic)	Koranic school
lony (Dinka)	Slave
Mujahideen (Arabic)	Islamic holy warriors
Murahaleen (Arabic)	Baggara Arab tribal militia
Nazir (Arabic)	Paramount tribal chief
NGO	Non-governmental organization

OLS	Operation Lifeline Sudan
Omda (Arabic)	Tribal chief
PDF	Popular Defence Force
SCUK	Save the Children UK
Sharia (Arabic)	Islamic law
Shaykh (Arabic)	Local tribal chief
SPLM/A	Sudan Peoples Movement / Army
SRRA	Sudan Relief and Rehabilitation Association
Unicef	United Nations Children's Fund
Zuruq (Arabic)	Black Sudanese

INTRODUCTION

The members of the mission would like to thank the Government of Sudan (GoS) and the Sudan Peoples' Liberation Movement/Army (SPLM/A) for the help and support we were given in the areas of Sudan under their respective control. We were permitted to visit militarily sensitive regions and given access to officials at the highest levels. This reception confirms our sense of a new willingness among Sudanese in both the north and south to address what have been one of the bitterest and most divisive issues of the civil war: the practices of slavery, abduction and forced servitude.

Our purpose on this mission was to find practical ways to advance peace in Sudan, where nineteen years of civil war and associated famine and displacement have produced one of the worst human disasters of modern times. Our mission was invited to Sudan by the two parties through an agreement mediated by former United States Senator John Danforth¹. The agreement may be considered an acknowledgement by those directly involved that the problems we have addressed are an important factor in the conflict that divides their country. This itself is an important step forward.

Both parties to this conflict affirm their desire for peace. In recent times they have taken steps that, though limited and uncertain, give reason for hope they may actually take that path. For this reason we felt a special responsibility to speak candidly about the character and causes of the problems we addressed. Our description of them is offered as diagnosis, not as judgment. Until these issues are satisfactorily addressed, we believe, peace will prove elusive.

Our Group found a wide array of grave human rights violations in Sudan. Among those that fall under our terms of reference, we found that abduction of civilians and forcible recruitment by the armed forces of all sides in the war was commonplace. Of particular concern are incidents of abduction and associated abuses that occur in conjunction with attacks by pro-government militias known as *Murahaleen* on villages in SPLA-controlled areas near the boundary between northern and southern Sudan. The Group concluded that the Government of Sudan and its predecessors have been responsible for arming *Murahaleen* groups, for using them as auxiliary military forces and for allowing members of such forces to enjoy impunity for a wide range of serious crimes committed in the course of attacks.

The Group concluded that in a significant number of cases, abduction is the first stage in a pattern of abuse that falls under the definition of slavery in the International Slavery Convention of 1926 and the Supplementary Convention of 1956. The Group was unable, however, to establish the scale of abduction and

¹ Through the mediation of Senator Danforth, the Government of Sudan and the SPLM/A agreed in December, 2001, to facilitate and support the visit to Sudan of a U.S.-led and internationally supported mission to investigate, on the ground, means for preventing abductions, slavery and forced servitude. Accordingly, an Eminent Persons Group comprised of experts from France, Italy, Norway, the United Kingdom and the United States was formed to undertake this mission and to make recommendations to the parties to the conflict, as well as others concerned, on practical measures that could be taken to end these abuses. Progress on this issue was identified by Senator Danforth as one of four key indicators of the seriousness of the commitment by the parties to the pursuit of peace. The agreement notes: " The Government of Sudan categorically rejects the allegation that slavery and forced servitude exist within its borders". (See Appendices)

enslavement. Responsibility for the lack of reliable information on this subject lies with the government and the SPLA, both of which have obstructed the necessary research by independent investigators.

The Group notes with alarm the recent intensification of fighting in the oil development areas of Western Upper Nile, and the emergence there of a pattern of human rights abuses similar to that experienced in Northern Bahr al Ghazal, including abductions and large-scale population displacements.

The Group recognizes that a wide range of economic relationships exist between northerners and displaced southerners in the north (including victims of abduction and/or slavery). The majority of these relations, while they may involve economic exploitation, do not fall under the rubric of slavery. Such relationships range from debt bondage at one extreme to benign relations of sponsorship or adoption at the other.

The problems we analyze in this report are the expression of a profound lack of respect among certain Sudanese for the rights of some other Sudanese. Overcoming these attitudes and the conduct that flows from them constitutes a basic challenge in the spheres of politics and law. Beyond this, it involves a reshaping of relationships between those from different cultures and faiths in Sudan. Such changes should not be considered impossible. We encountered people on all sides, in north and south, including members of the government and of the opposition, who spoke of their desire to resolve their problems openly and peacefully.

There are many sources of conflict in Sudan. There are also indigenous practices of mutual cooperation and conflict resolution between neighboring groups. And there are political and religious traditions that are capable of building on these practices to establish a just, democratic and pluralist society. It is the responsibility of the government and of the SPLM/A to encourage such practices and traditions.

Eliminating the abuses described in this report will require, in our view, major political initiatives on the part both of the government and of the SPLM/A. We hope that the same spirit of openness that made our mission possible will be extended to embrace the recommendations we make in this report. The initiatives we propose can only succeed with assistance from the international community. This assistance must be substantial, long-term, carefully conceived and, above all, rigorously monitored.

FINDINGS

Finding 1. Changes in the international environment and within Sudan itself have raised hopes for progress toward peace in Sudan.

Finding 2. The United States, other concerned governments and international institutions should engage this possibility with energy on the one hand and rigorous conditionality on the other. Progress in dealing with human rights abuses is a key element in the establishment of a just and durable peace in Sudan.

Finding 3. Many observers note an improved political climate in Khartoum, characterized by a renewed dialogue among political parties and the return of representatives of some northern political parties to Khartoum. The Sudanese Government's acceptance of, and cooperation with, the mission of Senator John Danforth, and with our own mission, may be regarded as reflections of this change. Recent initiatives by the SPLM/A to encourage the institutions of civil society are also examples of favorable political developments.

Finding 4. Despite these positive signs, the people of Sudan continue to be subjected to a range of serious and sustained human rights abuses. These abuses have been extensively documented in numerous human rights reports, including those of Human Rights Watch, Anti-Slavery International, the Special Rapporteur of the UN Commission on Human Rights on Sudan and other credible observers. They include denial of rights of expression and association, restrictions on press freedom, harassment of certain opposition political groups and independent religious bodies, arbitrary arrest and detention, cruel and unusual punishment and arbitrary interpretation and application of laws.

Particularly serious abuses have occurred in connection with the current civil war. To one degree or another, all of the warring parties have engaged in such practices as the forced displacement of civilian populations, intentional attacks on civilians, abductions, the forcible recruitment of children and other civilians as soldiers and forced laborers, hostage taking, rape, looting, destruction of food supplies and the denial of access to humanitarian assistance. Women and children have suffered especially, both from abduction and sexual violence. All these practices are prohibited by international covenants and conventions.

The causes of these abuses are far-reaching and complex and must be understood and addressed as a whole.

Finding 5. Our Group's mandate called upon us specifically to examine slavery, abduction and forced servitude. We found a wide range of economic relationships between northerners and persons from the south who have either been displaced or have migrated to the north. Such relationships range from debt bondage to benign relations of sponsorship or adoption. The majority of these relations, while they may involve economic exploitation, do not fall under the rubric of slavery. However, we also found evidence of exploitative and abusive relationships that, in some cases, do meet the definition of slavery as contained in international conventions, which Sudan

has signed. This evidence is confirmed in interviews conducted by the Group, which is consistent with reports and interviews carried out by other credible agencies and organizations.

Of particular concern is the pattern of abuses that occurs in conjunction with attacks by pro-government militias known as *Murahaleen* on villages in SPLA-controlled areas near the boundary between northern and southern Sudan. These are characterized by: capture through abduction (generally accompanied by violence); the forced transfer of victims to another community; subjection to forced labor for no pay; denial of victims' freedom of movement and choice; and, frequently, assaults on personal identity such as renaming, forced religious conversion, involuntary circumcision, prohibition on the use of native languages and the denial of contacts with the victims' families and communities of origin.

Many of those who are abducted and enslaved remain with their abductors in the areas of South Darfur or West Kordofan; some escape or are returned; and others are sold or transferred to third parties. The Group was unable to establish the extent of the onward sale of slaves. It received no information that would confirm the existence of actual slave markets. The Group also found evidence of ways other than abduction in which persons are put into conditions of slavery, which include being lured by false promises of employment. There are reports, which the Group was unable to confirm, that some abducted children are detained in institutions misleadingly described as Koranic schools.

In Ed Da'ein the Group interviewed a number of Rizeigat men, women and children who had been detained after the SPLA capture of Yei. We concluded that these particular individuals were not victims of abduction.

Finding 6. The Group was not able to establish the number of persons who have been abducted and/or enslaved. There are vast divergences among available estimates. (See table under Research Priorities in the Supporting Analysis section.) The Government of Sudan and the SPLM/A have obstructed efforts by independent organizations from within and outside Sudan to investigate the problem of contemporary slavery and related issues.

Finding 7. The resurgence of slavery in contemporary Sudan differs both from the historical slave trade of the nineteenth-century and from the small-scale inter-tribal abduction (or "hostage-taking") that is endemic among many pastoral peoples in East and North-East Africa. The pattern of slave taking that has developed since the start of the civil war is, to a substantial degree, the product of a counter-insurgency strategy pursued by successive governments in Khartoum. This strategy involves arming local militias from northern Sudan. These militias attack villages in SPLA-controlled areas, principally along the boundary between northern and southern Sudan. They burn villages, loot cattle, rape and kill civilians, and abduct and enslave men, women and children. Such attacks are frequently carried out by militia members while employed by the government as auxiliary guards on military rail convoys traveling through SPLA-controlled areas.

Finding 8. The government acknowledges that abduction of civilians occurs. Its 1999 decision to create the Committee for the Elimination of Abduction of Women

and Children (CEAWC) was a significant step in its recognition of the problem and its effort to address the plight of abducted persons. (See the discussion of CEAWC, including concerns about its effectiveness, in the Supporting Analysis section). However, the government has failed to acknowledge its own responsibility for acts committed by militias and other forces under its authority. The lack of judicial control and appropriate structures of military accountability means that militia members are able to act with impunity.

Finding 9. The challenges of dealing with the issues of slavery, abduction and forced servitude are made much greater by an absence of democratic institutions and practices, both in areas controlled by the government and in those controlled by the SPLM/A and other armed groups. Specifically, there is an absence of pluralism, the rule of law, freedom of the press and other means of exchanging information, accountability in government and public administration, and independence of the judiciary. In government-controlled areas, this lack of transparency and accountability has severely limited the ability of citizens to voice grievances or seek judicial redress for a range of abuses, including abduction, slavery and forced servitude. In SPLM/A controlled areas, the lack of democratic governance, the obstruction of free inquiry, and the constraints imposed on civil society have hampered the ability to learn the truth about alleged abuses of human rights, and to obtain remedies for them.

Finding 10. The Group notes with alarm recent reports from credible sources, including the Special Rapporteur on Sudan of the UN Commission on Human Rights, regarding increasing levels of fighting in areas of oil development in Western Upper Nile. The Group, while not able to visit this area, interviewed persons displaced in 2002 from Western Upper Nile. They report a pattern that includes the use of militias, attacks on civilians, forced displacement of large local populations, abduction and associated abuses. (See Selected Bibliography).

Finding 11. Bringing about an end to the practices of slavery, abduction and forced servitude will require Sudan's national political and military leaders to speak out forcefully and to act vigorously against these practices. Denials of the existence of slavery and rationalizations for its existence may be interpreted by some as indifference or, worse, license to continue these abuses.

RECOMMENDATIONS

Recommendation 1. Ending the practices of slavery, abduction and forced servitude will require a new demonstration of leadership. Accordingly, our Group urges General Omer el-Bashir, the President of Sudan, to take the lead in launching a campaign to make clear to all in Sudan his government's firm opposition to these practices in all their forms. This should include statements calling for the immediate release of all such victims (persons holding slaves might be given a date after which prosecution will be certain), an announcement of the government's intent to prosecute persons who commit these abuses, the enactment of new criminal legislation and military regulations, and the provision of greater resources and support to programs to trace and return victims. A campaign of this kind, backed by effective action, could help greatly to move the peace process forward and restore international confidence in Sudan. For his part, Dr. John Garang, Commander-in-Chief of the SPLA, should take more vigorous action to end abductions by SPLM/A forces, particularly in Western Upper Nile.

Recommendation 2. The government has taken a public stand against the practice of abduction through the formation of the Committee for the Eradication of Abduction of Women and Children (CEAWC). Recent steps by the government to strengthen the authority of CEAWC are positive, but progress in the identification, retrieval and return of abducted persons has been slow. Therefore, international support for CEAWC must now be contingent on the government taking verifiable action to: increase its resources for CEAWC, in particular the work of the Joint Tribal Committees (JTCs); protect the activities of the JTCs in identification and retrieval of abducted persons; support the cross-line reunification of families; strengthen the professional management and leadership of state-level CEAWC; improve systems of identification of abducted persons and family tracing; establish clear guidelines for the identification and retrieval of abducted persons; strengthen systems of financial control, and accountability; and ensure that persons found responsible for abduction and slavery are brought to justice. The establishment of the Foundation for Rehabilitation, Education and Development of Children Affected by Armed Conflict (FREDCAC) by the SPLM/A could help facilitate improved tracing and monitoring of abductions. Conditions on international support to CEAWC should also be applied to programs under the aegis of the SPLM/A.

Recommendation 3. There is an urgent need for a policy framework covering all aspects of the processes of retrieval and reintegration that is agreed to by all actors in the north and south (the government, SPLM/A, SRRA, CEAWC, JTCs, Dinka Chiefs Committee, FREDCAC, international organizations and indigenous NGOs). Such a framework should outline overall policy and guidelines for good practice, providing a set of standards for donors and implementers. The Convention on the Rights of the Child should serve as a basis for policy development, although the policy framework must also address the needs of adults. Attention must be given to protecting and encouraging those who have taken people into their households as legitimate employees or in genuine acts of good will. A mechanism for co-ordination and information sharing will also be required. Resources will be required to support the implementation of these guidelines, and for necessary training. This policy

framework can be developed by a lead agency or agencies, and further shaped and agreed to at a cross-line meeting of all actors.

Recommendation 4. Recent local peace agreements between Dinka and Baggara communities demonstrate an indigenous capacity for conflict resolution that could contribute to the mitigation of these abuses. The government and SPLA must allow legitimate tribal leaders and other elements of civil society the freedom to practice informal methods of consultation, negotiation, mediation and conciliation. The international community should provide appropriate support.

Recommendation 5. The Sudanese government's law enforcement agencies and the judiciary must vigorously pursue, apply and enforce existing laws and legal procedures that address slavery, abduction and forced servitude. Laws and procedures that proscribe these abuses should be strengthened to include, in particular, guarantees of protection to victims and informants. Civil and military authorities and private persons must be encouraged, empowered and free to initiate proceedings against violators. Our Group emphasizes, however, that serious deficiencies in the judicial system as a whole - the absence of an independent judiciary and the lack of access to justice - need to be addressed for slavery, abduction and forced servitude to be effectively remedied through the legal process. Both the government and the SPLM/A must respect and enforce relevant international agreements and conventions that apply to internal armed conflicts, as well as those prohibiting the conscription of children for military service. The SPLM/A's recent cooperation in programs to demobilize child soldiers is a welcome step.

Recommendation 6. Abduction and enslavement, and related practices, while much discussed, have been inadequately researched. This is due, principally, to obstruction of such research on the part of both warring parties. It is essential that precise information concerning incidents of abduction and enslavement, the identity of victims and their present whereabouts be developed on an urgent basis. The need is threefold: to establish the scale of the phenomenon, to confirm or modify understanding of its nature, and to facilitate the work of agencies involved in the release of abducted and enslaved persons and/or their reunification with their families. Research is also needed into economic relationships in Darfur and Kordofan and the political economy of western Sudan in general, with a view to a better understanding of the social groups from which the abductors come. And more information is required on patterns of abduction between other groups in the south and west of the country.

Recommendation 7. A monitoring group drawn from both international and indigenous organizations should be established with the mandate to monitor any new occurrence of abduction and slave taking. A capacity for monitoring is essential for prevention and is required to record full details of any new incidents, both to document individual cases (for the purposes of tracing and advocacy) and to establish a pattern of events. Should a date be set after which prosecutions will be initiated for new cases of abduction, such records would provide critical evidence. The monitors would need free access to affected locations in government, SPLM/A and other non-government controlled areas and full co-operation from the local administrations in these areas. The monitoring regime should be designed in

consultation with other emerging human rights monitoring efforts in Sudan, in particular the verification mechanism agreed to by the government and the SPLM/A under Senator Danforth's mediation for protecting civilians from attacks. It will also be important to take account of the presence and activities of other organizations that may be involved in monitoring human rights violations, including abduction and slave taking.

As one of its activities, this monitoring group should establish a means of communication restricted to non-military use that could facilitate the exchange of information among local communities. This information network could help prevent human rights abuses and cooperate in tracing, returning and re-integrating victims.

Such a monitoring group might be established under the auspices of an international organization, such as the United Nations Office of the High Commissioner for Human Rights, or of a donor government (or group of governments) active in supporting efforts towards peace in Sudan.

Recommendation 8: In addition to the pattern of abuse, including abductions, that occurs in areas controlled by the SPLM/A, militias associated with the government have also been responsible for a wide range of human rights abuse in government-controlled areas, particularly in garrison towns such as Aweil and Wau. Civil and political authorities at all levels must be held responsible for violations of international and domestic laws committed in their spheres of authority. Military commanders must assume responsibility for all violations of international covenants and the laws of war committed by such forces under their authority and in areas that they control. The military laws of the armed services and the internal regulations of the Popular Defense Force should include a prohibition on abduction and enslavement. The government should also take measures to ensure that its armed services adhere to the terms of the small arms convention to which it is a party.

Recommendation 9. There is an established connection between a pattern of systematic and repeated human rights abuses, including slave taking, and the passage of the train from Babanusa, via Aweil, through SPLM/A-held territory, to Wau. It is not possible to assure effective monitoring of the activities of militias employed to accompany the train, and which are largely responsible for this pattern of abuses. Our Group sees no alternative to the suspension of the use of the train in Bahr-al-Ghazal pending the establishment of peace.

Recommendation 10. All those concerned about the fate of persons abducted and enslaved can agree that the preferred solution is for them to be released without payment. As a matter of principle, no person holding another who has been abducted or enslaved should be paid to secure that person's release. We accept the humanitarian motives of those who have supported and promoted the practice of offering payment for the release and return of persons who have been abducted and enslaved. However, we believe that some legitimate concerns about this practice have been raised.

Recommendation 11. The Sudanese government – including federal, state and military authorities – and the SPLM/A and other armed groups all have a responsibility to facilitate and guarantee the safe and unhindered passage of all

abducted persons who seek to return. The international community should both encourage and assist in this process. The government, the SPLM/A and other armed southern opposition groups must assist all such persons and respect their informed decisions to exercise their right of return. All parties should agree on modalities for the return of persons who have been abducted and enslaved. Direct air routes should be used for initial transport until an agreed framework for the use of secure land routes can be established. There is an urgent need for a strategy for return by land routes, to be developed and agreed by all concerned parties. The cross-line meetings of all actors proposed in Recommendation 3 could serve as a forum for agreeing on such land routes.

Recommendation 12. Organizations and individuals that can contribute to the prevention and redress of human rights abuses should be provided with resources and encouraged. These may include local authorities, tribal leaders, Muslim and Christian religious organizations, and legal support groups. The improvement of the human rights situation requires a long-term perspective, a sustained commitment and continual presence in the area by implementing organizations, free access, and rigorous monitoring and auditing by donors. Support should be provided for building the administrative and program capacities of the entities engaged with this work, to include the provision of training on the ground and abroad, help in establishing more effective means of communication and information gathering, and assistance in removing obstacles created by either the government or the SPLM/A to the conduct of their work.

Recommendation 13. Enhancing economic and social development in the affected areas can also contribute to addressing the problem of human rights abuse. This includes assured access to migration routes and grazing areas for all pastoral groups in accordance with existing agreements, as well as general protections of the rights of local farmers and pastoralists. Programs focusing on economic and social development could encourage peaceful coexistence among peoples living along political and ethnic boundaries. They could be integrated with activities that safeguard the movement of civilians across military lines and support the return of displaced populations to their places of origin.

Recommendation 14. In view of concerns about increased fighting and human rights abuses in areas of oil development, including recent reports of abductions, oil companies operating in Sudan must ensure that their operations do not cause or contribute to human rights violations. The Government of Sudan, governments of countries whose nationals or companies are engaged in oil development, the companies themselves, and international organizations operating in the area should support independent and impartial human rights impact assessments by experts on human rights in those areas and should act on the recommendations made.

Recommendation 15. In view of the initiatives they have taken and their ability to play a leadership role, the United States and concerned European governments should establish a permanent mechanism to monitor the efforts of the Sudanese parties to address the issues of slavery, abduction and forced servitude. As part of that effort, they should actively engage the understanding and support of other governments, particularly those with direct interests or involvement in Sudan.

Recommendation 16. The US Government, with the collaboration of other concerned governments and the agreement of the parties to the conflict, should establish a mechanism to follow up the recommendations of this Group. The findings of this review should be published within one year of the issue of our report, at the latest.

SUPPORTING ANALYSIS

The Social and Historical Context of Slavery and Abduction

The issue of abduction and slavery in Sudan can be understood in terms of a number of intersecting historical and political processes.

Slavery and slave trading was a central institution in the states that evolved in the Nile valley from medieval times. From the early nineteenth century, under the Turco-Egyptian Empire, the non-Muslim inhabitants of Sudan were subject to slave-raids by Arab and European traders from the north. Slavery was officially abolished in 1924 under the Anglo-Egyptian Condominium and the trade suppressed, though the practice of slavery continued. The memory of slavery endures in relations between people from different regions of Sudan. These relations are in transformation as mass displacement of southerners and westerners accelerates processes of economic and social change.

Among pastoral groups in north and south Sudan (and in the North and East African region in general) small-scale inter-tribal abduction (or “hostage-taking”) is commonplace. Such groups depend on access to shared seasonal resources of pasture and water. During conflicts over water and grazing, livestock may be stolen, men killed and women and children abducted. The resolution of disputes in such cases involves compensation for loss of life and stolen livestock and the return of abducted women and children (or, in certain cases, payment of bride wealth).

Under Condominium rule in Sudan and during the first phase of independent government, regulation of major disputes of this kind took place in meetings between tribal leaders held under the authority of the government (See Supporting Analysis on Local Peace Agreements). Such meetings took place among non-Arab, non-Muslim groups within the south, among Muslim and Arab-Muslim groups in the north and between Arab and non-Arab groups whose territory met on the boundary between north and south.

Larger disputes over nationhood and control of the state – disputes that culminated in the current civil war – have allowed local disputes over the allocation of physical resources to take on a wider dimension. In the course of the present war relations between pastoral groups in western and southern Sudan have been altered by two elements in particular: the use of tribal militias to further the strategic aims of warring parties and the growing ubiquity of small arms.

The resources that pastoralists depend on have also grown more scarce. The advance of desertification in western Sudan has led some Baggara, in particular, to depend more on access to grazing resources in the territory of the Dinka in southern Sudan. The Darfur famine in the early 1980s caused extensive displacement of westerners.

Among the various peoples of western Sudan, (some of whom are Muslims but not Arabs and some of whom are both Muslim and Arab) there has been increasing

armed conflict. However, the conflict between the Arab Muslim Baggara and the Dinka, their non-Muslim, non-Arab neighbors to the south, has special characteristics. The latter conflict has been intensified by the arming of Baggara militias as an auxiliary force by successive governments of Sudan. Such tribal militias, whose activities were once curbed by the necessity of sharing grazing resources and by central government support for local practices of restitution and reconciliation, have instead enjoyed a licence to attack and loot villages in the Dinka area outside government control. (See Supporting Analysis on Local Peace Agreements). The characterization by the government of members of some of these militias as *mujaheddin* has helped give the pattern of abuse an ideological and religious dimension. Although there is inter-tribal raiding among Muslim groups within western Sudan, it seems the pattern of abduction and enslavement does not occur there. It is only in Baggara raids on non-Muslim southerners that some people are taken as slaves.

Southerners from affected communities are inclined to see continuities with the slave raids their ancestors suffered during the nineteenth century, before the legal abolition of slavery in Sudan. But the pattern of slavery in Sudan today differs from this. Contemporary slavery is more local and limited in scale. There is no available evidence of the existence of slave markets, nor of a systematic trade in slaves.

Relations between southerners and northerners are also conditioned by large-scale displacement of southerners into the north. Abduction and slavery are the extreme end of a spectrum of economic exploitation that dominates the lives of southerners who have been forced by war to migrate to the north, where they are transformed, in the case of those from Bahr al Ghazal, from cattle-rich people in their own territory to the condition of a landless, asset-less, disenfranchised sub-proletariat, working as laborers or domestic servants. Once in the north they are embroiled in a process of social change whereby ethnically diverse groups living on the Sudanese periphery adapt to the dominant life-style of the center. As a cheap labor force, displaced Dinka enter the emerging multi-ethnic class system at the bottom. Their only means of advancement is by acculturation to the dominant culture in the north.

Although Arab groups already islamized are going through similar processes, it is non-arab and non-islamized groups such as the Dinka, Nuer, Nuba or Ingessana that are the most dramatic examples of this. Such groups, living in the 'transitional zone' between north and south are known in the north by the derogatory term *zuruq* - blacks. (Other common discriminatory terms include *abid* (slave) and *jangei*, derived from the Dinka term for their own people). These groups suffered particular harassment in Sudanese towns during the final years of the Numeiri regime, when *sharia* law was most actively applied, but discrimination against them has continued under subsequent regimes. This social marginality is reinforced by their position at the bottom of the economic hierarchy.

Acceptance of an inferior social status can lead to emulation of those who enjoy a more privileged social position by religious conversion and assimilation to the dominant culture. But it can also result in the opposite. In this case low social status is interpreted as being the result of racial oppression. In contemporary Sudan, one form that resistance to such discrimination has taken is armed rebellion.

Legal Issues

As this report demonstrates, the Group gave considerable attention to the question of the definition of slavery, the various legal prohibitions against it, and the evidence concerning the existence of slavery in Sudan. We did not undertake this for the sake of semantic dispute or to vindicate positions aired in intergovernmental forums. Rather, we became convinced that any attempt to propose practical remedies for a problem must rest on a full and accurate assessment of the problem itself. Our responsibilities under the terms of the February 12, 2002 agreement that Senator Danforth mediated between the Sudanese Government and the SPLM/A allowed for nothing less.

In arriving at its conclusion that some of the human rights abuses occurring in Sudan must rightly be categorized as “slavery,” the Group examined closely the definition of contemporary slavery as drawn from relevant international agreements and conventions.

The League of Nations *Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926* (the “Slavery Convention”) defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”

The Convention further prohibits all aspects of the slave trade, to include “all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves”.

Other forms of slavery officially encompassed by the Slavery Convention include:

“Practices restrictive of the liberty of the person, or tending to acquire control of the person in conditions analogous to slavery, as for example:

- (a) Acquisition of girls by purchase disguised as payment of dowry, it being understood that this does not refer to normal marriage customs;
- (b) Adoption of children, of either sex, with a view to their virtual enslavement, or the ultimate disposal of their persons;
- (c) All forms of pledging or reducing to servitude of persons for debt or other reason.”

The United Nations *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956* builds on and expands the definition of slavery and similar practices, identified collectively as “servile status.” It makes particular reference to,

“Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to

another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.”

The *Rome Statute of the International Criminal Court of 1998*, article 7(2)(c), defines “enslavement” as “the exercise of any or all of the powers attaching to the right of ownership over a person. . . includ(ing) the exercise of such power in the course of trafficking in persons, in particular women and children.” Enslavement is characterized as a crime against humanity falling within the jurisdiction of the International Criminal Court.

The definition of slavery has been further developed by the UN Working Group on Contemporary Forms of Slavery, a subsidiary body of the United Nations Commission on Human Rights. The Working Group has taken the position that:

“...the criterion of ownership may obscure some of the other characteristics of slavery associated with the complete control to which a victim of slavery is subjected by another human being, as implied by the Slavery Convention’s actual wording, ‘any or all of the powers attaching to the right of ownership’.”²

“Ownership is the common theme existing in all of the conventions concerning the abolition of slavery and slavery-like practices. The wording of the Slavery Convention is ambiguous as to whether this concept of control must be absolute in nature in order to be considered a prohibited activity. Arguably, the use of the phrase ‘any or all of the powers attaching to the right of ownership’ was intended to give a more expansive and comprehensive definition of slavery which would include not just the forms of slavery involved in the African slave trade, but also practices of a similar nature and effect.”³

“In the modern context, the circumstances of the enslaved person are crucial to identifying what practices constitute slavery, including: (i) the degree of restriction of the individual’s inherent right to freedom of movement; (ii) the degree of control of the individual’s personal belongings; and (iii) the existence of informed consent and a full understanding of the nature of the relationship between the parties.”⁴

² The Group referred to documents prepared by the UN Working Group on Contemporary Forms of Slavery and Anti-Slavery International, a UK based non-governmental organization, in particular the document entitled, *Contemporary Forms of Slavery, Review of the Implementation of and Follow-up to the Conventions of Slavery* (E/CN.4/Sub.2/AC.2/1999/CRP.1) of 25 May 1999 and subsequent reviews (E/CN.4/Sub.2/2000/3 and Add. 1) prepared by a member of the UN Sub-Commission on the Promotion and Protection of Human Rights, Professor David Weissbrodt, with Anti-Slavery International for 24th session of the UN Working Group on Contemporary Forms of Slavery. At its seventy-sixth meeting, on 24 April 2001, the Commission on Human Rights recommended to the Economic and Social Council that “the updated report submitted to the Sub-Commission on the Promotion and Protection of Human Rights as documents E/CN.4/Sub.2/2000/3 and Add.1 be compiled into a single report, printed in all official languages and given the widest possible distribution.” The Economic and Social Council on 24 July 2001 decided to accept the recommendation of the Commission on Human Rights (E.S.C. res. 2001/282, U.N. ESCOR Supp. No. 1, at, U.N. Doc. E/2001/INF/2/Add.2 (2001). The Review is currently awaiting publication by the UN in English, Arabic and other languages. This quotation is found at Paragraph 20, page 9 of the Review.

³ *Ibid.*, Paragraph 19, page 8.

⁴ *Ibid.*, Paragraph 21, page 9.

Other international agreements and conventions are relevant to an understanding of the definition of slavery, including: the Geneva Conventions of 1949 and Protocol II as they relate to the treatment of civilians in situations of internal conflict; the Convention on the Rights of the Child and its Optional Protocol; the UN Convention on the Elimination of all Forms of Discrimination Against Women; Conventions on Trafficking in Human Beings; and various conventions of the International Labor Organization governing child labor and forced labor.

The pattern of human rights abuses associated with slavery and abduction has been extensively documented in reports by reputable international agencies and organizations (See Select Bibliography). These reports include interviews of individuals who have been abducted and enslaved. The experiences described in these reports were confirmed by interviews conducted by members of the Group and its Technical Advisory Team in the course of its examination of this issue. The pattern of abuse generally encompasses most, if not all, of the following aspects:

- Abduction of the victim, most often by armed militias, in exceedingly violent circumstances, frequently involving the murder of parents and relatives. (Most victims are abducted when they are children.)
- The forcible transfer of victims from one geographic area to another; the tying together or mutilation of victims in order to prevent their escape.
- The transfer of victims from the initial abductor to the custody of another person or family without the victim's choice or consent.
- In some instances, the transfer of the victim to the custody of a second or third person or family without the victim's consent, in exchange for money or some other consideration.
- The placing of severe restrictions on the victims' freedom and their ability to leave their situations, sometimes including, again, the mutilation intended to prevent them from escaping.
- Subjection to forced labor without remuneration.
- Isolation of the victim, especially from other members of his or her own ethnic or tribal group.
- In many instances, the infliction of physical and psychological abuse.
- Frequently, the loss of personal identity, such as renaming, forced religious conversion and being forced to give up use of one's original language.
- For women and girls, forced marriage and sexual relations, and genital mutilation.

Not every victim of enslavement experiences all of these abuses; and not all victims of abduction are put in situations that conform to the narrow definition of slavery or enslavement. There are other ways in which victims may become enslaved, including false adoption and false promises of employment. As the interviews conducted by the Group and by other credible sources reveal, there is a wide range of experiences that, while usually exploitative in nature, would probably not satisfy a narrow legal definition of slavery.

Nevertheless, the circumstances outlined above do accurately describe the situation of a significant number of individuals. Moreover, these circumstances meet the internationally accepted definition of slavery or enslavement as set forth in the

international conventions and agreements referenced above. It was on the basis of this analysis of law and fact that the Group was led to its conclusion that persons have been held in conditions of slavery in Sudan. (See summaries of interviews in Appendices).

Legal Obligations

With respect to the practices of slavery and abduction, the Government of Sudan has specific obligations that flow from both international and Sudanese law. In recommending that the government vigorously strengthen prosecution for slavery and abduction in state courts, the Group is acknowledging that under international law, states and national courts have the primary responsibility for the application of those laws and the prosecution of persons who violate them.

International Law

International law provides a framework for the prevention of its most serious violations. Under international law, slavery and related practices are classified as a war crime and a crime against humanity, subject to universal jurisdiction. The prohibition against slavery and slavery-related practices has achieved, like other grave abuses, the level of customary international law. Such laws and rules bind all states, even those that are not parties to treaties in which customary laws are restated and codified. The International Court of Justice has identified the protection from slavery as one of two examples of obligations *erga omnes* arising out of human rights law, or obligations owed by a state to the international community as a whole.

Enslavement of persons abducted during war has been classified as a war crime for more than a century. Its prohibition in war is also a binding rule of customary international law in both international and internal conflicts. The *Rome Statute of the International Criminal Court (A/CONF.183/9) (1998)*, specifically codifies as a war crime in internal conflicts, serious violations of Common Article 3 of the Geneva Conventions of 12 August, 1949. These include, *inter alia*, violence to life and person, hostage taking, outrages upon personal dignity and humiliating and degrading treatment.⁵

The Government of Sudan has ratified several international conventions and treaties that define and prohibit slavery and practices similar to slavery in times of war and peace. These include the Slavery Convention of 1926 and its Supplementary Convention of 1956, and the Four Geneva Conventions containing Common Article 3. In ratifying international conventions, Sudan has indicated its consent to be bound by the provisions therein. The Geneva Conventions require a state to ensure that its own agents and all persons under its jurisdiction respect the provisions of the Conventions during war. They also place obligations on individuals, governing their conduct in war. Sudan has signed but not ratified the *Rome Statute of the International Criminal Court 1998*, which will come into force in July 2002. Under the Vienna Convention on International Treaties, states are expected to respect conventions they have signed and not ratified.

Sudanese Law

Slavery was officially abolished in Sudan in 1924. Under article 20 the Sudan Constitution of 1998, which is the basic law of Sudan imparting validity to all other laws, "Every human being shall have the right to life, freedom, safety of person and

⁵ This analysis recognizes that the armed conflict in Sudan is an internal or non-international conflict.

dignity of honour save by right in accordance with the law and he is free of subjection to slavery, forced labour, humiliation or torture.” In theory, enslavement and related offences could be brought before Sudan’s Constitutional Court to seek a remedy for violations of basic rights and freedoms protected under article 20.

The Sudan Penal Code Part XIV makes illegal the following acts:

- Enticement (Article 161)
- Abduction (Article 162)
- Forced Labour (163)
- Unlawful Confinement (Article 164)
- Unlawful Detention (Article 165)

These laws carry penalties of imprisonment and other sanctions. The offence of abduction, for example, carries a penalty of ten years imprisonment. There is no state law that specifically defines slavery or criminalizes it. Nor do the criminal laws appear to include provisions that guarantee protection to victims of crimes and informants.

While Sudanese laws appear reasonably adequate to address the phenomenon of slavery, they could be updated and strengthened to include, for example, a specific criminal prohibition against slavery and protections for both victims and witnesses.

The obstacle to pursuing legal remedies for acts of slavery and abduction is that the legal system as a whole is seriously deficient. The deficiencies, which have been widely and credibly documented by Sudanese and international observers, include the lack of access to justice for the majority of Sudanese and the absence of an independent judiciary, prosecution and police. With regard to slavery and abduction, the Group was advised that there has been no prosecution of a criminal case or the bringing of a constitutional case in the Sudanese courts during the past sixteen years. Based on reports from individuals directly involved, concerted efforts are made by police, prosecutors and others in the legal system to address cases involving allegations of abduction and/or slavery before they reach the courts, largely to avoid both publicity and a public record of such offenses. The result is the lack of a record of such allegations and of a body of legal precedence respecting these offences.

In November 2001, Sudan’s Minister of Justice announced that special local courts would be created to prosecute persons responsible for abductions. To the best of the Group’s knowledge, such courts have not yet been established.

In addition, the Group received reports that CEAWC has not implemented the resolution of the UN Human Rights Commission, adopted at its 57th session on April 12, 2001 calling again on CEAWC to bring to justice persons suspected of supporting or participating in abduction (when they refuse to cooperate with CEAWC).

Suggested Approach for Prosecuting Cases of Abduction

Based on information received from a variety of concerned organizations (including CEAWC, UNICEF, Save the Children-UK and Anti-Slavery International), there appears to be a substantial consensus regarding an approach for prosecution of abduction cases that seeks both to secure the immediate release of persons abducted and enslaved and to prevent new cases of abduction. The proposed approach would involve a public statement by the Government that anyone holding persons who had been abducted and/or enslaved must release them by a given deadline, after which they would be subject to prosecution. This approach would begin to address the urgent need for leaders to make clear public statements that clarify which practices are illegal and their intention to hold violators accountable. It would also address legitimate concerns that have been raised regarding the grave risks that persons being held or enslaved would disappear or be made destitute if immediate prosecution were announced. The Group's recommendations endorse this approach.

Conclusion

A substantial strengthening of the Sudanese legal and judicial system is required for Sudan to meet its obligations under international and Sudanese law, and for it to provide an effective means of redress for victims of abduction and/or enslavement. This can only occur if there is forceful and committed leadership on this issue from the most senior Sudanese Government officials, including the President.

Military and Political Accountability

Throughout the civil war in Sudan, militias armed by the government and SPLM/A have undertaken much of the fighting. Several of these militias have participated in abductions of civilians. It is the militias drawn from the Rizeigat and Misseriya Humr Baggara of South Darfur and West Kordofan, commonly known as *murahaleen*, that have been most involved in the practice of abduction and enslavement.

The practice of arming tribal militias began under the government of Jaafar Nimeiri and has been continued by all successive regimes. The objective is two-fold. First, for the government it is cheaper to fight through surrogates whose incentives largely come from looting and abduction. Second, the use of proxy militias enables the government to dismiss much of the war as a 'tribal problem', unrelated to national policies.

The use of armed militias to harass or coerce civilians has a precedent in the Condominium period and the first civil war in Sudan.⁶ In the current war, the scale of the use of the militia has been distinctive. While tribal leaders have participated in the mobilization of militia forces, it is ultimately the Sudan government and its armed forces that have organized and supplied these forces.

The use of militia by the government became more significant after 1985. Following an SPLM/A attack on Gardud in West Kordofan, the then Transitional Military Council armed Misseriya and Rizeigat militia against the Ngok Dinka of Abyei. Typically traveling by horse, the militia became generally known as *murahaleen*, although other names are variously used.⁷ Support for the militia increased under Sadiq al Mahdi's government, whose Umma party drew support from the Baggara, and *murahaleen*. Raiding was extended to the Abiem, Malual and Tuic Dinka of northern Bahr al Ghazal.

Between 1985 and 1988, the government's military interests coincided with those of the Baggara who had suffered heavy losses of livestock during the 1984/85 Sahelian drought. Their grazing lands were squeezed by state-sponsored mechanized farming schemes and they needed labor for small-scale agricultural activities. During these *murahaleen* raids into Dinka territory, not only were cattle taken, but villages were burned, people killed and men, women and children abducted and taken north. The government made no attempt to curb the raids and continued to supply the raiders with weaponry. The intensity of raids in 1986 and 1987 led to widespread famine and displacement in northern Bahr al Ghazal.

Concerns within the army about the political relationship between the *murahaleen* and the Umma party forced Sadiq al Mahdi to draw up legislation to regularize militias. The National Salvation Government under the National Popular Defense Act

⁶ Douglas Johnson, *The Root Causes of Sudan's Civil Wars*.

⁷ The name is derived the term *murhal*, the seasonal migration routes of transhumant Baggara pastoralist. *Murahaleen* refers to a group of young men whose function is travel ahead of the family and the cattle, both to protect the migration routes and to identify pasture and grazing and threats of disease. Other names used to describe these Baggara militia include *quwat al fursan* (horse mounted forces) and among the Rizeigat *al fusan* (meaning *brave*) and *um bagha* (which refers to a water bottle carried by the militia and alludes to their poverty).

implemented this in 1989. The Act legalized a paramilitary Popular Defense Force (PDF) to assist the regular army with counter insurgency operations.

The institution of a paramilitary force did not end the raids by *Murahaleen* . These continued in Bahr al Ghazal throughout the 1990s. The militias evolved, however, to include non-Arab and even Dinka, some whom were formerly abducted persons. The creation of the PDF, however, has served to blur further the relationship between the regular army and irregular paramilitary forces. Government military offensives combine action by regular army forces, PDF and *Murahaleen* . When the war is invoked as a *jihad* , they may collectively be referred to *mujahideen* .

A large number of *Murahaleen* raids on villages in Bahr al Ghazal are associated with the seasonal movement of the military supply train that travels between Babanusa and Wau. As Baggara pastoralists move north with their livestock to wet season pastures, the military train prepares to move south. The purpose of the train, which is run by the military, is two-fold: to supply government garrison towns along the railway line, and to destabilize northern Bahr al Ghazal. The government recruits *Murahaleen* in South Darfur and West Kordofan to protect the train. The recruits are registered and provided with guns and often with horses. The horse-mounted *Murahaleen* create a security cordon several kilometers wide on either side of the line. The cordon is created by raiding and burning villages deep into Dinka and Jur Luo territory. The raids are brutal, with killing, rape and amputations reported in addition to the looting of cattle and other property and the abduction of civilians. Abduction is generally worst as the train returns north.

The Group was able to substantiate evidence collected by others of coordinated operations between the regular army, PDF and *Murahaleen* . One such operation took place around Nyamlel in Aweil West in 1998, following a major battle for Wau, where there are reports of many people being abducted. During the operation, leaders from the Rizeigat visited Nyamlel.

In the past, tribal leaders have clearly participated in mobilizing forces for the government. In part this was seen as protecting their tribe against the SPLM/A. As recently as late 2001, Rizeigat leaders participated in the mobilization of *Murahaleen* in Abu Matariq to re-take Raja from the SPLM/A. In the past two years, however, many of the Misseriya and Rizeigat leaders have sought to distance themselves from the *Murahaleen* and discourage their youth from joining militias that escort the train. The gains to be had, however, from looting property and abducting people have proven too strong. Since late 2000, there has been substantive evidence that the Ministry of Defense has also begun to pay incentives to militia members to escort the train.

In 2000, CEAWC appointed a committee to monitor the train on its journey to and from Wau and has announced plans to form another committee. While the first committee found no evidence of abduction, it at least demonstrated tacit recognition of a problem. This was further underlined in 2001 when government forces clashed with *Murahaleen* in both Aweil and Wau. However, the blurring of regular and irregular forces enables those in authority to deny responsibility for the actions of these armed forces. This denial has been used particularly in relation to the military supply train. Government military commanders interviewed by the Group denied that

murahaleen were used to protect the train, or any responsibility for their actions. Other government officials placed responsibility on tribal leaders. In turn, Rizeigat and Misseriya tribal leaders interviewed by the Group were adamant that the *murahaleen* are irresponsible elements that they were unable to control and who are attracted by the incentives offered by the government. It is after all, they explained, a “government train”.

Not all abductions occur in the context of raiding around the military train. Government offensives and independent *murahaleen* raids provide opportunities for abductions. In Western Upper Nile, the Group heard evidence of combined army, PDF and *murahaleen* attacks on civilian targets, in which abductions of women and children were reported. The Group also heard evidence of the actions of *murahaleen* around Wau, who appeared to be acting independently of the army.

Attacks on civilian targets and the abuses that are perpetrated during the raids, including abduction, are in violation of the Geneva Conventions to which Sudan is a party and to which its armed forces are bound to adhere. The recruitment, payment and provisioning of *murahaleen* by the military would imply that military authorities have some responsibility for their actions and any breaches of the laws of war that may occur during combined military operations. The arming of militia forces goes against the general tenor of the UN Convention against the Manufacturing of and Trafficking in Small Arms that Sudan is party to. Military officers interviewed by the Group denied that abduction took place by regular forces under their authority, especially in the context of the movement of the military train. They acknowledged that abduction was a criminal act under Sudan’s civil law, but that there is no prohibition against it in their military law or the regulations of the PDF.

The Role of Government and SPLM/A Institutions in the Retrieval and Return of Abducted and Enslaved Persons

Allegations on the resurgence of slavery in Sudan connected to the civil war first arose in the *Sudan Times* in the 1980s and with the publication of a report on the 'Ed Da'ein Massacre', by two Sudanese academics, Ushari Mahmud and Sulieman Baldo. The government of Sadiq al Mahdi contested the findings of the report. Until 1999, successive governments in Sudan vehemently denied the existence of slavery-like practices in their country, despite an increasing number of reports by Sudanese and international organizations documenting evidence to the contrary. Restricted access and control by the government meant that international agencies operating in northern Sudan were unable to confront the problem.

The retrieval and release of abducted and enslaved Dinka in northern Sudan was initially undertaken informally through the payment of money by families. More organized efforts to identify and retrieve abducted persons began in the early 1990's, when Aweil Dinka in the north formed a group, which became known as the Dinka Chiefs Committee (DCC), to identify and negotiate the release of abducted persons. Their work was dangerous and undertaken in secrecy and three investigators were killed in the process. From 1996, with the tacit support of senior government officials, SCUK began to provide low-level support to the work of the committee.

In early 1999, as a result of publicity by international organizations and reports by the UN Special Rapporteurs on Human Rights to Sudan about slave-like practices, UNICEF also made a public statement against the practice. At the same time discussions between the Sudan government and the European Union resulted in a resolution on Sudan at the Human Rights Commission at which the term "slavery" was dropped and the term "abduction" adopted. While adamantly refuting allegations of slavery, by the government did acknowledge that civilian abduction had occurred during the course of the war.

The use of the term abduction instead of slavery is controversial. Southerners affected by the practice are insulted that slavery is referred to as anything less.⁸ Child-focused international agencies in northern Sudan have adopted the term "abduction" as a pragmatic response to meet the best interests of the child. It has allowed international agencies to engage in discussions with the government about measures to address the problem, and it led to the creation of CEAWC. Since it was formed in May 1999, organized efforts in northern Sudan to identify, retrieve and return abducted persons have been undertaken under its auspices.

CEAWC's mandate is to

- Facilitate the safe return of affected women and children to their families;
- Investigate reports of abduction of women and children, and to bring to trial any persons suspected of supporting or participating in such activities;
- Investigate into causes of abduction of women and children, forced labor or similar practices and recommend ways and means for the eradication of such practices.

⁸ The Dinka word *lony* is used to describe the practice of "slavery".

CEAWC has focused on South Darfur and West Kordofan as the priority areas.

CEAWC is conceived as a 'partnership' between the state and those communities that are victims of abduction and the perpetrators. CEAWC committees have been constituted at the federal and state level in Darfur and West Kordofan. Federal CEAWC includes representatives from federal ministries, the security services, the Attorney General's office, the Women's Union, the Human Rights Association, and the DC, while State and Provincial-level CEAWC mostly comprise State and Province Security Committees. In Khartoum and at a the provincial level in Darfur and West Kordofan, CEAWC has sought to engage leaders of communities in resolving the problem through the creation of Joint Tribal Committees (JTCs). These comprise Dinka and Rizeigat or Misseriya representatives, whose role is to undertake the investigation and retrieval of abducted persons.

Once retrieved, former abducted persons are transferred to "transit" or "peace-building centers", until relatives have been traced, or foster homes identified. These transit centers are supported by SCUUK, overseen by CEAWC. Members of CEAWC and the JTCs are volunteers, with the JTCs receiving limited incentive payments for days worked.

In addition to the retrieval of abducted persons, CEAWC also undertakes activities designed to address root causes. This has included awareness raising workshops among tribal leaders and the military.

The work of CEAWC has been funded by the European Union, Britain, and Save the Children Norway. Technical support has been provided by UNICEF and SCUUK in the form of tracing and reunification, financial management, administration and policy development.

In January 2001, prior to the arrival of the Group, the government took important steps to strengthen the work of CEAWC by reconstituting it within the Office of the President and signaling its intention to increase resources to it. However, at the time of writing this report the promised funding from the government had not materialized.

The Group spent some time meeting with federal CEAWC, state CEAWC in Darfur and West Kordofan, and JTCs in Ed Da'ain, El Fula and Muglad. In addition, transit centers were visited in Nyala, Ed Da'ain, El Fula and Khartoum where members of the Group met with former abducted persons and social workers. On the basis of this, the Group made the following findings:

The formation of CEAWC was a clear public acknowledgement by the government of the problem of abduction and its readiness to address it. Steps have been taken to shift public attitude among leaders of the Baggara tribes considered most involved in abduction, and military personnel. A workshop in Muglad, for example, led sections of the Misseriya to express their opposition to the participation of Misseriya in further raids. The Group found, however, that within the government, military and among Rizeigat and Misseriya leaders there was still a tendency to deny the problem or to diminish its seriousness.

CEAWC's ability to coordinate the work of other key ministries has been weak. Reconstituting CEAWC within the Office of the President may rectify this. The government's stated commitment to the work of CEAWC, however, has not been matched by the adequate provision of resources. The work of the JTC's, in particular, is under-resourced.

There is no common agreement between CEAWC and its partners on the scale of abduction.

The pace of retrieval has been slow. Prior to the formation of CEAWC, the DCC claimed to have secured the release of 1,127 people. Since May 1999, CEAWC reports to have identified, retrieved and reunited 670 persons, with 500 women and children awaiting reunification. CEAWC was most effective in its first year of operation. SCUUK have reported that between September 1999 and July 2000, 1,230 women and children had been identified as abduction cases in South Darfur and West Kordofan, of which 453 had been reunited with families.

In late 1999 and early 2000, almost 200 formerly abducted persons were successfully transferred through a cross-line corridor from Aweil. The closure of that cross-line route due to insecurity in 2000 prevented further cross-line returns until May 2002. On May 1, 2002, an agreement between the government and the SPLM/A allowed five children to be flown cross-line to Malual Kon. Since CEAWC was established, therefore, the number of former abducted persons who have returned to the south through organized returns is small. Not all of those who have been retrieved wish to take up the opportunity of return.

In September 2000, CEAWC established a "train committee" to monitor any abductions that may occur on the military train between Babanusa and Wau. The report of the train committee has been challenged by many as failing to report adequately.

CEAWC has suffered from a lack of transparency and slack financial management, while CEAWC structures mushroomed. There are, therefore, legitimate questions over the cost-benefits of the initiative.

Retrieval campaigns are funded for only four to six weeks at a time. The work of the JTCs decline when funding is not available, with the consequence that there is little continuity to their work.

The incorporation of federal and state security bodies in CEAWC is intended to facilitate the work of the JTCs and to engage these bodies in the work on eradicating the practice of abduction. However, the presence in CEAWC of these security bodies may be interpreted by some people as a mechanism of control rather than facilitation. Despite the involvement of these security bodies, members of the JTCs involved in retrieval expressed a need for better protection from people who seek to interfere in their work

The committees lack people with professional managerial skills and the temporary and voluntary nature of the work also means that the commitment is partial and *ad hoc*.

The treatment of individual cases varies between states and between provinces necessitating a need for clear guidelines for retrieval, care, tracing and reunification of abducted persons. In El Fula, for example, CEAWC informed the Commission that people above the age of 18 years are not retrieved, because they are no longer considered children. This would rule out addressing the cases of many people abducted in the 1980s. On the other hand some Dinka members of the JTCs did not respect the choice abducted persons who may wish to stay with their abductor. There are many difficult cases concerning the rights of mothers and the children born out of forced marriages.

The professionalism of the committees at state and provincial levels could be strengthened with trained social workers or lawyers who understand the rights and needs of abducted persons.

The creation of JTCs is intended to facilitate relations between the Dinka, whose members have been abducted, and the Baggara who have abducted or exploited them. A lack of trust, however, remains between these communities. Dinka representatives continue to be regarded as SPLM/A sympathizers and continue to face discrimination. Authorities therefore need to provide them with protection from harassment.

Although CEAWC has a mandate to prosecute individuals found to have participated in abduction or to be holding abducted persons, no cases have been prosecuted. Reasons for this include the need to retain the support of tribal leaders and a fear that abducted people could be killed or 'disappear'. Furthermore, by prosecuting individuals the government's own responsibility in perpetuating the problem may be overlooked.

CEAWC's stated objective of eradicating the practice of abduction within one year is unrealistic. It underestimates the scale and nature of the problem.

International engagement by UNICEF and SCUK in the north has helped to challenge those who denied the practice and has made a 'hidden' practice visible. The engagement with CEAWC has maintained pressure on national institutions take the issue seriously. However, there is a lack of a clear policy framework among international agencies and donors that deals with the long term nature of the problem, beyond its immediate humanitarian consequences.

CEAWC can play an important role in eliminating the abduction of women and children, but only if the practices that constitute the abuses or facilitate abuses are addressed. This means the government must take action to prevent further abduction by bringing those forces fighting on its side under strict military control. It must also act to prosecute people alleged to have committed abduction, and make a significant financial commitment to CEAWC.

A Policy Framework for Working with Abducted and Enslaved Persons

Operational aspects of this work involve a range of activities relating to the identification, retrieval, tracing, return and reintegration of abducted persons. Since the formation of CEAWC, a number of training workshops have allowed discussion of policy and practice, however there has not been the opportunity for all involved parties (in the north and south) to agree on a policy framework and practice guidelines. Group members spent some time in discussion with all the agencies and operational partners and interviewed former abducted persons in transit centres. In particular, members of the Group looked at the role of CEAWC and concluded that in view of their findings (see Supporting Analysis on the Role of CEAWC) and considering the increased potential for north-south operations and expansion of the program, development of a policy framework is urgently needed.

A number of the Group's findings highlight this requirement

Work to assist abducted persons in this context is extremely complex. The nature of the problem is sensitive, the caseload of affected persons are especially vulnerable; many have been separated from their family and home for a number of years, some have no recollection of their family or place of origin and are alienated from their culture. Girls and women may have been circumcised (a custom not practiced by the Dinka communities from which most victims of abduction come) and are often living in complicated arrangements that may be considered forced marriage or concubinage; there may be offspring from these relationships and disputes over parental rights. Some abducted persons have suffered brutal treatment, while others may be reluctant to leave their present situation and return to an uncertain future. Some children are not living in the homes of their original abductor - they may have been passed on to or taken in by another family who are providing for their needs and to whom they have made an attachment.

The general working policy to date has been to remove everyone identified as having been abducted from the place they are staying immediately without an assessment of their individual circumstances. This may be for pragmatic reasons relating to logistical constraints, or through concerns for their safety, or from a belief that everyone who has been abducted should be returned to their family or place of origin. This has resulted in cases where extreme distress has been caused when the wishes of the child or adult to remain are not respected. There have been instances where some of those forced to leave have protested by going on hunger strike or walking long distances to return.

It can be seen from the range of experiences reflected in the testimonies recorded by the Group that a range of responses will be needed.

Experience in other situations of long term separation due to migration, trafficking, conflict and abduction, shows that the impact of long-term separation can be profound. Preparation of the affected person and their family is required if family reunification and reintegration is to be successful, or indeed if other options are chosen. Additional resources and training will be required to ensure the presence of trained personnel and a structure for exchange of information and messages.

The Group found there is a great deal of confusion and suspicion among Dinka communities in relation to the process of retrieval and return of former persons who have been abducted and/or enslaved. This has been exacerbated by the disparity in estimated numbers, different approaches by agencies and other factors related to the conflict or issues around access (for example, the program of return of former abducted persons through Aweil which had to be suspended due to conflict).

Tracing and reunification activities to date have been insufficient due to lack of both capacity and access to affected areas. This capacity is now emerging in the south but issues of access are still problematic. Common agreed procedures are not in place.

There has been minimal use of temporary fostering arrangements in Dinka communities for children awaiting return, and a solution to alternative long term care needs for children whose families cannot be traced has not been found. There is an assumption that children whose family cannot be traced will be cared for in the "community" but this has not been adequately researched. Guidelines in relation to placement in interim care have not been agreed and implemented by all.

Follow up of former abducted persons who returned through Aweil highlighted specific difficulties they faced, such as the need for tools for cultivation, short-term food support, issues around language and potential problems as a consequence of female circumcision. Many of the issues faced are of course the same as those faced by other vulnerable groups that is, displaced persons who have returned, former child soldiers as well as the indigenous population, and relate to lack of education, economic and livelihood opportunities. While there is some additional provision to support integration of returnees this is not likely to be sufficient to meet the needs of larger numbers returning from the north.

Those working with abducted persons require a diverse range of skills and expertise; in tracing work, communicating with children, identifying special needs such as health needs, in working with communities. The Group found a lack of personnel with appropriate professional backgrounds for example in social work, and the lack of a policy document that can be used as a benchmark for standards, a framework to guide decisions in the many complex cases and a tool for training. Development of such a document would also help to highlight gaps in knowledge and areas for further research.

Issues of Governance

The challenges of dealing with the issues of slavery, abduction and forced servitude are made much greater by an absence of democratic institutions and practices, both in areas controlled by the government and in those controlled by the SPLM/A and other armed groups.

The lack of democratic institutions is not a problem that is unique to Sudan, but is part of a general political crisis affecting many African countries. Two issues are critical in this crisis: the absence of democracy and the problem of legitimacy. Relationships between people and governments are often seen and experienced in terms of exploitation. The reasons for this arise from complex political developments within states, related to privatization around the interests of certain groups and individuals. As a consequence, the state is no longer seen as a neutral arbitrator or benevolent force seeking the best for its citizens, but instead emerges as an independent actor that exploits people for its own benefit.

Certain elements of these developments can be seen in the evolution of state power in Sudan since independence, under parliamentary and military rule, and in areas controlled by rebel movements. Two aspects of this process are of concern in tackling the practice of abduction and slavery. First, is the narrow space allowed for democratic processes and the development of independent civil society organizations. Second, is the move away from elected representative bodies to representation based on direct appointment by the state. Such appointments are often made on the basis of loyalty to the regime rather than the legitimacy of various candidates in a local constituency. Lack of local legitimacy makes it next to impossible for authorities to intervene in an appropriate manner in conflicts.

The situation, however, is not static. Recent developments in the Sudan, both in government areas as well as in the south, appear to have encouraged a more democratic process. This has created an opportunity for a more formal multi-party system to emerge, an opening for more critical public debate through newspapers, and the establishment of new civil society organizations. Such developments are at an early stage and should be supported.

Such support should encompass the development of organizational and political skills on the part of citizens. People must be supported to understand the laws and processes that have been established to protect human rights and the means to inform monitors and advocate for action when these laws are broken. Training should be provided in the self-management of projects, and for resolving conflicts when they emerge. It may also be constructive to expose certain key figures to other countries in which ethnic and religious conflicts have been resolved in ways that open the path to peaceful economic development.

At the same time national, regional and local authorities must be attentive to local needs and interests. Local populations are not always right, nor can they always have what they demand. What they are entitled to, however, is a voice in matters of concern to their lives. Local peace agreements are one channel through which this can be articulated.

Local Peace Agreements

There is a link between resurgence in abductions and enslavement since the 1980s and the current war. Ending the war is, therefore, considered by many as the key to eliminating the practice of abduction and slavery. As the war has carried on, local grievances have multiplied. This, together with the arming of local militia by all sides, has given rise to multiple inter and intra-group conflicts fought within the broader civil war.

Historically, many of these pastoral and agro-pastoral groups sharing common resources have lived in a relationship of dynamic tension, where feuds or conflicts have regularly arisen over access to resources such as grazing and water. During these conflicts property may be looted and people abducted. In the past, these groups have also developed institutions and mechanisms for mediation and restitution that have prevented conflicts, limited their scale and have helped to restore relations between conflicting parties. Between the Dinka and Baggara, for example, annual inter-tribal meetings (*zufur*) along the Bahr el Arab/Kiir river in Safaha, enabled an audit of grievances between the tribes that often involved the payment of compensation (*diya*) for killings, theft or the return of persons abducted in the course of raids. Historic inter-tribal peace conferences, such as between the Dina and Rizeigat leaders in Babanusa in 1976, are a strong element in the discourse about inter-tribal relations. These meetings were supported by the Condominium government under the system of Native Administration. Successive post-independence governments continued to support such meetings.

Several processes have undermined the efficacy of these social and political institutions. First, the dismantling of the Native Administration by Jaafer Numeiri in 1971 and its subsequent restoration under more centralized control in the mid-1980s has weakened the former authority of tribal leaders. Under the current government there has been a proliferation of tribal leaders among the Misseriya and Rizeigat.⁹ The displacement of Dinka has also led to the multiplication of chiefs in the north, with varying degrees of legitimacy. Many of the new chiefs owe their political allegiance to the government that appointed them rather than to their own people. Consequently, they may not command the authority that older leaders enjoyed, neither are they restrained by the strictures of popular pressure. Second, the process of state decentralization, with the formation of multiple states and provinces has led to a form of ethnic federalization, a weakening of local participation in national politics, increasing taxation and the immiseration of rural areas.¹⁰ In this context, the government is able to mobilize militia while at the same time deny responsibility for what they assert are uncontrollable tribal elements.

Since the March 1999 Wunlit peace agreement between Dinka from Bahr el Ghazal and some Nuer from Western Upper Nile, there has been a growing interest from tribal leaders, donors and aid agencies in the possible efficacy of “people to people” inter-tribal conferences as a mechanism for addressing multiple civil conflicts and for establishing a broader peace constituency in Sudan. Tribal leaders, the Peace

⁹ Among the Misseriya, for example, there are sixteen Omdas, compared to one in the past. Their titles have also been changed to Amir.

¹⁰ In the north, this is particularly true in the western states.

Advisory Council of the government, CEAWC, UN agencies and international and Sudanese NGOs have all expressed opinions that local peace meetings and local peace agreements can contribute to the mitigation of human rights abuses, including abduction and enslavement. Taking this into consideration, the Group held discussions with tribal leaders, with traders and with international and Sudanese agencies involved in supporting local peace processes. It also examined two types of local peace agreement: those that cover peace markets where Dinka and northerners coexist, and the Abyei agreement between the Dinka Ngok and the Misseriya.

Since the early 1990s, there have been a series of local peace agreements between particular Dinka and Baggara groups in northern Bahr el Ghazal. These have, for temporary periods, brought a halt to hostilities, re-opened migration routes and access to water and pasture. Since 1999 and 2000, localized agreements have been established around a number of markets across northern Bahr el Ghazal. Locally, these are known by some people as peace markets and are overseen and monitored by peace committees comprising traders from Dinka and Misseriya or Rizeigat communities.

These agreements reduce the potential for further raids by Arab militia on the Dinka.

Their main focus, however, is “freedom of movement”. This meets a need for trade among Dinka communities and for access to pasture and water south of the Kiir among Baggara pastoralists. The markets provide tax revenues for the SPLM/A and are used as an entry point for southerners currently returning to the south in increasing numbers. The markets also provide a mechanism for return of abducted persons, with northern traders involved in facilitating, for a price, the retrieval of southerners in the north. The scale of this is unclear, and is further confused by the work of internationally sponsored redemption programs in northern Bahr el Ghazal.

These local agreements are perhaps best understood as *neighborhood agreements*, limited in their coverage and application. They were not negotiated by tribal leaders, but by traders. The peace committees resemble trader committees (*lignat tijari*) that existed before the war. Although these agreements are said to have the tacit approval of tribal leaders, with the cattle of some Baggara leaders grazing in the south, they are not comprehensive inter-tribal agreements. Although the markets are potentially open to all, the agreements are between specific sections of the Misseriya or Rizeigat and the Dinka. The peace committees are clear that these agreements did not affect and would not be affected by militia raids from the military train. The agreements have the tacit support of the SPLM/A, but not the government.

The agreement concluded in 2002 between Dinka Ngok and Misseriya Humr is a more comprehensive agreement. In the 1960s and the 1980s, the Dinka Ngok were systematically displaced from their land around Abyei in West Kordofan by Misseriya tribesmen armed by the government. In the 1980s, the SPLM/A did little to defend Dinka populations in this area. Many Ngok moved to the north, while others moved south. Throughout the 1990s, Tuic areas of northern Bahr el Ghazal were attacked and raided from Abyei by government, Misseriya *murahaleen* and the pro-government forces of the Dinka commander Kerabino Kuanyin Bol, leading to famine in 1998.

A series of meetings and agreements between the Dinka Ngok, Misseriya Humr and northern Tuic culminated in a peace agreement. Signed in Abyei in January 2002 by eleven tribal leaders, it was endorsed by the provincial commissioner and witnessed by the commissioner of the European Union in Sudan.

The written agreement commits the Ngok and Misseriya to live together in reconciliation and peace, but sets out no other terms. In practice the agreement has led to the establishment of three peace villages outside Abyei town, two of which are mixed Misseriya-Dinka settlements. Similar to the agreements for the peace markets, the Abyei agreement may be best described as a neighborhood agreement, a limited agreement of cooperation between the Dinka and Misseriya that applies to certain locations and migration routes. As such, its immediate purpose is to facilitate the passage of people and livestock across the Bahr eal Arab. Since the agreement was signed a large number of southerners are reported to have left Khartoum and crossed the river at Abyei to the south. Many of these people, however, still suffer from harassment and monetary impositions by government soldiers and the SPLM/A.

These neighborhood agreements help to reduce overt violence between communities and associated human rights abuses. As such, they represent an opportunity to address issues such as abductions, the return of war displaced populations and food security. If broadened through more comprehensive settlements, they may increase popular pressure on the warring parties to enter into dialogue and may strengthen resistance to mobilization.

Nevertheless, the agreements have certain weaknesses and face several potential obstacles. First, potential grievances, such as abductions and access to land, are not addressed in the agreement. Second, their jurisdiction is not spelled out. For some leaders the Abyei agreement is viewed as an agreement between the Misseriya as a whole and the Dinka Ngok and Tuic and applies "from Wau to Khartoum". At the same time others assert that the agreement would not be affected by raiding from the military train or any abductions that took place in Muglad (which lies within Abyei Province). Third, sustainability of the agreements is dependent on the interest of the government and the SPLM/A in supporting them or not interfering. To that extent, the agreements may be a distraction from the reality of a war that is driven by interests of the warring parties that may run counter to peace. The war is not a tribal war, but one in which the warring parties have manipulated tribal identity and interests. The on-going war in Western Upper Nile, in which Misseriya *murahaleen* and Nuer militia are involved, demonstrates that this continues. Oil development in Abyei may upset the fragile balance achieved by the peace agreement.

Economic and Social Development

Agreements leading to a local cessation of hostilities can create opportunities to address factors that contribute to the persistence of abduction and enslavement. The government, tribal leaders and aid agencies identified poverty, underdevelopment, pressures on key environmental resources, illiteracy, rural immiseration and lack of economic opportunities as root causes of abduction and slavery. The Group heard appeals for greater investment in water resources and social services as one means of addressing the problems of abduction and enslavement.

This is a complex issue that requires more research than our Group was able to undertake.

The Group's area of concern in western and southern Sudan - the so-called transitional zone - is littered with development projects that are unsustainable or have deepened the poverty of certain groups.¹¹ According to basic socio-economic indicators, the states of South Darfur and West Kordofan are among the least-developed regions in the north.¹²

The people in this area are predominantly pastoralists or agro-pastoralists. For over a decade these areas have been largely ignored and bypassed in the development plans of governments. The underdevelopment of pastoral areas is compounded by a general discrimination against pastoral groups in development plans. The contribution of the pastoral economy to the national economy is undervalued. Rangelands are therefore progressively taken over for cultivation in pursuit of greater food security. This affects the mobility of pastoralists that is crucial feature of pastoral livelihood systems. It is for this reason that freedom of movement is a central element of the local peace agreements noted in this Report.

The limited resources available to these western states means that public services such as education and health have become moribund, or have been privatized. The gum arabic and oil seed trade have collapsed, leaving livestock as western Sudan's main contribution to the national economy. Squeezed by drought in the north and war in the south, and the loss of pasture to cash crop farming and, most recently, oil development, the Baggara pastoralists have encroached on Dinka lands to the south.

Efforts to redress poverty in western Sudan should not overlook the underdevelopment of southern regions after nearly two decades of war. During this time, many thousands of asset less southerners have moved northwards looking for better physical and economic security. After more than a decade of assistance to

¹¹ Duffield, M. (2002) 'Aid and complicity: the case of war-displaced Southerners in the Northern Sudan.' *Journal of Modern African Studies*, 40, 1, pp 83-108. CUP.

¹² Federal Ministry of Health, Central Bureau of Statistics, UNICEF (2000) *Multiple Indicator Cluster Survey 2000. Final Report*. Khartoum.

communities of displaced Dinka in south Darfur levels of nutrition and food security remain unacceptable.¹³

Development interventions need to be cognizant of the social relations between pastoral groups in the transitional zone. Projects aimed at settling pastoral groups would not only be ecologically unsound, but also potentially exacerbate conflicts. Instead it is essential that the government and the SPLM/A protect pastoral migration routes according to standing agreements between the tribes and safeguard traditional tenure rights of pastoralists and farmers. Development interventions should be mindful of existing rights. In this respect, a particular concern of Dinka is the way that Dinka place names are arabized, and so *de facto* incorporated into the territory of other groups.¹⁴ External interventions to enhance the livelihood of Baggara and Dinka pastoral groups alike must be sensitive to the culture and needs of local people by placing them at center of these developments.

In order to increase understanding of these complexities, development programs must be accompanied by action research. The available literature does not provide a satisfactory understanding of contemporary pastoral and agro-pastoral systems, and the extent to which traditional practice and inter and intra-group relations are being transformed by the war and other socio-economic, political and environmental processes.

¹³ SCUUK (2001, May), *Household Food economy of Displaced Dinka in Ed Da'ein Area*. Sudan.

¹⁴ Peace villages around Abyei have both Dinka and Arabic names, but the Arabic names are used in official government and aid agency documents.

Research Priorities

The practice of abduction and slavery in Sudan has been documented in numerous reports by international human rights organizations including Human Rights Watch, Amnesty International, and Antislavery International, and in accounts by successive UN Rapporteurs for Human Rights in Sudan (see Bibliography). A scholarly work, *War and Slavery in Sudan*, appeared in 2001. Most accounts of abduction and slavery are based on field research in SPLA-controlled areas, that is, in the area of origin of abducted persons. Slavery has also been the subject of many articles and news stories in newspapers and magazines in Europe and North America.

In spite of this international publicity and the high level of public interest in countries outside Sudan there has been no comprehensive or systematic chronicling of abduction or enslavement. Particular incidents and narratives of abduction and enslavement have been documented in detail by Human Rights Watch and Amnesty International, by Christian Solidarity Worldwide and Christian Solidarity International (Switzerland) and by indigenous church groups, but there is no comprehensive database of those who are missing, nor an up-to-date review of the available literature that would correlate all available accounts.

Current estimates of the number of abducted persons vary from ten thousand to two hundred thousand (see table below). None of the estimates of the total number of abducted persons or slaves is based on any recognized sampling system.

Resolving this wide divergence in estimates of abducted and /or enslaved persons requires systematic field-based research carried out by independent researchers. Without this information, those attempting to assess competing accounts of the problem of slavery have no proper basis on which to make a judgment. And organizations working to resolve the problem of slavery in government areas and trace missing persons from Bahr-al-Ghazal are severely constrained in planning their operations. There is a particular need for identifying information in the case of young children who may be able to remember little about their communities of origin.

Patterns of abduction outside Bahr-al-Ghazal also require investigation, notably Nuer-on-Nuer abduction in Upper Nile, abduction of Dinka women and children from Bor by pro-government Murle militias and abductions of street children in towns.

The first requirement of systematic research into abduction and enslavement is a comprehensive record of who has been abducted. Such a record will need to include identifying details of individual persons abducted, the circumstances of their abduction, and an as-accurate-as-possible numerical tally of those known to have been abducted. SCUK and CEAWC have detailed information on the limited number of cases that they have in transit centers in Darfur and Kordofan. Partial lists of names of abducted persons have been compiled by Dinka community workers in northern Sudan, but these lists characteristically consist of names alone, without sufficient identifying information to guide further investigation. Organizations operating slave redemption programs in SPLM/A areas may also have valuable information.

Table of Persons estimated to have been abducted

Organization	Estimated total persons abducted	Total number of abducted persons identified	Total number of abducted persons returned/ reunited
CEAWC	14,000	1,500	1,000
DINKA CHIEFS COMMITTEE	14,000	1,127	As CEAWC
UNICEF / SAVE THE CHILDREN (UK)	10,000 – 17,000 total estimated children and women abducted; 6-7,000 still missing	1,570	1,034
CHRISTIAN SOLIDARITY INTERNATIONAL (Switzerland)	Over 100,000 CSI(S) also quote estimate of 200,000 by Dinka Chiefs in Bahr-al-Ghazal		65,000 – 70,000

In a few places information on abducted persons has been assembled by local officials of the SPLM/A or the SRRA (Sudan Relief and Rehabilitation Association, the relief wing of the SPLM/A), but this has not been centrally collated. Other sources of information include the New Sudan Council of Churches, the Catholic Dioceses of Rumbek, Wau and El Obeid and the SRRA office in Nairobi.

The first priority of research, then, is the establishment of a centrally-organized, open database that records the details of persons missing after incidents of abduction. This entails detailed questionnaire-based field research in the areas of origin of abducted persons. The resultant information should be assembled in an open electronic format agreed among agencies involved and compatible with already existing databases. The master record should be held by a responsible international body. With appropriate safeguards for sensitive personal information, the details of missing people should be shared with agencies working in the field, with local authorities and with community organizations. The record of abducted persons, while initially concentrating on abductions from Bahr-el-Ghazal, could be extended to other affected areas of Sudan.

Until now, research of this kind in Government areas has been impossible due to security constraints. It will be necessary for donors and implementing organizations to press for independent research by international bodies in a number of locations, notably Wau town, Aweil town, Darfur and Kordofan.

In SPLA areas research sponsored by international organizations involved in tracing and returning abducted persons has been severely hampered by local SPLM/A officials. NGO personnel, both Sudanese and expatriate, have been prevented from carrying out their work and in a number of cases, physically confined to compounds, on the grounds that their presence would interfere with the execution of redemption programs. Unless such practices cease the necessary independent research will be impossible.

International Engagement

Many countries that have interests in and relations with Sudan should be enlisted in the effort to end the abuses identified here and should assist in supporting peace and justice. It will be extremely important for the U.S., Canada, Norway and the E.U. countries to develop common strategies of diplomacy, assistance and economic relations. No program of external assistance that involves conditionality will be effective unless donors agree on common purposes.

But others besides Europe and North America can and should encourage the changes that are necessary. Foremost among them are the countries of the Islamic world. Many states in the Middle East and the Persian Gulf have provided assistance to Sudan in the past. These countries should recognize that the practices we describe here can be used, however unfairly, to embarrass others who share the culture and religion of many Sudanese. These countries should also recognize that they are in a strategic position to give support, including financial support, to efforts to overcome these problems.

Those who provide military assistance or sell military equipment to either or both the Government of Sudan and other armed groups also have important responsibilities. They should restrain these activities and cooperate with the donors of economic and humanitarian assistance to further the peace process and respect for human rights.

States that are directly involved in the development or export of Sudan's oil resources (or indirectly involved through state-related oil enterprises) have a most important choice to make. The prospect of increasing oil revenue has clearly intensified the civil war, and the human rights abuses associated with it. It is necessary to break the link between oil and war, and to forge new links between oil and peace and oil and justice. International public opinion will be justified in demanding these new linkages.

APPENDICES

Members of the Eminent Persons Group

United States

Penn Kemble (Chair)

Penn Kemble is a veteran participant in American domestic and foreign policy debates. He was active in the civil rights movement of the 1960s, and served on the staff of the 1963 March on Washington and on the National Council of the Congress on Racial Equality. He was a founder of the Institute on Religion and Democracy. He has produced television documentaries for the Public Broadcasting System. President George H. W. Bush appointed him to the U.S. Board of International Broadcasting, and President Clinton appointed him Deputy Director of the United States Information Agency, which he headed during its recent merger into the Department of State. At present, he is a Senior Scholar at Freedom House, an organization concerned with human rights, democracy and international affairs.

George Moose

George Moose was recently nominated to the rank of Career Ambassador, the highest rank in the U.S. Foreign Service. His extensive African experience includes service as ambassador to Benin (1983-86) and Senegal (1988-91). From 1993 to 1997, he was Assistant Secretary of State for African Affairs. His most recent assignment, from 1998 to 2001, was as U.S. Permanent Representative to the United Nations Office and other international organizations in Geneva. Currently, he is a Senior Fellow at the Ralph J. Bunche International Affairs Center at Howard University, Washington, D.C.

Norway

Leif Manger

Leif Manger is professor of social anthropology and former head of the Department of Social Anthropology at the University of Bergen. He was acting director of the University's Center for Development Studies from 1992-1993 and 1994-1996. His main research has been related to the Sudan, and his publications include studies on household adaptations in oasis environments, mountain environments and savannah plains. He has also published works on topics such as trade, communal labor and socio-cultural processes of arabisation and islamisation. His latest monograph is *From the Mountains to the Plains: The Integration of the Lafafa Nuba in Sudanese society* (Uppsala 1994). He has carried out consultancies in the Sudan, Kenya, Somalia and Tanzania. He is presently doing anthropological research on the Hadramaut Valley of South Yemen, work related to dry-land adaptations in East Africa, and research on Palestine.

Lars Kvalvaag

Lars Kvalvaag is a Norwegian businessman and farmer who has worked for the last twenty plus years in emergency relief, refugee repatriation and agricultural development in the Sudan and Ethiopia and has deep personal knowledge of the region. Most recently, he served as head of office for Norwegian Church Aid, an NGO with a 35-year history in Sudan. He played a leading role in the international humanitarian response to the 1998 Bahr al Ghazal famine. He has a broad personal network in north and south Sudan. He is, together with his wife Ingrid, supporting a pre-school/women's center in Soba Aradi, Khartoum.

United Kingdom

John Ryle

John Ryle is Anthropology and Africa editor at the London Times Literary Supplement and Chair of the Rift Valley Institute, an association of specialists in African Rift Valley countries. He has worked as an anthropologist and as a consultant to the EC, the UN and international NGOs in north and south Sudan. A former fellow of Nuffield College, Oxford, he is a research associate of the School of Oriental and African Studies in London, and a member of the Council of the Humanities Centre at the Central European University in Budapest, and is a member of the Committee of the Arms Division of Human Rights Watch and a contributor to the human rights handbook, *Crimes of War* (1999). He is the author of *Warriors of the White Nile* (1984), an account of the Dinka of Eastern Bahr-el-Ghazal. With Bapiny Tim Chol, he directed *The Price of Survival* (1994), a TV documentary about the effects of the civil war on the Nuer of Western Upper Nile.

Sarah Uppard

Sarah Uppard has ten years experience working in child protection programs with a specific focus on separated children, including abducted children and child soldiers. As Save the Children's adviser for separated children, Sarah provides program and policy support to all SC/UK work and has played a key role in developing the program with abducted children in Sudan. She is active on a number of international fora concerned with separated children and has published guidelines for working with separated children and child soldiers. Sarah represented the NGO community on an Interagency Needs Assessment Mission led by Sergio Vieira de Mello to the Federal Republic of Yugoslavia in 1999.

Italy

Giorgio Bosco

Minister Plenipotentiary Giorgio Bosco has been a career diplomat and a professor of international law in Genoa and in Rome. He is currently a consultant in the Office of the Legal Adviser in the Ministry of Foreign Affairs. He has written many

publications, some of which are in the field of international criminal law and human rights. He is a member of the Executive Committee of the Italian League for Human Rights and, in that capacity, has worked on issues related to slavery, abductions and forced servitude.

France

Christian Delmet

Christian Delmet is a social anthropologist at the Centre d'Etudes et de Documentation Economiques, Juridiques et Sociales (CEDEJ), a CNRS research center associated with the Ministry of Foreign Affairs of France, and is based in Khartoum, Sudan. He is an authority on the ethnography of Arabic-speaking tribes in Sudan, and has published many books and articles on society and practices in the Sudan.

Technical Advisory Team

Elizabeth Jackson (Team Leader, American)

Elizabeth Jackson is an independent consultant who has worked in senior management positions with the US government and NGOs. Over the last several years, she has led US Government emergency humanitarian response teams in East and Southern Africa and Central Asia. Most recently, she served as the senior USG humanitarian advisor in Peshawar, Pakistan where she managed the aid program in Afghanistan. She directed the USG aid response in Eritrea in 2000 during the border war with Ethiopia. She helped design the USG humanitarian response in Macedonia and Kosovo in 1999 and undertook an evaluation of aid programming in southern Africa and the Caucasus for U.S. NGOs in 1997 and 1998. She has served in senior positions with the IRC and its affiliate the Women's Commission for Refugee Women and Children. She worked in the private sector as a management consultant, and brings a background in strategic analysis, vulnerability and livelihoods analysis, household and market economies, and capacity building. Elizabeth resides in Washington, DC.

Mark Bradbury (British)

Mark is an independent consultant with extensive experience of consulting for governments, the UN and NGOs, particularly in the Horn of Africa, West Africa and the Balkans. He worked from 1983 to 1988 as an aid worker in Sudan and as a teacher in the Nuba Mountains. He served as Country Director for ActionAid in Somalia from 1988 to 1990 and in Somaliland in 1992. Since 1992, he has undertaken consultancies for Oxfam, CARE, UNHCR, UNICEF, DFID, ODI, and OECD, among others. Mark is a co-author of the 1996 *OLS Review* and undertook a

study for ODI in 1999 on the The *'Agreement on Ground Rules'* in South Sudan. He recently completed the UNDP *Human Development Report for Somalia*. He is published on Sudan, Somalia, Sierra Leone, and Kosovo, as well as more broadly on complex emergencies, development, human rights and conflict resolution. He is extensively traveled and speaks Arabic. He brings experience in anthropology, rural development and conflict analysis. Mark resides in London.

Georgette Gagnon (Canadian)

Georgette is an independent consultant and lawyer with expertise in international human rights and humanitarian law. She was a member of the 1999 Canadian Assessment Mission to Sudan, appointed by Canada's Minister of Foreign Affairs and International Trade, to investigate slavery as well as links between Canadian oil development in Sudan and violations of human rights. She co-authored a report in 2001 on oil, conflict and displacement in Western Upper Nile for Canadian and British NGOs. She has served with UN human rights field operations in Bosnia and Herzegovina and Rwanda. She has consulted to CIDA in human rights and rule of law and designed projects of technical assistance and cooperation in China and India. She is currently the Director of Human Rights for the Organization for Security and Cooperation in Europe (OSCE), Mission to Bosnia and Herzegovina. Georgette resides in Sarajevo.

Arthur Gaines (American)

Arthur Gaines is currently a Research Associate at the Tuskegee University National Center for Bioethics for Research and Health Care. His international humanitarian service encompasses logistics, security, administration and advocacy. Previously he has served as Head of Mission in Rwanda for the United Methodist Committee on Relief, Country Administrator and acting Head of Mission for the MSF Belgium South Sudan Program and as the UN World Food Program Security Officer in northwest Rwanda. He has also served in Liberia and Zambia. In 1997, he was awarded a fellowship funded by the Mellon Foundation for humanitarian service. Arthur resides in Houston, Texas.

Technical Support Team

Jeff Ladenson, USAID/OFDA

Kerri Burke, USAID/OFDA

Gilbert Collins, USAID/OFDA

K. Anton Winder, CDM

David Raad, US Department of State

TESTIMONIES

The following are a sample of testimonies of individuals who were abducted. They were taken by members of the Group during April and May 2002. The interviews were carried out in transit centres in Ed Da'ein, El Fula and Khartoum and in communities in Khartoum and Bahr al Ghazal. With regard to confidentiality of individuals and in view of the fact that most of those interviewed are minors, only their initial is given here.

Name: G.
Age: Ten
Ethnic Group Dinka
Village: Nyamlel

Arabs came on horses to his village. One Arab named A took him and killed his mother. He saw his mother being killed. A put him on a horse and was taken to the forest. He spent one night there and was taken to A's house in Abu Matariq. This happened two years ago. At A's house he was alone. He herded goats. He was given food and ate separately. He was given a new name Nadif A. A told him would get a baby goat but he never got it.

G. has been in the center since July 2001. The transit center social worker advised that his relatives have not yet been identified. He reports having a sister but can't remember her name.

Name K.
Age: approx. fourteen
Ethnic Group Dinka Ajak
Village: Malek Alel

He was an orphan living with his maternal uncle and his brothers when Arabs took him during a raid. He thinks he was six years old when he was taken. He and his elder brother fled with their cattle when they ran into some Arabs. They were taken with their cows. An Arab shot his elder brother. An Arab from the PDF, called D took him to Aweil. He locked him in the train. When the train started moving, D's son A rode along it with his family's cows. At Meiram, he was taken out and left with A. There, A took him to M, another son of D. A sold the cows in Meiram. He stayed with M and they moved from place to place. M told him he was now his son. He herded goats. He has been in the transit center for months. He wants to find his family. If they can't be found he wants to go with any Dinka from his place. He has no money or anything and he wants to live and work on his own.

Name: B.
Age: Seventeen
Ethnic Group: Nuer

An Arab soldier took him in Heglig about seven years ago. They went to "Leat" in a military car with two other boys. The soldier, El T gave him to his father and went back to Heglig. He sold water from a donkey cart. He was promised 7,000 SDP per month but was never paid. El T had seven boys and three girls who went to school. He lived with them and ate their leftovers. He was named Hassan El T. He was not allowed to go anywhere alone, even to the water point. People in CEAWC found him in El T's house. They are still looking for his relatives. He's been in the center for many months.

Name: M
Age: Sixteen
Village: Abiem Yar Marang Pankot
Ethnic Group: Dinka Palaou

In 1998, he was going to Warawar when Arabs came on horses. About five boys were taken. They went to Shesip where they were distributed. He went with MB and stayed in Shesip for two years. He ran away and was in the market when MB came to get him. MB started to beat him and was stopped by some government soldiers. He then worked for the soldiers in the garrison doing laundry. He was paid 40,000 SDP per month. He heard that his brother was in El Fula so he went there but did not find him. He worked there selling water from a donkey cart. He was supposed to share costs 50/50 with the owner but he was never paid. CEAWC found him at the water point in El Fula. He has since learned that his brother has died and his brother's wife is in Khartoum. He and his brother's wife want to go to the south together to find his mother.

Name: B
Age: Fourteen
Ethnic Group: Nuba Koalib

In 1998, he was in Souk Libya in Khartoum shining shoes. Some Arabs came and said they would give him a small job for 150,000 SDP. The Arabs were from Misseriya Humr Suwarba. He was taken with three others by truck to Shatur. They were put in a hut and beaten for no reason by BW. The boys were separated. He went to Aigar Naga, Shillukh and Tabar near Um Siyala in North Kordofan. He stayed with Barir and his brother Ahmed. They never settled. He got food and sometimes was given used clothes. The family called him "Abid". He cared for 150 camels. He spent four and half years with the family before he found the opportunity to escape. He was not given a job or any money. He stated that he wants his rights - there has been an injustice.

Name: G
Age: Approx. 60
Ethnic Group Dinka Twic

She is caring for three young grand daughters and her blind husband who are also living in the transit center. Her daughter (mother of the three girls) died in the transit center one and half months ago.

HA took her, her husband, her daughter (A) and her son in 1987 from their village near Abyei. They were on the road to Abyei after the war broke out. People were running away and they were going north when HA took them. He brought them to his brother, A's house in Shitep. HA gave her daughter to another Arab, A. Her daughter was serving A and she was cultivating. A did not pay them or give them food. When her daughter was pregnant, A left and then came back after each child was born. He told them that they must stay quietly or else he would kill them all. When her son refused to look after the cows, A speared him so her son ran away. They were kept isolated and prevented from going to the police or government. They stayed with A for about 14 years. When her daughter was pregnant and A was away, she found work outside to get food A made her daughter is wife and is the father of the three girls. A had cows. He had a wife and young sons. These boys told A they did not want a Dinka in the house but A kept her daughter in the house. They were forced to stay with A. If they tried to leave they were beaten. Her daughter complained to A. He went to his brother, HA and told him that they (her daughter and the family) were his responsibility. HA then hit her husband on the head with a spear, beat her on the chest with a stick and beat her daughter in her side and broke her arm.

After this event, they all escaped and ran to Dabib. They went to the police. A followed them to the police and was jailed. A told the police that he did not spear the husband. The police released A and told him to bring his brother. This never happened. They were taken to someone else's house, JA (a southerner). She fetched wood and served them to get food. They spent one month with JA. They were then brought to the transit center where they have been for one and half months. A is still in his place in Shitep. He went to the court in El Fula to get his daughters. A did not appear at the last court hearing. She stated that she is relieved to be in the transit center. It was painful to see her daughter be taken and treated like that every day. Her relatives are far away. She would like to go home. She has a heavy burden as she is taking care of her blind husband and the three girls. Her stepbrother has been taking care of her properties in Akoc. She expects to go home soon. She said that there are many cases like hers. Many have died. She stated that "you" (the foreigners), should bring all those who are still there and that "if there is law, law is like God".

G. alleged that her daughter died because of the injuries she received from the beating by HA. She was also pregnant when she died. The transit center social workers confirmed that the daughter had died three days after arriving at the transit center. She was taken to the hospital after her arrival and died before any tests

could be done. The social workers reported that they could not confirm and did not have knowledge of the cause of death of the daughter.

Name: N.
Age: Twelve
Ethnic Group Dinka

An Arab called G took him while he was herding goats around the market in a place called Abu. He was put on a camel and taken away. His parents did not know. He can't remember the date. He went to a family with two children in Safaha. He looked after the goats. He was treated well. He was with the family for four years. The JTC came to the family and told them to let him come with the JTC. This happened on the market day in Safaha. He has been in the center for one and half months. His parents have not been identified. His mother died and his father left for Khartoum before he was taken. He stated that he thinks he will be "in the center forever".

The Center Case file notes: The abductor's name is GB from the Rizeigat, Am-Ahmed section.

Name: A
Age: Eleven
Village: Nyamlel.

He has been in the center since April 28, 2001. He was taken by an Arab, D El S, during the war in Nyamlel. He walked for five days to a place called Bru. He was living with an Arab family. He ate with everyone in the house and all the children including the Arab children were herding the goats. Each child had their own bed. He was found at home by the JTC and brought to the center. He was not told where he was going or asked to come. He has been at the center for a long time and none of his relatives have been found. He wants to be taken to some relatives. He has two brothers, A and G.

Name: F
Age: Twelve

He was living in Doleiba with RA. Another Arab, M, brought him to the center. RA gave him to M. M paid him a cow that will soon deliver. He stated that he cannot be traced and that "no one knows anything about me". He did not know he was Dinka. The man, he he referred to as his "father" told him he brought him when he was a suckling. He was told that his mother ran away so he was picked up by RA. When the JTC came to get him, his "father" told him about being Dinka. He was treated as a son and part of the family. If his parents cannot be found, he wants to go back to RA. He was happy there.

The interview was conducted in Arabic as the boy could not speak Dinka.

Name: M
Age: Eleven to thirteen

He remembers something about his abduction. He was at home and his parents were on the farm when people came to the village shooting. He was taken by a man called H. They took him by horse to Um Didan near Abu Jabra. He was taken straight there. He was taken with his brother M who was still suckling. He does not remember his mother. He had an elder brother but cannot remember his name. He then had to look after goats. He was promised a goat after a year. He now has eight goats. He put his own mark on the goats with a knife. When he was young he was not given them. But when he was older he demanded. There were two other small children in the house. In the house he ate together with them. In the summer they go to a place called Agnya for water. He once escaped because he was badly beaten when some of his goats were lost. He had an x-ray when he came to the center. He went to the Center at Adila. He was told his brother was in Ed Da'ain so he came here. He says the JTC would look for his parents. He wants to go to his parents. He has been in the center three days.

Name: A.
Age: approx. seventeen

Baggara took her together with her mother and brothers when she was small. She does not know her Dinka name. The Baggara divided the family. M took her and her brothers and mother were left under a tree. M "sold" her to his brother, BM. He lived in Gazal Juaza. She stated that she saw B give money to Mohammed for her. She looked after cattle and fetched water for B and his family. She had no shoes and slept on the floor. She was given little food and beaten. She was not paid. She stated that she was a "khadim" ("servant" in Arabic). She explained her situation as "I had to work without being paid". She ran away several times but B came to look for her and brought her back. While herding the cattle, she was raped on different occasions by I, a man who also herded cows. She got pregnant. I denied raping her and abandoned her. Her child named Y. was born while she was still living with B. She has composed a song about her situation. She has been in the center for nine months as her relatives have not been identified or located. She maintains that she "has been enslaved". She will say this to B face and he will say nothing in response.

The staff at the transit center said that it would be very difficult to find her family, as she knows nothing about where she comes from. When the staff at the transit center were asked if A. had been circumcised they said "all the girls and women have".

Name: A.
Age: About nineteen
Village: Chelkou

An Arab took her when she was very young. She doesn't remember the year but many people were taken. She was taken from Chelkou in Northern Bahr al Ghazal. She doesn't remember how many years she has been living with the parents of the man who brought her. He took her to his parents where she fetched water and cooked. After a long time she grew up. The family brought her to A, a Dinka man who had been taken and was living with an Arab family. He was herding cattle for the Arab family. He was given a cow for every year he worked for the family and now had ten cows and some goats. A married her. It was not a cultural marriage as no cows were offered. She was not forced to marry him. She went to live with the family of A. She had her own house and was not working. She has three children and is expecting a fourth. On March 16, 2002, she was brought to the center by the JTC. She was consulted and agreed to come on condition that her marriage with A be settled. She said that "everyone is being retrieved" and she expected this. A comes to the center to visit her and the children four times a week. The JTC has not located her relatives. She is interested in going back to her parents but she also wants to stay with A. She would like the marriage to be confirmed with her parents.

Name: A.
Age: Fifteen
Village: Marial Bai.
Ethnic Group: Dinka

Taken in 1998 in Nyamlel. The *murahaleen* came with horses and started shooting. She did not see government soldiers. She was taken to the River Kiir on foot with many other girls and boys. The girls and boys were kept separate. Many died along the way. It was 17 days walk to the River Kiir. At the River Kiir, they were put in pens. They were given little food and beaten if asked for food. They were handed over to their masters at the River Kiir. Her master was M who took her to Omdurban village. She became a concubine. The master had five wives who treated her badly. She did not go to school and did housework. The master gave her hard work and when she refused, he would send her to the pens. After three years she was moved to another place. She was brought back to Marial Bai by AM who bought her from the last master. She does not know where he got the money.

Name: D.

He was abducted in 1998 from Panthiet while he was looking after animals. He was beaten when he refused to go. He was taken on horse to Halbena near Ed Da'ain. His abductor was called F and looked after animals. He was given money to go and buy food in a restaurant. Arab children accompanied him so he could not escape. They used to call him "jengai" (derogatory name for Dinka). A Dinka in the house of neighbor had been there for 22 years. He used to beat D. A trader called MA spoke for a week with this abductor who released him. He thinks the trader paid the captor

for him. The trader brought him back to Panthiet. His father was killed and his mother is in Aweil East. So he is staying in the home of the sub-chief.

Name: S
Age: Seventeen

He was taken when he was very young – doesn't know but thinks approx. 6 years old, during a raid on Malek Alek (his home) during fighting between SPLA and *Murahaleen*. The SPLA retreated during the battle and horsemen took him directly to the north. It took three days to get there and there were a great many people abducted and taken back at that time – perhaps 150 – they were all taken on horseback. He was taken to the home of the person (name is MI) who abducted him (in a place called Tubon and kept in the compound until he was old enough to look after cattle and then he was sent to a cattle camp. Prior to this he tried to escape and was brought back. To prevent him escaping again his knees were nailed together which meant that he could walk but with difficulty and could not run. He was together with two other Dinka.

Last year he was told by the man who had abducted him that he had to accompany a raiding party going to the south in order to help them bring back cattle taken during raiding. He refused but was beaten and made to go. He was not given a gun and was not expected to fight - only to help with the cattle. During the fighting he was liberated by the SPLA and has been living in Malual Kon with the commander since. There have been efforts to find his family in his home village but with no success and he doesn't know what he is going to do in the future.

He has subsequently heard that the two boys he was with have escaped and are in Nyamlel. Asked if he would like to ask us any questions, he said he would like us to help other children to escape.

The following interviews with Rizeigat took place in Ed Da'ain. These people were taken prisoner by the SPLA in the south and released back to the north by ICRC.

RAB

She was living with her family in Basi on the border with Sudan, Uganda and the DRC. Her husband was a trader. There were a lot of northerners living there. When they heard fighting between the SPLA and GoS had started in Kaya [1997], they ran for two days towards Yei. They reached Yei on the third day to find that it had been taken by the SPLA. Those who captured Yei came from different tribes, including Dinka. RAB and her family and other northerners were captured. The women and men were separated. The men were put in prison, but the women stayed outside in the mosque and school. There was nothing to eat except mango leaves and cassava. The first three months were difficult, but then organizations brought them food. These were from the churches, ICRC, UNICEF. After 4 months they were allowed to leave the town and collect wood to sell to buy food for the children. They stayed there for 15 months.

UFM

She was also in Basi living with her brother a trader when the fighting started. They also ran to Yei where they were caught. They looted them and took their daughters. Their belongings, including earrings and shoes were taken from them. Her brother was put in prison. The first four months were difficult. If they collected mangoes to eat they were often stolen from them. After some time the ICRC took them to Uganda. First they went to Arua where there were all types of Sudanese, some of whom they knew. They were then repatriated to Khartoum via Kampala and Nairobi. The Nazir's family received them in Khartoum. There were many of them from different tribes. H's husband was released with her. U's brother escaped to Zaire. They know of one person still held in Yei. He is not in prison but cannot leave. There is another woman they know whose two daughters were repatriated. Her husband is in Zaire, but she is now living with another man, they are not sure it is by force.

IM

He was captured in Yei July 13 1997. He had been a trader in Yei for 25 years. He lost his shop. He was put in prison for 1 year. They were forced to load teak onto lorries for which they were given some food. Some people died in prison because of lack of food. UNICEF and ICRC came to help them. They wrote letters to the Red Cross. The SPLA said they could not return to Sudan and the road to Juba was closed. After 1 year and 3 months they were able to leave to Uganda then the Congo. They crossed back into Uganda and went to Kenya where UNHCR helped them return to Sudan.

Mr. Penn Kemble
Head of the Investigation Mission on Slavery,
Abductions and Forced Servitude

15 April 2002

Dear Mr. Kemble

I found our recent meeting quite useful. Although my job was to inform, rather than be informed, about the problem of abductions, I felt that the questions raised by the members of the Mission have touched on many areas and thereby encouraged creative thinking about how we address the problem.

As promised, I am writing to give more substance to some ideas that might be of use to you. My purpose is two-fold: to summarise some of the thoughts and analyses I brought up in our meeting, and to offer some suggestions with regard to the future operation of the Commission for the Eradication of the Abduction of Women and Children (CEAWC).

With regard to the first point, I wish to stress the following:

First, the practice of abduction arises out of various complex social and cultural phenomena, some of which are possibly unique to Sudan others of which are more widespread across Africa and elsewhere. To give it the generic label of 'slavery' the way we understand, for example, the concept of 'The Slave Trade' from our study of history is to mask the true nature of the problem and to grossly distort and oversimplify it.

We believe it is necessary to avoid generalizations and stereotypes when dealing with this question; rather, we should attempt to identify individually each of the different forms of the various practices, before attempting to work out ways of eradicating them. This process will be instructive as it will help your team to learn how immensely complex and diverse the problems are.

As I mentioned in our meeting, sometimes the practice is associated with the quest for urbanization among rural individuals.

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One example is the phenomenon of street boys, which you find in Khartoum, but also to a greater extent in the capitals of other developing countries in Africa, Asia and Latin America. You might come across individuals who have voluntarily boarded the Babanusa-Wau train, or joined the nomadic Arab tribes in their northward trek. In such cases some kind of personal relationship, which amounts to a kind of transaction or trade-off develops. On the one hand, the nomads takes advantage of the cheap labour these emigrant boys provide, on the other the "trekker" benefits from, and contents himself with, the prospects of moving a further leg in his journey to the big city.

An arguably much more serious and wholly different phenomenon is the case of children and women who have been seized by raiders. Abominable and hideous as it may be, this is an ancient practice, variants of which are found in many parts of Sub-Saharan Africa. It is especially rampant where there is a breakdown of authority. It is used sometimes as a kind of exchange, where one tribe exacts punishment on the other for some wrongdoing or to use it as a means of recovering members of the tribe who had been abducted earlier. This latter is similar to what in the West might be described as mutual hostage-taking.

In other instances, it the result of sheer exercise of power by the strong over the weak. It is well known that the practice existed when the British were ruling Sudan; they never condoned it, nor could they stop it, but they never characterized it as slavery either.

May I also take this opportunity to warn you of the powerful sensitivities among our people about this use of language. Your undoubted goodwill and sincere efforts to deal with the problem notwithstanding, one must be extremely careful about the terminology one uses and its impact on local populations. A recent example of well-intentioned efforts, which gave rise to endless complications, was when Mr. Danforth brought up the issue of the Nuba Mountains.

The terminology was used in good faith; however, it gave rise to serious speculations that could have torpedoed Danforth's mission. The use of the word Nuba was construed as meaning exclusively the Nuba stock of people who live in that region. I had to go down there myself in order to explain to the non-Nuba populations that Mr. Danforth's proposals were not a conspiracy against them. They probably feel better now, but I am sure their suspicion is not yet fully dispelled.

Likewise, the Arab nomads find the use of the word "Slavery" particularly offensive. They do not understand why they should be 'picked on', as members of their own tribes are also sometimes abducted, and as the practice is indeed widespread even between non-Arab tribes. The best proof to cite in this respect is the Wunlit Dinka-Nuer Agreement between Garang and Machar reached in March 1999 (attached). The Agreement stipulates the "outlawing of abduction of children and women".

There is another important point here. It is not fully accepted why the practice between the non-Arab tribes, which does exist according to the above document, is termed abduction, whereas, the practice between Arabs and non-Arabs is termed slavery. This is perceived to be discriminatory and possibly political. This is just an example of how the terminology can be problematic and we would appreciate your careful consideration and sensitivity with regard to the use of language and its impact on tribal relations in the region where abductions are practiced.

Third, it might be useful to ponder the following question: How can we explain the fact that citizens from southern Sudan have, since the beginning of the latest eruption of hostilities in 1983, chosen to move to and settle in the North?

They have done so in their millions. Actually it is estimated that about four million southerners live in the different towns of the North. Even when the town of Raja in upper Bahr Al-Ghazal was overrun by the SPLA last year almost its entire population (about forty thousand people) chose to flee the town rather than stay with the SPLA, and interestingly they did so to Al-Dien in the land of the Rizeigat people, the very Arab nomads presumed to be slave takers. It is true that these displaced citizens do not live in ideal conditions, but at least they live as free citizens. After all Sudan is among the Least Developed Countries and its capacity to offer ideal solutions to its displaced citizens is limited; being the biggest African country in terms of size (2.5 million sq kilometres) and with a population of 30 million, its annual budget is by far less than that of the city of New York.

Fourth, almost all the so-called documented cases of slave redemption, especially those carried out by Christian Solidarity International, have been reported from SPLA-controlled territory. Assuming that those were genuine cases, although there is a good body of evidence now emerging that points to the contrary (*viz: the recent well-researched stories in the Washington Post and Irish Times*), might one not raise the legitimate question about where the onus of responsibility for such practice should lie?

Is it not appropriate to re-pose the whole question in light of recent well-documented and well-publicized evidence that the so-called slave redemption has been used to line the pockets of some unscrupulous SPLA commanders?

I am in no way attempting to underestimate the seriousness of the problem. I am only trying to underscore the fact that it is of a highly complex nature, which makes it less amenable to simplistic approaches.

To sum up, abduction is a serious and hideous practice that has been exacerbated by the ongoing war. There is no proven benefit in applying a generic term like slavery to this practice. The best remedy to this problem is to bring the war to an end, which brings me to the second part of my message concerning suggestions for you to consider in helping to address the problem.

First, as mentioned above, no real solution can be perceived in the absence of peace. Abductions have thrived as a direct result to the breakdown in authority. The Government of Sudan has been seeking to conclude a ceasefire agreement for the past two years. It is the SPLA who have consistently turned down the offer. It is not to be inferred from this that the Government merely wants a temporary tactical advantage in order to build up its military machine by using its oil money, as the SPLA have been claiming.

The Government is ready to enter into a *permanent* ceasefire in order to address the humanitarian arrangements all over the South, including, of course, abductions. This has been a fixture in my correspondence with Mr. Danforth. Allow me to quote here some relevant excerpts from my letters to Mr. Danforth.

On the 6th of December 2001 I wrote:

"I believe what you mentioned in your letter about the suffering of the civilians whom you saw in the South. I would only add here that there is probably as much suffering in the North as there is in the South, among people whom you did not meet or hear about. I fully subscribe, therefore, to the corollary to this fact, that there is an absolute necessity to stop the war. Without stopping the war, it would be impossible to improve the humanitarian situation, no matter what we do or say... [I]t is the party who is prolonging the war, by being elusive and unreasonable, who must be blamed for its atrocities. I personally, though I am not a southerner, believe in the cause of the South and the need to reach a peace settlement that guarantees all the rights of the South. There is a tremendous amount of goodwill among a wide body of enlightened northerners who espouse similar views. It is with such critical mass of people in the North and with the majority of fair-minded, peace-seeking southerners that the US should seek "moral equivalence". I felt it was important to interject this point because of the ongoing debate in some circles in the US about the "moral equivalence" between the US and the SPLA. I am fully convinced that those who are advancing such outrageous proposition are making a grave mistake and, certainly, not helping you with your mission. There is absolutely no comparison between what John Garang and his organization espouse and the ideals of the American Civilization. A cursory look at his track record will prove my point. We must never confuse between the SPLA and the South."

With that letter I enclosed a position paper, which contained a whole section about how to address humanitarian issues. I indicated that our preference is to reach a comprehensive and permanent ceasefire, which would undercut any militaristic approach to the settlement of the conflict. Failing that, we would welcome a limited ceasefire either in Upper Nile or in Bahr Al-Ghazal. The latter is more relevant to your mission, since it is where abductions are practiced due to tribal frictions. We could at least reach an agreement to cease hostilities along the train corridor in order to facilitate humanitarian and civilian transport. In the Position Paper, we proposed:

"...developing the transition zones, especially in southern Darfour and northern Bahr Al-Ghazal areas, with a view to forging better relations between the tribes of the region"

This should involve de-mining, opening of pastoral and transport routes together with the implementation of humanitarian development programmes like the digging of water wells.

It needs to be recalled here that the tribal tensions in this region have flared up as a result of the SPLA arming its supporters. This, and the laying of mines by the SPLA in the pastoral routes of the nomadic tribes have driven the arms race, as it were, between the tribes. In order to address this situation we must have a ceasefire of some sort. Your advocacy and support here is crucial; any form of ceasefire would pave the way to an effective policy of eradication of abductions.

Second, CEAWC remains the best formula that insures government support and commitment together with the flexibility and independence of a non-governmental body. I hope you will have come to this conclusion by the end of the first part of your mission. In the central and peripheral organization of CEAWC, Government agencies are enmeshed with traditional tribal structures, thus allowing their effective cooperation. It has been shown that the tribal leaders involved with CEAWC have been able to reach out and negotiate reunions deep into the SPLA area. They have their way of doing this in a manner which the Government cannot do. We have found from our experience that this combination between official and tribal capacities is absolutely necessary, bearing in mind the complexity of the problem in the light of all its cultural, social and political origins.

CEAWC needs support though: both in the form of finance and capacity building. It is beyond the means of the Government to provide all these needs. This is something for you to consider assisting with.

Also, with a view to strengthening CEAWC, we would welcome and consider implementing any practical suggestions coming from your side with regard to the following:

1. The structure and powers of CEAWC
2. Support and upgrading of the Data System employed by CEAWC
3. The contribution of any non-Sudanese entity interested in the eradication of abductions and the operation of CEAWC and willing to provide support to the latter in any form

On behalf of the Government, I wish to reiterate our full commitment to the eradication of the practice of abduction and to cooperating with any sincere effort towards that end. I look forward to having your thoughts on these issues at the end of the present phase of your mission.

Yours sincerely,



Dr. Ghazi Salahuddin Atabani

cc: Dr Ahmad Al-Mufti, Chairman of CEAWC
Members of the Investigation Mission



SLAVERY, ABDUCTIONS AND FORCED SERVITUDE*

The parties condemn slavery, abductions and forced servitude* in all their forms. The Government states that slavery and the slave trade do not exist within Sudan and reaffirms that they are prohibited by law and policy, as are abductions and forced servitude.

1. Shared Commitment

- The Government of the Republic of Sudan and the Sudan Peoples' Liberation Movement (SPLM) emphasize their shared commitment aggressively and effectively to prevent slavery, abductions, forced servitude* and similar practices throughout Sudan.
- The parties further agree to investigate, promptly and vigorously, all claims and allegations of slavery, abduction and forced servitude.*

2. Mission

- The parties agree to facilitate and support the visit to Sudan of a U.S.-led and internationally supported Mission to investigate on the ground means for preventing abductions, slavery and forced servitude* throughout Sudan.
- This Mission, to be constituted in January 2002, will be U.S.-led and consist of 10-12 eminent members of proven international stature, fairness and commitment to social and human rights. It will be supported by a small technical staff.
- The Mission will be prepared to conduct its initial visit at the end of January 2002, with a follow-on visit anticipated within four-to-six weeks thereafter. In the interim, it is expected that members of the technical staff will remain in Sudan for follow on investigation.

3. Specific Actions

- The parties will
 - facilitate the return of abducted women and children to their families and villages

*Disclaimer: The Government of Sudan categorically rejects the allegation that slavery and forced servitude exist within its borders.

- conduct appropriate advocacy and education programs
- support efforts of CEAWC, SPLM agencies and others to work for the rehabilitation of traditional conflict resolution practices
- The Government agrees to facilitate USAID's humanitarian programs along the northern Bahr el Ghazal/South Darfur/Kordofan (add government's names of provinces in the area) geographic route which focus on strengthening reconciliation programs such as grazing rights, access to water resources, crossline trade and markets, and veterinary services.
- The Government notes that the activities and practices of the murahaleen raiders may pose a threat to the safety of women and children. The Government will not allow abducted women or children or stolen livestock access or proximity to the Government supply train or garrisons.
- The Government will prosecute those who engage in any of these practices in accordance with its international obligations and its domestic law. The Government agreed to appoint a special prosecutor or magistrate or Justice Ministry coordinator for this purpose.
- The Government will undertake the following concrete measures in order to strengthen the Committee on the Elimination of Abduction of Women and Children (CEAWC):
 - provide a fulltime chair, adequate staff and financial support
 - create a mechanism for receiving and investigating claims of abduction including across international boundaries
 - work in full cooperation and transparency with the international community
 - facilitate media coverage for its activities including use of the internet
 - avoid rewarding abductors or judicial or law enforcement impunity for infractions
 - provide for the participation in CEAWC of local representation (chiefs) of the Dinka of the north, Rizegat, Beggara or Misseria tribes as a Board of Directors to CEAWC
 - provide escorts from the Ministry of Justice and local police authorities for personnel who go to locations to investigate or remove alleged abductees

- exert utmost effort to provide security and transport facilities to return abductees to their home places
- establish an Operational Advisory Committee composed of representatives from the UN, the EU, the CAU/AU, the Arab League and the US Embassy in Khartoum
- * The Government requests the United States to confirm that it has permitted the procurement of spare parts for the relief train.
- * The SPLM also, through its agency, will cooperate with international agencies that will investigate allegations of slavery and forced abduction.

4. Proposed USAID Programs

USAID is prepared to undertake developmental projects in the Bahr el Ghazal, South Kordofan, South Darfour and Northern Upper Nile (depending on security) aimed at improving access to markets, livestock grazing, and economic development and ethnic reconciliation.

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