

منظمة حقوق الانسان والتنمية
Human Rights and Development Organization
(HUDO)



South Kordofan / Nuba Mountains
Periodic Report (February – March 2014)

Introduction:

Severity of war and human suffering in Darfur increased aggressively compared to other conflict areas, Security Authorities concern with the conflict in Darfur has relatively contributed to decrease of oppression in the other areas and increased targeting Darfur groups. Within the mentioned environment and after the failure of Sudanese government with SPLM/N, the government is busy arranging for a National Dialogue Conference while prosecuting its political opponents before Military and simulated Civil Courts under rejected laws issuing deterrent judgments. The Sudanese authorities and its ruling party also ignored the calls of the civil society, other political parties and armed opposition forces, in bid locks like throwing more dust in the eyes, it also gives the impression that it is just a dialogue under NCP rules.

Security Situation:

The conflict in Darfur escalated during March and as a result of the rapid evacuation of the support forces (the Janjaweed) led by Hemaiddi from Al- Obeid (which was a scene of their violations for more than a month) after civilians pressurized the State Authorities demanding the Janjaweed removal from the city. Once they reached Darfur they looted and burned a number of villages, resulting to more displacement worst than the previous few months. The rebellion of Musa Hilal forces against the government also has a severe impact on the deterioration of the security situation in addition to the SLM Minawi's faction occupation of some cities for more than two weeks. All these factors collectively have made the authorities in Khartoum intensify its military operations with aerial bombardment on Darfur which relatively decreased it in South Kordofan and Blue Nile, creating more human suffering.

In the IDPs camps in southern Kordofan (which the Sudanese authorities deny their existence) the security forces are still detaining people, intimidate them, torture them and looting their

properties through un-justified fines impose on them, **HUDO** also recorded some rape cases against girls carried out by elements from Sudanese Security Forces stationed in the area.

Political Developments:

Two negotiation rounds were held between the Sudanese Government and the SPLM / N, the first round on February 13 to February 18, 2014 and the second was on February 28- March 3, 2014, without any breakthrough in both rounds prompting the African Peace and Security Council to adopt a resolution giving the parties until April 30ⁱ, 2014 to reach an agreement. While the voices of civil society organizations calling for separation of the humanitarian track from the political negotiation to accelerate the solution of the humanitarian crisis.

Sudanese Authorities as part of the President's speech (Wathba) are promoting and preparing for a national dialogue scheduled to be held on this April with the participation of some political forces such as the Popular Congress Party while the Umma Party still hesitating to declare its participation, in the same time most of the opposition political forces and armed movements are boycotting it, that shows the anticipation of failure to solve the Sudanese problem. On the other side there are intensive activities by the civil society organizations to highlight their views regarding the serious national dialogue which can resolve the Sudanese crisis by discussing its roots, many papers entirely consistent about that vision were issued.

The crisis of suspending the activity of the ICRC by the Sudanese Authorities is standstill, while humanitarian and security situation is deteriorating in Darfur and particularly the other conflict areas, the Sudanese authorities expel a French Organization from the regionⁱⁱ.

Humanitarian Situation:

The humanitarian situation is getting worse because of the refusal of the Sudanese Government to recognize the existence of IDPs camps in Southern Kordofan and banning organizations to access Southern Kordofan, especially the areas where IDPs with strict restrictions on movement of people to and from the IDPs areas. The Security Forces are also indignity the IDPs and mistreat them, as one of its tools in evacuate of those established camps. In the camp Um- Marreh the Government Forces built cowshed for livestock near the water resource where the government soldiers hunt down what they want from the livestock and keep them, IDPs are forced to pay a ransom to release them, who delay in the payment of ransom his cattle may slaughter and government soldiers will feed on its meat.

Detentions:

Detention cases in Nuba Mountains became a tool in the hands of local authorities to suppress the civilians, especially the IDPs, more than ten detention cases of IDPs were recorded in Um- Marreh and Mabsout camps in South Kordofan where detainees were tortured and badly treated, in some

cases torture left them with impairments and most of them were released after a ransom was paidⁱⁱⁱ.

Other Issue:
(Blue Nile Trials)

Special Criminal Court in Sinja town presided by Judge: Abdel Moneim Younis, continued hearing at Blue Nile incidents case No: (4176/2011) as follows:

- On 5 and 6 February 2014 the defendants were indicted, and the defense presented a list of defense witnesses.
- On 12 and 13 February 2014, the court heard defense witnesses and questioned them.
- On 19 and 20 February 2014, the court completed hearing to the (64) defense witnesses and questioned them.
- During the period between the hearing of 20th February and the sentence hearing the defense and the prosecutor had filed their arguments .
- On March 13, 2014 the Court released its judgment against the defendants in the above mentioned case in the presence of 78 defendants and absence of 17 others, acquitting 31 defendants^{iv} and convicting 64 others under the articles :

❖ Criminal Law of the year 1991:

- Article (21): Subscribe to the implementation of criminal intent.
- Article (50): undermining the constitutional order.
- Article (51): provoking war against the State.
- Article (130): murder.
- Article (187): genocide.

❖ Combat Terrorism Act:

- Articles (5 & 6).

❖ Weapon and Ammunition 1986:

- Article (26).

The court rulings by Judge: Younis Abdel-Moneim, were as follows:

- A. Sentenced to death against the first defendant Minalla Hussein Haddey in presence.

- B. Sentenced to death against seventeen (17) defendants in absentia^v.
- C. Life imprisonment (twenty years) from the date of arrest on September 28, 2011 against forty-six (46) defendants^{vi}.
- D. The court also ordered the confiscation of all the exhibits weapons, ammunition, money and real estate involved in the case, for the benefit of the Government of Sudan.

Note:

- In this trial the court applied rules and procedures of the special terrorism courts of the year 2008 which contradicts the provision of 2005 Constitution.
- The court's judgment shocked the defense and all observers, because the court adopted weak evidences which are not enough to be depended on in the judgment under such dangerous articles. The defense succeeded to raise doubt about the cause of the accusation by the presented witnesses. As a rule explains doubt to the benefit of the defendants.
- One of the whom judged by death sentence (Ebaid Abu-Shutal) was SPLM member up to Last year, he is in Khartoum and never attend any of trial sittings. Now he is enjoying moving freely in Khartoum streets under sights of the political and judiciary authorities, this appeared clearly that, it is political trials.
- On March 20, 2014 the defense appealed for the presence defendants at the Special Appeal Court in Sinja hoping to prove the innocently of them.
- The prosecutor (Accusation panel) appealed against the innocence of the thirty one (31) defendants.

Sporadic Events:

- On March 26, 2014 at 10:00 PM Sudan local time in Abbassia, the civilian Ali Yasin Ahmed Yasin (25 year old- painter) was killed by gunshots (4 shots on his chest). He has likely been miss-led to leave his house by a phone call; rumors around the town says the murderers were on military uniforms.
- ON March 27, 2014 Eljaili Taweer Saeed Jafar (40 year old- gardener) with his Ethiopian wife Mabrad Hadoush were detained from their house in Mabsout village and taken to Abbasiya town. They were detained by military intelligence under a heavy gunfire on their house which got burned. No one is allowed to visit them until now.
- On March 3, 2014 the 10 civilian defendants who are facing military trials in Al- Obeid were deported from the military intelligence cells garrison to Al- Obeid prison, the prison

authorities accepted nine of them and rejected to receive one (Saeed Ahmed Awad) due to his bad health status, so he is still locked at military intelligence cells without receiving any medical care, which worsened his health condition, apart from lack of bathing for the fifth month continuously. The defendant were present in all hearings until the last one on March 24, 2014 when the judge accepted to refer Saeed to Khartoum for treatment, provided that his family should cater for the treatment expenses, transport and living allowance for two guards, recently the military administration demanded two thousand Sudanese pounds^{vii} for the two guards. Up to date the military intelligence resist his traveling however, the family prepared what they asked for in terms of money.

8th of April 2014, declared for the coming sitting.

- With the exploration of Gold in western Kadugli (Kohliyat) the population increased due to the arrival of large groups from outside South Kordofan State purposely for traditional gold mining, civilians and IDPs from the State never dared to take part of the activity fearing to fall in the traps of the State's Security Authorities.

Appeal:

Humanitarian crisis is Worsening in all conflict areas in Sudan by the cessation of some organizations. Therefore, the International Community must put more pressure on the Sudanese government to allow organizations resume their activities such as the ICRC, as well as pressurizing to stop the government militias. That is very necessary for the protection of civilians and IDPs in the conflict areas from detention and violation of their dignity taking into account the fulfillment of their human rights.

They must exerting more pressure to stop the ongoing military trials and implementing any Judgments by simulated Courts for more oppression as well as demand the immediate release of all prisoners and political detainees with consideration and respect of Geneva Conventions on treatment of war prisoners.

HUDO

6th April 2014

Attachment

Table (1)

Names of the defendants sentenced to Death in absentia

No	Name	Remarks
1	Malek Agaar Eir	
2	Yassir Saeed Arman	
3	Ali Bandar Alseisi Adam	
4	Zaid Eisa Zaid	
5	Mamoun Hamad Elamein	
6	Eljundey Suliman	
7	Mohamed Younis Babikir	
8	Ahamed Eloumda John	
9	Jousif Takka	
10	Elsamani Agaar Eir	
11	Abdalla Ibrahim Abbas	
12	Eltayeeb Abduelrahman Mohamed	
13	James Tut	
14	Ebaid Abu-Shutal	
15	Farajalla Hamid Gadoul	
16	Samuel Jouck	
17	Hamad Yousif Abu-Ganaya	

Table (2)
Names of defendants facing Life imprisonment (twenty years)

No	Name	No	Name
1	Gabaeil Islail Mohamed	2	Doc Aowk Doc
3	Abduelgadir Albadri Abduelgadir	4	Tabaan Guarang Neibal
5	Ateem Ateem Ateem	6	Adil Dafalla Tayalla Alneema
7	Aaid Fadul Ahamed Naiel	8	Gourashi Elshazali Abdalla
9	Mahgoub Saif Dongour	10	Mansour Eltoum Abdalla
11	Haidar Merghani Talha	12	Adam Idriss Jarad
13	Adil Dafalla Mohamed Ali	14	Jomaa Ramadan Adam
15	Fareed Mohamed Ahamed Nasir	16	Hamad Mussa Jardouk
17	Mussa Bambar Aamir Daoud	18	Elnour Abdalla Omer
19	Abduelaziz Ibrahim Mohamed	20	Atouk Elnour Bashir
21	Elhadi Abdalla Fadul-Elmoula	22	Suliman Belal Nuka
23	Elsir Petrus Toub	24	Ibrahim Abdalla Kaki
25	Rajab Malakal Teir Malakal	26	Ibrahim Ali Ibrahim Hamdan
27	Berair Ali Elrayah Berair	28	Jackson Bronja Saweeya
29	Jomaa Bala Jebreil Gesmalla	30	Faris Gourashi Mussa
31	Kamal Khair-Elseid Jabir Sabit	32	Philip Zakaria Mohamed
33	Sabit Ajeeb Elradey Eldaw	34	Taha Fatahalla Fatur Fatahalla
35	Mohamed Adam Rajab Mursal	36	Mohamed Ibrahim Abduelrahman
37	Izzeldin Hamid Salih Shukralla	38	Mohamed Khair Elbaih Abduelrahman
39	Ramadan Fadulelmula Abdalla	40	Ramadan Ahamed Yasein
41	Mohamed Hassan Kafi Kunda	42	Hassan Abduelbagi Aushi
43	Hamad Yousif Arbab	44	Karoum Awad Bashoum Jamous
45	Abuzaid Ethnein Abdalla	46	Abduelshafee Dasouma Abduelshafee

Table (3)
Names of the acquitted defendants

No	Name	No	Name
1	Mohamed Khalid Mohamed	2	Taha Someit
3	Ibrahim Eissa Ibrahim	4	Ahamed Dakein Forawey
5	Ali Nasir Tukur	6	Tajeldin Makawey
7	Sami Eltoum Sabit	8	Abduelraziq Ibrahim Kuku
9	Ramadan Muzamil Khamees	10	Elgeiley Abdalla Gabir
11	Abduelhafeez Mustafa	12	Abueleela Kanjar Baluka
13	Osman Elnour Ibrahim Abdu	14	Muzamil Eldaw
15	Ahamed Mohamed Elamein	16	Anwar Ahamed Dafalla Mahmoud
17	Mohamrd Telian Muneir	18	Abduelkarim Ahamed Daowla Hassan
19	Isam Jomaa Arbab	20	Omer Jadein Jawa Ahamed
21	Omer Bashir Tangalo	22	Walid Mohamed Saeed Abduelaziz
23	Sabit Ali Abduelrahman	24	Elfateh Fadulalla Alemam
25	Yousif Abdalla Badawi	26	Eissa Bakheit Fadelalla Hamid
27	Mutasim Alshareif Ibrahim Madani	28	Bashir Mohamed Suliman
29	Elnour Ahamed Jomaa Mahmoud	30	Azraq Abass Eissa
31	Faris Alzaki Ahamed		

Table (4)

Some names of Um-Mareh IDPs camp whom were arrested and tortured

No	Name	Remarks
1	Isam Mukhtar Magoub	Arrested for three days, released after paid fine (500 SDG)
2	Awad Ibrahim Beraima	Arrested for three days under torture. Now receiving treatment at El Obeid town
3	Albagir Suliman Jubara	Arrested for four days under torture
4	Dafalla Mohamed Ahamed	Arrested for two days under torture, which caused two teeth fractured
5	Mahgoub Hassan	Arrested for one day, with his money looted
6	Ibrahim Moumein Ismail	Arrested for three days, released after fine paid (700 SDG)
7	Ismail Hamad Ismail	He is 73 years old, arrested for two days
8	Mohamed Ibrahim Hegeir	Arrested for one day, released after fine paid
9	Kamal Ebaid Jomaa	Arrested for two days under torture, released after fine paid

Resolution adopted on 10th of March ⁱ

<http://www.sudantribune.net/%D9%85%D9%82%D8%AA%D9%84-%D9%85%D9%88%D8%B8%D9%81-%D9%81%D9%8A,7737> ⁱⁱ

Table (4) ⁱⁱⁱ

Table (3) ^{iv}

Table (1) ^v

Table (2) ^{vi}

One US Dollar = Seven Sudanese Pound (SDG) ^{vii}