



is there  
**slavery**  
in Sudan?

March 2001

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# Is there slavery in Sudan?

## Provisional observations and conclusions of a visit to Sudan by Anti-Slavery International representatives (18 to 28 October 2000)

March 2001

### 1. Introduction:

#### The visit by Anti-Slavery International representatives

The representatives were a lawyer, Mohamed Tahri (from Algeria), and the organisation's Director, Mike Dottridge (from the United Kingdom). They went to Khartoum and to several parts of South Darfur (Nyala, Ad-Dha'ein and Abu Matariq). They were assisted during their visit by a representative of the Committee for the Eradication of Abduction of Women and Children (CEAWC), an institution established by the Government of Sudan in May 1999 and administered by the Minister of Justice.

2. Anti-Slavery International wishes to record its gratitude for the extensive assistance which its representatives were given by those involved in the CEAWC, both at Federal level and, in South Darfur, at State and Provincial level.

#### 1.1 Anti-Slavery International's mandate

3. Anti-Slavery International is a non-governmental organisation established in 1839.<sup>1</sup> (See page 25 for Endnotes). Two representatives of Anti-Slavery International visited Sudan from 18 to 28 October 2000. (See page 25 for Endnotes). It is a registered charity in the United Kingdom, has consultative status at the United Nations (UN) Economic and Social Council, and regularly presents information to UN bodies, notably the annual meeting of the UN Working Group on Contemporary Forms of Slavery. Its objective is to secure the end of slavery and of all forms of exploitation similar to slavery. It is independent of any control or pressure from any government, religious or political group.

4. In addition to responding to reports of slavery, in recent years Anti-Slavery International has focused attention on child labour, bonded labour (or debt bondage), trafficking in persons and early marriage. In each case, these forms of exploitation give rise to some cases which are most accurately described as "slavery", and others which are more accurately labelled as "servile status" or "servitude".<sup>2</sup>

5. Whenever possible, Anti-Slavery International works with locally-based non-governmental organisations to pursue its objectives.

#### 1.2 Anti-Slavery International's previous work on Sudan

6. Anti-Slavery International reported on cases of slavery in Sudan in both the late 19th and early 20th centuries, and engaged in debate about the issue of slavery with representatives of the Government of Sudan at other times, such as the late 1950s.<sup>3</sup> Following the outbreak of fighting in Southern Sudan in 1983, which developed into a new civil war, and in particular after an attack by forces of the Sudan People's Liberation Army (SPLA) on Kordofan in 1985, a new pattern of raiding, abductions and enslavement by militia based in Darfur and Kordofan was reported, and Anti-Slavery International issued numerous articles and statements about the pattern of abuse which developed, and, in 1997, one longer report, Slavery in Sudan.

7. In 1988 and 1989 Anti-Slavery's Director was in direct contact with representatives of the Government of Sudan and visited Khartoum with proposals that research should be carried out to

establish whether slavery was indeed occurring. The Government agreed, but before the investigations could begin, a change in government occurred.

8. In recent years, Anti-Slavery International has made statements about continuing reports of human rights abuse in Sudan, together with initiatives to remedy them, to the annual sessions of the UN Working Group on Contemporary Forms of Slavery. Information prepared by the organisation has also been referred to at the annual discussions of the International Labour Organization's (ILO's) Conference Committee on the Application of Standards, and in the report published each year by the ILO's Committee of Experts on the Application of Conventions and Recommendations.

9. Since 1995 a number of other non-governmental organisations based in the United Kingdom and elsewhere have widely publicised their visits to parts of Southern Sudan, and attempted to secure the release of Sudanese citizens from slavery with payments of money: they pay cash to agents in Sudan who reportedly visit areas where people are found in slavery, and hand over money to their employers in order to secure their release. Anti-Slavery has not participated in or condoned these efforts. Indeed, it has publicly criticised the practice. Its criticisms have been based largely on the organisation's own experience - of cases in which money, paid to individuals who control slaves to secure their release, is known to have been used subsequently to acquire more slaves or to entrap the same individuals again; and other cases in which money has been paid for people posing fraudulently as slaves. They also reflect the organisation's determination to see systems of exploitation and slavery ended, rather than the fate of individuals addressed while an unacceptable system is perpetuated.

10. In the case of Sudan, Anti-Slavery has observed that the monetary payments made by foreign organisations have been successful in attracting publicity for the pattern of abuse that has occurred, and, apparently, in securing the release of individual captives. However, they do not appear to be an effective way of bringing the overall pattern of slavery to an end. Anti-Slavery has also expressed concern that the publicity surrounding the payments in Sudan has misrepresented the pattern of abuse that is actually occurring, suggesting, for example, that the number of people abducted is much larger than evidence appears to justify, or that the Government of Sudan is directly responsible for slave raids and holding captives in slavery.

### **1.3 Reasons for the Anti-Slavery visit to Sudan**

11. In September 1999 Anti-Slavery International's Director was invited to meet the Minister of Justice and Attorney General, His Excellency Ali M O Yassin, who was visiting London. They discussed the possibility of Anti-Slavery International representatives visiting Sudan, and the Minister welcomed the possibility. In a subsequent letter in October 1999, Anti-Slavery's Director suggested that Anti-Slavery representatives should visit Sudan in order "to find out what the work of the CEAWC has consisted of, and what initiatives have been taken to identify and secure the release of those who have been abducted". He also indicated that the organisation's representatives were interested in finding out "if measures have been taken to prevent abductions from occurring in the first place" and in assessing "whether Anti-Slavery International can offer advice or any other assistance to those involved in the process of identification and release".

12. Following an exchange of correspondence, the Minister agreed that the visit should go ahead and that it should be organised by the Chairman of the CEAWC, Dr Ahmed El Mufti. Practical considerations delayed the visit for some months, and it occurred in October 2000.

### **1.4 Itinerary of the Anti-Slavery representatives**

13. Anti-Slavery's representatives arrived in Khartoum on Wednesday 18 October 2000 and spent four nights in the capital, meeting officials of the CEAWC and several other ministries. They also met representatives of two organisations providing assistance to the CEAWC, UNICEF and Save the Children (UK), and visited a transit centre in Khartoum being supported by the CEAWC, known as "James' Home", meeting people who had themselves experienced being abducted. The Chairman of the CEAWC indicated that Anti-Slavery's representatives could visit any places where the CEAWC was operating. Constraints of time and practical considerations meant that the representatives opted to visit parts of South Darfur, while knowing that the CEAWC was also operating in West Kordofan, as well as having a transit centre in Aweil, one of the two towns in North Bahr El Ghazal still under government control.

14. On Sunday 22 October, Anti-Slavery's representatives flew to Nyala, accompanied by a CEAWC representative, Mustaphar Mattar. They met the Co-ordinator of South Darfur's CEAWC Committee, Mohamed Bush, and visited the CEAWC's home for abducted women and children, known as a Peace Construction Centre. They met the head of an organisation known as the Dinka Committee, James Aguer, and several of his colleagues. This committee was working closely with the CEAWC to identify individuals who had been abducted, and to secure their release and eventual reunification with their relatives.

15. On Monday 23 October, the representatives travelled on to the town of Ad-Dha'ein, and spent two nights there. In addition to meeting officials and visiting the town's Peace Construction Centre on 24 October, they also visited nearby settlements of internally displaced people (IDPs) -- virtually all of whom were Dinka who originated further south in areas affected by armed conflict -- and the village of Abu Matariq, where they met the first family in the village which had responded to the CEAWC's call to hand over children or women who had been abducted.

16. On 25 and 26 October the representatives travelled back, first to Nyala and then to Khartoum. They had a number of concluding meetings, notably presenting their provisional conclusions and recommendations to representatives of the CEAWC on 28 October, before leaving the country.

## 1.5 The human face of human rights violations

17. In many of the discussions which Anti-Slavery International's representatives had with officials and representatives of other organisations in Sudan, the individual identity and suffering of individuals who have experienced abuse tended to be pushed into the background by questions about procedures and definitions, queries about statistics and other impersonal issues. It therefore seems important in this report to stress the human face of the people whom the CEAWC is assisting - both by including photographs of people who have personal experience of abuse, and referring to statements made by them. It is important to stress that the people concerned are not just statistics or part of a general pattern, they are individuals with the same basic human rights as everyone else, whether a government minister or an internally displaced person (IDP), whatever their religion, whatever language they speak, whatever their ethnic origin or ideology, and whatever their gender or age.

18. While visiting the three transit homes, generally known as Peace Construction Centres, in Khartoum, Nyala and Ad-Dha'ein, Anti-Slavery's representatives spoke to several dozen people from North Bahr El Ghazal who had been abducted or otherwise found themselves working for households in North Sudan. These individual cases represent only a tiny proportion of the human misery that has occurred as a result of abductions in Sudan since the mid-1980s (affecting many thousands of individuals), or as a result of other tragedies which have befallen people in the areas affected by war. Their stories almost certainly represent the experiences of thousands of other Sudanese, and resolving their predicament is therefore a crucial step for Sudan, not only in remedying the wrong done to the individuals involved, but in moving along the path to peace and reconciliation between communities.

19. Although the CEAWC's title suggests that those it is required to assist are either women, or children aged under 18, in practice they include some adult men aged 18 and over as well. This is because many abductions took place in the late 1980s and early 1990s, and young boys who were abducted from North Bahr El Ghazal in those years have spent as much as ten years living with a household in the North before being identified and assisted by the CEAWC. The majority of those whom we met were teenage boys.

20. The raids and other cases of abduction and enticement have taken place in the context of the civil war which re-started in Sudan in 1983. Although a very large area has been affected by the violence connected with the civil war (fighting between Government forces and the SPLA, and involving various surrogate forces), the areas where raids have occurred and slavery has been reported have been more limited. The victims mostly come from North Bahr El Ghazal (notably from the area around Marial Bai), and the raiders from South Darfur and West Kordofan. Most of the victims belong to the Dinka ethnic group, the largest in Southern Sudan, who inhabit not only North Bahr El Ghazal, but also parts of West Bahr El Ghazal, El Buhayrat, Jonglei, Wahda (Unity), Warab and Upper Nile States.

21. The men who carry out the raids, and the families which subsequently keep Dinka children and women working for them, are invariably reported to belong to pastoralist Arabic-speaking tribes based in

North Sudan, who, because of their cattle based economy, are known collectively as Baggara (cattle people). They belong to two tribes, the Rizeigat (in South Darfur) and the Misseriya (in West Kordofan). In the case of the Misseriya, it is the division of the tribe in West Kordofan, known as the "Red Misseriya" (Misseriya Humr or Humur) that is involved, some of whom are also reported to have carried out raids and abductions of people in the Nuba Mountains.

## 2. Information presented to Anti-Slavery's representatives in the course of meetings

### 2.1 CEAWC in Khartoum

22. At the beginning of our visit, we met with various officials in Khartoum involved in running the CEAWC, notably Dr Ahmed El Mufti, the Chairman of the CEAWC and Rapporteur of the Government's Advisory Council on Human Rights.

23. The CEAWC was established by a decree issued by the Minister of Justice on 15 May 1999.<sup>4</sup> It was given the following mandate:

- "(1) To facilitate the safe return of affected women and children to their families as a matter of priority by giving full support (whether financial, administratively or otherwise) to the efforts of the tribal leaders concerned.
- (2) To investigate reports of the abduction of women and children, and to bring to trial any persons suspected of supporting or participating in such activities.
- (3) To investigate into the causes of the abduction of women and children subjected to forced labour or similar conditions and recommend ways and means to obtain the eradication of the practice."

24. Article 4 of the decree gives the CEAWC:

"All the powers of the Minister of Justice and Attorney General under the Criminal Procedures Act of 1991, the Ministry of Justice Act of 1983 and the Republican Decree 97/1994 in connection with abduction of women and children, in particular the powers to arrest, investigate, search and bring cases of criminal relevance to trial".

25. We were given a report describing the CEAWC's first year's activities (ie, up to July 2000). The Chairman of the CEAWC explained to us how the organisation's work developed after it was set up on 15 May 1999.

26. The CEAWC itself is primarily a governmental structure, which also involves representatives of local communities and members of the Dinka Committee headed by James Aguer. The structure includes CEAWC committees (that is to say, committees co-ordinating the CEAWC's activities) at three levels of the country's administrative structure: federal or central government; state level; and provincial level. At each level, a series of government officials have been co-opted onto a co-ordinating committee. At the Federal level, they include representative of various ministries (External Relations, Home Affairs, Justice), national associations (eg, of Sudanese women), and the security forces (police, security service, and armed forces), as well as James Aguer of the Dinka Committee and "other concerned tribal leaders".

26. We heard that soon after the CEAWC was set up, it was decided that its method should be a participative one. This meant that, instead of sending in the army or simply "ordering" tribes to hand over women or children who had been abducted, a method and process were agreed which would engage leaders and representatives of the majority community involved in abducting or holding Dinka, and give the displaced Dinka in their locality some standing and ability to call on leaders of the majority community to help effect releases. This approach, we were told, had been advocated in particular by the Dinka Committee led by James Aguer.

27. At grassroots level, Joint Tribal Committees (JTCs) are intended to be composed in equal numbers of Dinka and of members of the local community responsible for holding Dinka, in identifying and

securing the release of anyone who has been abducted. Each JTC, we were told, is chaired by a member of the Dinka community.

28. Save the Children (UK) helped with training and developing the CEAWC's methodology. A five-page questionnaire was designed, to be filled in for each person being released and reunited with relatives, and the person concerned is photographed at both the beginning and end of the process. Once a person's return to their original home or family is confirmed, a dossier is considered to be "closed". By the time of our visit, the CEAWC had prepared about 1,200 dossiers and about 500 were currently being studied. Some 353 women and children had been reunited with their relatives, of whom about half had returned to parts of North Bahr El Ghazal which are not under Government control. The returns or "family reunification" had occurred via the town of Aweil, a town controlled by Government forces in an area otherwise in the hands of the SPLA; the returns were said to have stopped when fighting flared up in the area near the town from July 2000 onwards.

29. The CEAWC has established three "Peace Construction " in South Darfur, West Kordofan and North Bahr El Ghazal (in Nyala, El Fula and Aweil, respectively), and set up other transit centres on an ad hoc basis. Each centre is run by a board of trustees, including one person from CEAWC, one from the local community or tribe, and one from either UNICEF, Save the Children (UK) or other donors.

30. The Dinka Committee existed for many years, working unofficially, but now has a formal role in the CEAWC, with its leader, James Aguer, given a role in the Federal CEAWC committee.

31. The CEAWC also has powers under Article 4 of its statute to investigate cases of abductions, to arrest those suspected of breaking the law in relation to abductions and forced labour, and the authority to refer suspected criminals for prosecution. However, we were told by CEAWC representatives that, early on in planning releases, the Dinka Committee had advised against using the law to secure releases.

32. In about September 2000, the CEAWC established a "train committee" to be based on the train moving between Babanusa and Wau, in order to monitor any abductions which might occur. Foreign donors were reportedly reluctant to finance this in case someone in the monitoring committee was wounded or killed. Five days before our visit, the train was reported to have arrived in Wau and two abducted children were identified and released.

33. The Chairman of the CEAWC drew our attention to two particular problems that he considered needed solving. Firstly, one of finance, notably because documenting each case in detail was an expensive process (but necessary, notably because of allegations - which we were told were quite inaccurate - that women and children returning to their families in SPLA controlled areas have gone missing, or have been abandoned on their way home). Secondly, some communities were initially reluctant to take part in the Joint Tribal Committees and the CEAWC's work. However, this reluctance appeared to be a thing of the past, and the problem in Darfur by October 2000, we were told, was that too many people wanted to take part.

34. Members of the Federal CEAWC committee gave us supplementary information about the CEAWC's activities. We were told that both the war in the South and conflicts between specific communities or tribes over access to land and water (for livestock) were intimately linked to the pattern of abductions. In the course of the conflict, captives have been taken by different groups, and some individuals have been held on account of what were perceived to be "tribal practices". We were told that the law (the Penal Code) prohibits slavery, and could be applied by the authorities, but the acts of violence and abuses which have occurred were attributed to war, poverty and social degradation. Consequently, the best solution was considered to be to reintegrate victims in their area of origin, while at the same time pursuing efforts to bring about peace and end all the different forms of abuse associated with the war.

35. Particular obstacles to securing the release of those who have been abducted, which were brought up during our meeting with the Federal CEAWC committee included:

- t** the dimensions of the country and long distances which it is necessary to move people;
- t** the continuing recruitment by the SPLA of children to be combatants;
- t** and the continuation of the civil war in general.

36. Officials also objected to what they called the "politicisation of human rights", and to exploitation of certain human rights issues to tarnish Sudan's reputation. One commented that he wanted the outside world to know exactly what was going on in Sudan, including the efforts to release anyone abducted, because information disseminated abroad was so inaccurate. Consequently, visits by representatives of Anti-Slavery International or other organisations were to be welcomed. Several commented that economic exploitation of children still occurred in all parts of Sudan, and noted that the SPLA was responsible for exploiting children as combatants. We were also urged to visit SPLA controlled areas in order to find out what was happening there.

37. We were also told that children belonging to Baggara communities had been abducted by Southerners, and had not yet been returned home. The number involved appeared to be small in comparison to the number of southerners abducted by Baggara. We were told that UNICEF had been informed of the identities of those concerned and had sought information about them.

## **2.2 UNICEF**

38. The representative of UNICEF in Khartoum explained to us the origins of UNICEF's assistance to the CEAWC and some of the obstacles encountered in bringing about the release of individuals who had been abducted. We noted that, in addition to women and children abducted from North Bahr El Ghazal, there were also significant numbers of young Ugandans who had been abducted in North Uganda and who were subsequently held in Sudan, both (in Southern Sudan) by the Lord's Resistance Army (LRA), a Ugandan insurgent group, and by the Sudanese security forces (mostly Ugandans who had escaped from LRA camps).

39. We were told that no significant raids, resulting in new abductions, had been reported since December 1999. However, the flare up in fighting between government troops and SPLA forces in the Aweil area in the middle of 2000 had put an end to the safe corridor being used to return victims of abduction back to their homes in North Bahr El Ghazal. It was consequently considered a priority to establish a new safe corridor.

## **2.3 Save the Children (UK)**

40. With an office in Khartoum, as well as other parts of Sudan, Save the Children (UK) was able to give us very specific information about the number of people retrieved and returned to their families. They specified that between September 1999 and July 2000, 1,230 women and children had been identified as probable abduction cases by Joint Tribal Committees in South Darfur and West Kordofan (929 in South Darfur and 301 in West Kordofan), of whom 275 had found their relatives in various parts of the north of Sudan. Out of those remaining, 178 had been accompanied back to SPLA controlled areas via the town of Aweil (of whom 176 came from South Darfur and two from West Kordofan).

41. Both Save the Children (UK) and others were able to comment on allegations made in early July 2000 by Christian Solidarity International (CSI), suggesting that 133 of the women and children returning to SPLA controlled areas had gone missing. The allegation was, they said, completely unfounded. Save the Children (UK) confirmed in November 2000 that a representative of their organisation had been able to visit and check up on the welfare of 162 of the 178 returnees in SPLA controlled parts of Bahr El Ghazal some months after their return. The remaining 16 were reported to be in an area that was difficult to visit, and it was said that there appeared to be no grounds for fears about their safety.

## **2.4 Other officials in Khartoum**

42. While we were in Khartoum, we visited the Ministry for Manpower, where we met the Minister and other officials, and also received information from a senior representative of the Sudan Workers Trade Union who participated in the annual discussions of the International Labour Conference about reports of forced labour in Sudan. We visited the Ministry for External Relations and met the Deputy Minister. We were told repeatedly that those speaking to us had been surprised when they had first heard the allegations that slavery was occurring in Sudan, and did not believe the allegations. Several officials were aware that a pattern of abuse had developed in South Darfur, West Kordofan and North Bahr El Ghazal, but felt it could not conceivably be called "slavery".



43. Also in Khartoum, we met women and children at the capital's CEAWC transit centre and heard their accounts of their experiences (see section 3 below).

## 2.5 The Dinka Committee

44. We also talked to members of the Dinka Committees in Khartoum, Nyala and Ad-Dha'ein, both those organised at local level as part of the Joint Tribal Committees intended to identify cases of abducted women and children, and those working with James Aguer in various different areas. Some had encountered significant impediments in securing releases of Dinka women and children living with Baggara families. We heard that three activists working with the Dinka Committee had lost their lives in the course of the 1990s while tracing or seeking the release of Dinka who had been abducted. Members of the Dinka Committees expressed concern at their lack of authority to secure releases, and expressed particular concern about impediments being placed in their way to securing the release of Dinka women now said to be married to Baggara, in the communities responsible for their abduction.

45. Several people who spoke to us reported that they had plenty of evidence that large numbers of Dinka had been abducted and forced to work for others, that is to say that, in their view, slavery occurred, including purchases and sales of people. Furthermore, Dinka women had been forced to marry, or had married within the communities where they were living and working, without being aware that they had arrived in those communities after being illegally abducted.

46. Referring to the situation in South Darfur, members of the Dinka Committee reported that the Rizeigat community had initially co-operated well with the CEAWC and the process of identifying Dinka for release. However, they suggested that certain officials had started opposing releases and had been calling on other Rizeigat not to co-operate. Furthermore, local government officials had on occasion intervened to prevent releases, for example detaining members of the Dinka Committee until the Baggara nomads responsible for holding people had left the area and were no longer reachable. In other cases, activists were reported to have been "externed", that is to say subject to administrative orders banning them from entering or living in certain areas.

47. Members of the Dinka Committee estimated that in the years since abductions started in 1986 or 1987, a total of 6,000 people had been taken to Darfur, and a further 8,000 to Kordofan, i.e. a total of 14,000 abducted over about 13 years. They reported that prior to the establishment of the CEAWC in May 1999, they had secured the release of some 1,127 people.

48. We asked members of the Dinka Committee a number of questions arising from the publicity in the international media about individuals in slavery being released as a result of payments of money (ransoms or "redemption" payments) made in North Bahr El Ghazal to agents who are said to visit South Darfur and West Kordofan to secure releases. CSI, based in Switzerland, states that its representatives have paid money to secure the release of more than 42,000 people from slavery in Sudan, and Christian Solidarity Worldwide (CSW), based in the United Kingdom, states it has secured the release of about 1,500 as a result of payments. We asked members of the Dinka Committees in Nyala and Ad-Dha'ein whether any such agents had been reported to be active in the vicinity in recent years, seeking Dinka working for or living with Rizeigat families and accompanying them back south, and whether or not money was handed over to the families for whom they were working. Members of the Dinka Committees engaged in identifying Dinka women and children living with Baggara families reported that, on occasion, when they went back to find someone whom they had previously identified, the person was gone. However, they believed that in every case of this sort, the Dinka concerned had been handed on to another Baggara family, rather than to an agent of any sort. They disputed the dependability of CSI's reports of releases and suggested that, for practical reasons, it would be quite impossible to secure the release of the such large numbers of individuals as alleged (hundreds or sometimes thousands in one go), yet alone to accompany them safely back from Darfur or Kordofan to the parts of North Bahr El Ghazal, which are visited by foreigners representing CSI and CSW.

## 2.6 Ad-Dha'ein CEAWC Committee

49. In the town of Ad-Dha'ein we were able to meet the Provincial Commissioner (Governor)<sup>6</sup> and the CEAWC Committee (responsible for the province of Ad-Dha'ein as well as the town). Some members of this CEAWC committee told us that their investigations had revealed no cases of slavery, but rather what they called traditional practices involving the Rizeigat and Dinka peoples. The practices were attributed to competition over grazing and water resources along the river known to Arabic-speakers as the Bahr al Arab, and to Dinka as the Kiir, which runs along the southern border of Darfur towards the Bahr El Ghazal and the Nile, and is the de facto border between Darfur and Bahr El Ghazal.

50. The competition was said to have resulted in women and children being separated from their homes. It was recognised that the practices being referred to were not condoned by religion, nor by Sudan's various constitutions since independence. We were told that before the war restarted (ie, pre-1983), conflicts between the Dinka and Rizeigat peoples had been the subject of arbitration, with discussions occurring to resolve any conflicts. However, since the mid-1980s such conflict resolution procedures had not been working.

51. Members of the Ad-Dha'ein CEAWC Committee expressed the view that solving the problem (of abductions) would be easier if there was also economic development in the area, notably the construction of wells, road, schools and clinics, along with other infrastructure for rural areas. They pointed out that, in addition to initiatives taken by the CEAWC, private individuals, including soldiers, had taken action by themselves to secure the release of people, or spontaneously handed over Dinka living with them to the CEAWC. We were able to visit one household in the village of Abu Matariq which had handed over a Dinka girl to the CEAWC in 1999, after she had been living with them for seven years.

52. The local army commander participating in the Ad-Dha'ein CEWAC Committee told us that troops were not involved in abductions, but provide protection to CEAWC representatives who encounter physical opposition in the course of their duties. He said that troops also provide protection to internally displaced people (IDPs) and offer them an opportunity to join the army.

## 2.7 Rizeigat community leaders in South Darfur

53. In Ad-Dha'ein the Nadhir (paramount chief) of the Rizeigat, Said Musa Mahmud Madibu, told us that members of the Rizeigat community had not been involved in abducting any Dinka, and in particular were not currently detaining any girls or women. He said that Rizeigat leaders were concerned about the fate of Rizeigat who had been abducted by southerners. They were also concerned about the SPLA's practice of placing land mines in the vicinity of the Bahr al Arab/Kiir River, and mentioned a recent explosion in which 11 Rizeigat herders were reported to have been killed. In general, his community felt that the war had destroyed old ways of resolving conflicts and that these needed to be re-established.

54. The Nadhir and others also voiced concern at what they saw as hostile propaganda targeted specifically at the Rizeigat community in Sudan, starting with a report published in 1987 about killings which occurred in Ad-Dha'ein in March 1987. He did not perceive any of the Dinka living among the Rizeigat as victims of abuse. One of those present noted that he had watched videos showing Western organisations visiting SPLA areas and handing over money to pay for releases of slaves, and thought these were pure propaganda. He expressed particular concern at the claims which implied that white "Arabs" were responsible for raids and for slavery, when all of those living in South Darfur and Bahr El Ghazal, whether Arabic speakers or Dinka, were black Africans.

## 2.8 Dinka community leaders in Ad-Dha'ein

55. Leaders of the Dinka community in the town of Ad-Dha'ein (where the Dinka community was reported to number some 37,000) voiced concern about the slow pace of releases, and urged that something should be done to speed them up. They drew attention to the unresolved cases of Dinka girls and women who were now married to Rizeigat men in the communities where they had been held, and urged swift action to allow people to leave and return to their original families if they wanted to. They also expressed concern about the continuing use of the armed train from the town of Babanusa (in West Kordofan) to Wau (in North Bahr El Ghazal) to facilitate raids and abductions. One suggestion was that the

Rizeigat community in South Darfur should be asked to convene a congress to announce that all Dinka had to be returned home and to require everyone to swear that they would do so.

### 3. Information given to Anti-Slavery's representatives by individuals with personal experience of abduction

56. We talked to dozens of young men, women and children in three CEAWC centres who had been captured in the course of violent raids or who had otherwise come into the hands of Baggara families and remained living and working with them for months or years. The information they gave us helped put a human face on the tragedies that have occurred. We were able to ask many supplementary questions and to satisfy ourselves as to the accuracy of what we were being told; in a few cases we suspected the accounts we were being given were not wholly accurate - these are not reported here. Only a few testimonies are reproduced here to illustrate the personal drama experienced by a small sample of the thousands of people who have been caught up in the drama of what the CEAWC calls abductions and forced labour. These cases are intended to indicate the variety of types of abuse that individuals have experienced.

57. The personal names and place names mentioned below are reproduced as they were heard by non-Dinka speakers, so may not be spelled correctly. The likely correct version of place names is given in square brackets.

#### 3.1 Gabriel Muong Deng, a young man interviewed in Ad-Dha'ein

58. I am from Warawar [possibly Wedweil], near Marial Bai (in North Bahr El Ghazal). I was abducted about five years ago and spent about four years working for a man called Adam Mohamed. I am about 15 now, and was about nine or ten when taken.



**Gabriel Muong Deng**

59. At the time I was seized, I was attending Grade 1 school in Kwel. My father was already dead and my mother was living with her brother. I was studying at home on the day attackers came. Four others were taken as well as me: two boys and two women. We thought the noise was some distance away but the attack surprised us. I had my hands tied and was put on a horse.

60. I was eventually taken all the way to Jebel Mara (in the centre of Darfur, in West Darfur State). We started by going to Mellam [Merem], I was told. It took about a month to get there, accompanied by five men. Once in the Jebel Mara, I was taken to a place called Rijit by Adam Mohamed. He had a family of five boys and two girls living in a tent. They belonged to the Salamat tribe and spoke Arabic, which I gradually learned to speak. One of the girls was called Howa.

61. Each year we moved to and from the south in about June and October. I was given about 30 cows to graze. Adam Mohamed had a rifle, which he taught me to use, so that I could

scare off wild animals (translated as 'wolves'). To start with he would only let me have one bullet at once, but eventually let me have more.

62. The family renamed me Mohamed and taught me to pray. I was never sent to school. I did not meet other Dinka boys looking after cattle.

63. One day (probably during 1998), I lost a cow and was told to go and search for it. I asked if I might take the gun, and was told I couldn't. When I refused to go out, Adam Mohamed took a stick and hit me extremely hard here (he indicated his right collar bone, where he has a protuberance, apparently as a result of a badly set bone). This took almost a year to heal, and when I was better I was determined to escape.

One night, when Adam Mohamed was away at the beginning of the rainy season (probably about June 1999), I hid in the trees and left. I travelled by finding other Dinka who would guide me. I went through Greda and found Dinka from my own clan who helped me. I arrived in Ad-Dha'ein in about September 1999.

### 3.2 Testimony of Bol Manyat Bol, a young man interviewed in Khartoum

64. I come from near Wau. I was abducted about 12 years ago and was in the Ad-Dha'ein centre (ie, CEAWC Peace Construction Centre) before coming to Khartoum about five months ago (i.e. May 2000).



**Bol Manyat Bol**

65. At the time of my abduction I was living in Akwat Ajok village in Southern Gogrial, near Wau. I had just started school and was in my first year. My father had died as a result of illness, and my mother had recently been injured (by an anti-personnel mine) and had part of her leg amputated. As a result, I was out of school with my two brothers and three sisters. I went to the market in Wau and met some Arabs there. Four of them asked me to go with them, which I agreed to do. They were selling sheep. After a while I wanted to leave the Arabs, but they would not let me, and when I cried they said they would hit me. They gave me something to eat and I went with them, leaving the town (Wau). Then we got into a lorry. The group of abductors included several brothers and one of their sisters' sons.

66. From Wau we drove (west) to the town of Raga. We did not drive into the town there, but I was taken to a big house, about two-and-a-half hours drive west of Raga, and kept there for about four months.

67. After the four months, I was taken to another house belonging to the brother of one of those who had kidnapped me. I was told to look after the animals, and one of the children of the household accompanied me. Initially we were out on our own, but after about a month they made me a proper member of the household. I stayed with this household for many years, and after about seven years I was officially converted to Islam and the family started calling me Abdurahman.

68. We lived for about three years in the Raga area and then moved [north] to southern Darfur. It was in Darfur that I was taught the Koran and to pray. Eventually we moved to a place called Abu Matariq. By then, I stopped looking after livestock and went to work in the family shop in the village, while other

members of the family continued in the nomadic life and looked after the animals. I was living by myself in Abu Matariq, cooked for myself, and so on. Occasionally members of the family visited me.

69. Eventually a member of the Dinka Committee came and visited me. He challenged the family about my origins and they told him I was their son and he could not take me away. Later they said that some money had been paid on my behalf. Eventually they admitted that I had been taken from Wau. So the Dinka Committee arranged for me to be taken to the CEAWC centre in Ad-Dha'ein, where I was photographed, then to Nyala and now Khartoum.

70. I think I am 18 now and that I was about six when I was abducted [this implies he was abducted 12 years ago, in 1988; the Dinka Committee thought he had been taken in about 1991, implying he spent eight years, not 12, with the family in Raga and Darfur]. I have heard that my mother is dead.

### 3.3 Testimony of Ahok Akok, a woman interviewed at Khartoum

71. Our family was captured about six years ago [i.e. about 1994] when we were already fleeing north and had crossed into the North into Kordofan. I was captured with my son, Akai, and my two daughters, this one called Abuk [present at the interview], who was about eight at the time, and a younger one, about two. We were taken by a tribe called Humr [ie, Misseriya Humr], who split the three of us up. The man who took me subsequently sold me on to some other nomads to look after cattle, for about 130 Sudanese Pounds. I had to look after their cows and spent about six years with them before I managed to escape to Makaringa village.

72. Meanwhile, my three children had been taken away by others. For six years, until I reached Makaringa village, I had no news of them. When I reached the village, my son Akai heard where I was and joined me there. He is with us at this CEAWC centre. We then contacted the Dinka Committee and they were able to find my daughter Abuk, who had been renamed Khadija. She had initially been put to work looking after livestock, but had got into trouble when some animals had escaped - she was too little to look after them. After that, she was employed as a domestic servant. She hardly speaks any Dinka language now, only Arabic.

73. I still have no news of my youngest daughter and am still hoping to find her.



**Ahok Akok**

### 3.4 Testimony of Mayel Deng Majok, a young man interviewed in Nyala

74. I am from Ajuang near Aweil. I am about 16 years old now. I used to look after cattle for my aunt. One day about two or three years ago some raiders came, about 30 of them on horses. They caught me near where I had been sitting with some boys under a tree. Six of us had our wrists tied and were put in a horse-drawn cart. One of the other boys was called Makuch. Later on the same day three women were captured as well. We all had to go with the horsemen, sometimes riding, sometimes walking, for about six days, until we got to Sidam village, where the nine of us were split up. A man called Al-Fadhli took me to his house in Ferdos (a village near Ad-Dha'ein) by horse. He had five relatives there. During the wet season I had to dig the ground, and in the dry season look after goats. I learnt to speak Arabic from the others. I slept in the house with the others, collected water from a deep well, which I carried on a donkey back to the household, but generally had to eat by myself.



**Mayel Deng Majok**

75. In Ferdos I noticed another Dinka boy called Mayen, but did not dare talk to him. Al-Fadhli used to mistreat me and whip my legs with a hide whip (Mayel showed a scar on the inside of his right leg which appeared consistent with a lash mark).

76. Last year, early in the rainy season (July/August 1999), I escaped and got a ride in a car away from Ferdos to Bram. Some passengers gave me something to eat. I worked in a hotel in Bram for

about three months, then left after being paid. I arrived in Nyala and a man named Jimado, whom I met in the station, offered me some work in a hotel again. I worked there for about two months, and was then directed to this (CEAWC) centre. I arrived here in April 2000.

### 3.5 Testimony of Saitit Gabriel Nyuel, a young man interviewed in Ad-Dha'ein

77. I used to live in Waiwichia near Wau. I belong to the Jurchol tribe. I was abducted about three years ago (probably in 1997). My father was away and my mother was working in Wau, while I lived with my grandmother.

78. Soon after my brother was killed by raiders, and I had escaped, I went to Wau with some other boys. We visited the station and saw the train there. Just when the train was leaving an older man (whom I learnt later was called Abdel Mahmoud Ali) called out to me saying, "You boy, come here, look after these guns and I'll give you some money". This man went off, leaving me on the train looking after his things.

79. When he came back I wanted to get off the train, and he would not let me. The result was that I stayed on the train, which moved slowly northwards until we arrived in the town of El Muglad after about a month's journey.

80. Abdel Mahmoud Ali took me to work with him near El Muglad and I stayed there for about four months. Then a brother of mine living in Khartoum came and found me. He took me away, initially to Khartoum. I returned to Wau by air and found my mother working at the hospital there. Once again I went to live with my grandmother, this time in part of Wau town, while other relatives were in Nazaret.

81. I decided to visit the station again. I was with one of my peer group, who was frightened and ran away. This time a man called Yunis Taj called me and asked me to come with him to look after his cattle. I agreed and eventually spent about three years with Yunis [it seemed he joined him in about 1997]. I went with him, and Yunis gave me his horse to ride alongside the train. I saw other horsemen capturing cattle, and we continued to Aweil to wait for Yunis and the train there. When he arrived, he took me and we continued on by horse and bicycle.

82. Yunis was a mujaheed based in Aweil (ie, not a government soldier, but an individual volunteering to take part in a holy war). I spent some time working for him, together with another boy who was Dinka.

83. Eventually I was taken on the train. I went with another man called Jigri as far as a place called Lal Bridge (Kubri Lal). We travelled through several places, eventually reaching Abu Matariq and then a place called Teyra, which was Yunis and Jigri's village.

84. In Teyra I was given the name of Ali and worked driving a cart and taking people to Abu Matariq's Thursday market. To start with I saw other Dinka boys, but many escaped or left. Yunis looked after me quite well, so I decided not to go with them.

85. One dry season I was circumcised and had to stay in the house for 45 days to heal. When Yunis went away, a cow got into someone's farm and I was blamed. A brother of Yunis' called Mahdi gave me a beating and took me to Abu Matariq where I met the Dinka boy I had known in Aweil. When Yunis returned, he was upset at what his brother had done. Yunis had a daughter, but no other son, and wanted to adopt me. He made a promise to me that Mahdi would not beat me again. I returned to his home in Teyra with him.

86. Eventually I decided to escape with one other boy. We left Teyra and walked from noon until sunset. We found a Dinka man who let us sleep in his house, and then continued on until we reached Ad-Dha'ain. We started living in the IDP camp on the edge of town, and working in the market during the day - for about a week, until the CEAWC centre people heard about us in about July this year (2000). I arrived at the CEAWC centre on 14 August.

### 3.6 Thiejak (Nyanjok) Dintanei, mother of missing children, who spoke to us in Ad-Dha'ain



**Thiejak (Nyanjok) Dintanei**

87. I am the only woman member of Ad-Dha'ain town's Dinka Committee. In March 1987 I was living here in Ad-Dha'ain, when my husband was killed at the same time as many other Dinka, and my five children disappeared. I think they were all kidnapped by local people and I started looking for them immediately. I had no success finding my own children, but have gone on looking ever since. I believe that two of my children are still alive and are living and working for local families. I have been searching for them ever since 1987, but still have not located them.

88. The task of tracing missing children is complicated by what happens when raids are carried out. If the raiders cannot find any SPLA (soldiers), they turn on civilians (in Bahr El Ghazal) and abduct women and children. The members of a single (Dinka) family are then shared out among the raiders, meaning that the members of the same family are split up and separated. This practice makes it much more difficult to find them all later on.

## 4. Comments on possible obstacles to releases

89. There were many contradictions in the information given to us by different people. Some of these were explainable in terms of genuine differences in perception about what constitutes abuse, as well as differing opinions on how adequate the measures taken by the CEAWC since May 1999 have been. Other contradictions were doubtless due to the concern that both officials and private individuals had not to incriminate themselves, or others, in any activities now regarded as unlawful. We were told, for example, before visiting Ad-Dha'ein, that members of the Rizeigat community suspected that foreigners visiting the area, such as the representatives of Anti-Slavery International, were coming to collect evidence with which to refer people for prosecution before an international court, and were also told that some households holding abducted Dinka were refusing to hand them over to the CEAWC for fear of self-incrimination.

90. The information we received also revealed a series of other obstacles to the success of the CEAWC's work. This chapter describes these, including obstacles which are cultural, legal, political, and military in their nature.

### 4.1 Perceptions of what constitutes abuse

91. People originating from various different parts of North and South Sudan expressed disbelief to us at the very idea that slavery could be occurring at the end of the 20th century. This disbelief did not appear based on any knowledge of the pattern of abuse occurring in Sudan since 1985. Rather, it seemed based mainly on a presumption that "slavery" is an abuse that occurred uniquely in the past, rather than in any parts of the world today (an incorrect presumption). It also appeared based on an assumption that an abducted person, once he or she has been absorbed into the household of another family and is no longer being constrained by direct force to stay there, should be considered to be a member of that family (and social group) and no longer considered to be a victim of a human rights violation.

92. This perception may be based in part on an assumption that it is "reasonable" for some social groups to expand by absorbing individuals who are perceived to be destitute or to come from less fortunate backgrounds. Unfortunately, this prejudice can allow serious violations of human rights to occur, not only in the context of Sudan, but wherever it flourishes.

93. The United Nations' conventions against slavery address many of the situations which have arisen in South Darfur and West Kordofan when Dinka children or women have been absorbed into Baggara families, whether by false adoption, marriage, or as a result of the passage of time, leading them to forget their own origins, language, religion and other cultural attributes. Put at its simplest, a victim of slavery does not stop being a victim of slavery or servitude just because of the passage of time.

94. In contrast to slavery and servitude, forced labour is frequently a form of abuse which is limited in time. An ongoing or permanent situation of forced labour in which private individuals (as opposed to officials acting in a governmental capacity) are forcing others to work for them implicitly amounts to slavery or servitude. It is not only in Sudan that government officials have failed to recognise this implication.

95. Anti-Slavery International has, over many years, paid special attention to definitions or what constitutes slavery, servitude and forced labour, and to the formulation and interpretation of international law and standards on these issues. Many of the observations contained below are based on the organisation's past work. In June 2000 Anti-Slavery International made a statement to the UN Working Group on Contemporary Forms of Slavery, during its 25th session in Geneva, making the following observations about the terminology recently used in both Sudan and at the UN Commission of Human Rights for referring to the pattern of abuse noted in Sudan since the late 1980s:

"In April 1999, and again in April 2000, the UN Commission on Human Rights adopted resolutions expressing concern about 'abductions' and 'forced labour' in Sudan, rather than to slavery. The Sudanese authorities have been willing to take action in response to what they acknowledge to be abductions and forced labour, but continue to deny that the cases concerned have involved enslavement or slavery. Furthermore, they have on occasion



argued that the UN resolutions constitute a confirmation that the cases in Sudan do not constitute slavery. This question appears to be one of semantics and political sensitivity rather than substance. When women and children have been abducted, whether in the course of civil war or as a result of longer term conflict between different communities, and subsequently forced to work, or forced to marry, in the community where they are held captive, their treatment constitutes an abuse under terms of the UN's conventions on slavery."<sup>7</sup>

96. Further details about what the UN's conventions on slavery define as abuse of human rights and about what action they implicitly or explicitly require State Parties or others to take are presented in two appendixes to this report.

## 4.2 Definitions of offences in Sudan's laws

97. The Government's preference for the use of the terms "abduction" and "forced labour", when referring to the pattern of abuse now being tackled, has some basis in Sudanese law, in Part XVI of the Penal Code defining offences against personal liberty. These specify what constitute the offences of "abduction" (Article 161), "kidnapping" (Article 162), "forced labour" (Article 163), "unlawful confinement" (Article 164), and "unlawful detention" (Article 165). However, none of these articles of the Penal Code are known to have been invoked in the past 15 years to punish activities in South Darfur, West Kordofan or North Bahr El Ghazal. Furthermore, the term "abduction" as defined by the Penal Code appears an inappropriate term to use generically to refer to the seizure of Dinka children and women, as, in the Penal Code, it applies uniquely to young children before the age of puberty, and to the insane.<sup>8</sup> Likewise, the offence of "forced labour" as defined by the penal code is a relatively trivial offence, punishable by up to only 12 months imprisonment and a fine.<sup>9</sup> The offences defined as kidnapping and unlawful confinement appear equally relevant; they are punishable by ten years and three months imprisonment respectively.<sup>10</sup>

## 4.3 Implications of not referring to the pattern of abuse as "slavery"

98. In finding the right remedies for the pattern of abuse which has existed since the mid-1980s, Anti-Slavery's representatives told Ministry of Justice officials at the end of their visit in October 2000 that there appears to be no absolute need to use the word "slavery" if this seems likely to jeopardise the process of releases, as long as it is clear that there is full commitment, both by the authorities and those responsible for holding people, to releasing and rehabilitating everyone who has been abducted and reuniting them with their own families, and to ending all the abusive practices which are prohibited by international slavery conventions. The highest priority appears to be to secure releases and ensure that all those abducted are helped to return home (see Appendix 2).

99. However, the use of the term "abductions" evidently has implications once the authorities do decide to start pressing charges against individuals who have either captured or enticed people in North Bahr El Ghazal and subsequently made them to work for them or others in South Darfur or West Kordofan. Article 161 of the Penal Code does not define the offence of "abduction" in a suitable way to allow prosecutions of those responsible for acts which are violations of the UN's conventions on slavery.

100. Furthermore, the willingness or refusal by government officials or others to use the term "slavery" evidently has much wider implications in the long run, notably in the context of re-establishing confidence and trust between the various communities involved, as efforts are made to bring about reconciliation between the Dinka and the various communities which many Dinka believe have victimised them. The pattern of abductions which many Dinka perceive to have been slave raiding, slave trading and slavery, is just one aspect of the discrimination and persecution to which members of the Dinka community feel they have been subjected, not only by members of the Government's security forces or allied irregular forces (militia), but more widely by entire social groups based in North Sudan. Experience from other countries shows that reconciliation generally has to be preceded or accompanied by a process for identifying the truth about what has happened - a process which is often more difficult for those responsible for abuses of human rights than for the victims of abuse.

101. Furthermore, there is a danger that in avoiding the use of terms such as "slavery" or "servitude", the authorities are downplaying both the significance of the abuse which has occurred and the importance of releasing all the victims without further delay. The authorities' decision on the issue of terminology consequently carries with it a serious risk of encouraging procrastination and delaying releases.

## **4.4 The question of direct or indirect Government complicity**

102. Both government officials and others seemed keen to deny that any government officials or representatives of the military or security forces have ever promoted raiding by tribal militias as part of a counter-insurgency policy against the SPLA or inhabitants of Bahr El Ghazal, or provided any material support to the raiders. In some cases, the involvement of the Murhaleen (nomads) in carrying out raids involving abductions was denied altogether, and it was suggested that Dinka had come to join Baggara families through a number of "traditional" ways. Nevertheless, in most cases people who referred to "traditional" practices did not seek to deny that the number of Dinka found working for or living with Baggara families had greatly increased from the mid-1980s onwards.

103. Once again, this version of events appears at odds with the facts, for it is clear that raids have occurred, and that the upsurge in cases of abduction occurred for political reasons in the mid-1980s. The historical record makes it clear that raids by armed groups composed of Rizeigat or Misseriya started after the SPLA's attack in mid-1985 on the town of al-Qardud in Kordofan. Following this attack, Sudan's Transitional Government began to channel arms to communities in Kordofan and Darfur, which in turn formed militias both for self-defence and to carry out attacks in North Bahr El Ghazal, in areas inhabited by the Dinka.

104. In order to prevent further cases of abduction from occurring, it is evidently necessary that the country's political authorities should instruct all the defence and security agencies involved in designing counter-insurgency policies not to promote, facilitate or allow raids by Murhaleen in North Bahr El Ghazal; and instruct the paramount chiefs and other influential leaders of Baggara communities not to carry out or participate in raids and not to abduct or harm civilians.

## **4.5 What is in the best interest of the victims?**

105. Most Dinka informants had no reservation about using the term "slavery" and "slave raiding" to describe their own experiences or the experiences of others who had been captured in the source of raids or otherwise forced to work for Baggara households. In some cases reference to "slavery" leads them to conclude that every Dinka who is living with a Baggara family, whether as a wife, worker or adopted child, should automatically be taken away and restored to their original (Dinka) family. There is a danger, again, that beliefs and assumptions blind people to the principles that the wishes of the individual victims of abduction must be taken into consideration and, in the case of children, that any decision made about their future must take account of what is in the child's "best interest".

## **4.6 Military obstacles to releases**

106. The current absence of a safe corridor to return victims of abductions, who are now in parts of the country controlled by the Government, to areas in which the SPLA is active does not appear to constitute an insurmountable problem. However, throughout the second half of 2000 it appeared impossible to resolve. It is clear that the CEAWC cannot arrange crossings out of government held areas by itself, without the agreement of the political and also the military and security authorities. We were told that since July 2000 it had been impossible to get agreement for direct flights into SPLA controlled areas. As no clear explanation was provided for this, we surmised that it was probably because of objections by military or security officials.

107. In the context of civil war, it may appear reasonable for Government officials not to take any action which might increase the strength of the armed opposition deployed against them - such as returning young men who have been victims of abduction to the areas from which they were abducted as children. However, it is clear that, in failing to return victims of abduction to SPLA controlled areas, the Government is failing in its international obligation to remedy the violation of these individuals' human rights, and is in danger of appearing to condone a serious violation of international law, which is now regarded as a crime against humanity. Furthermore, the Government is also failing in its obligation under the May 1999 Decree establishing the CEAWC, which gives the CEAWC a mandate "to facilitate the safe return of affected women and children to their families as a matter of priority" (Article 3).

## 5. Remedies and recommendations

108. In order to overcome the various obstacles which Anti-Slavery International's representatives noted to the successful completion of the CEAWC's work, the organisation wishes to bring the following recommendations to the attention of the authorities.

### 5.1 Issue orders forbidding further raids on civilians and abductions

109. The Government of Sudan needs to take immediate action to stop attacks on civilians and prevent new raids and abductions taking place. The need for orders of this sort to be issued by the most senior political and military officials was confirmed by reports that new raids and abductions occurred in January 2001 (see '6' below).

### 5.2 Clear statements by the authorities on what practices are not allowed

110. The Government of Sudan should make clear statements specifying that the practices that have resulted in abductions, forced labour or slavery are illegal and confirming that, with immediate effect, anyone responsible for a new abduction will be prosecuted, along with anyone responsible for any sort of assault, such as beatings or rape, against an abducted person.

111. The authorities in Sudan have not yet made explicit enough statements about the practices which are forbidden by both international and national law. Instead they were tolerated or even encouraged in the late 1980s and in the ensuing period before the CEAWC was set up in 1999. In view of the various issues raised under the terms of definitions and current international law, Anti-Slavery International recommends that the appropriate authorities should make clear in public statements that the following practices are forbidden and will in future be punishable:

**t** abductions and kidnapping, whether in the context of raids encouraged by the Government or its representatives, or not;

**t** keeping victims of abductions or kidnapping as either captives or in apparent liberty in a family which is not their family of origin, without the explicit agreement of those concerned or, in the case of children, of their parents or guardian;

**t** enticement to persuade children or adults to work. That is to say, presenting deceptive information about what they will be doing or how they will be remunerated, or involving children who are vulnerable and too young to make a choice to leave home to work. This applies in particular to cases of soldiers, mujahedeen or militia members who have enticed children at Aweil or Wau railway stations into accompanying them northwards;<sup>11</sup>

**t** "false adoption", that is to say acquiring children to work or live in a family who were not born into that family, and "absorbing" them illegally, in some cases giving them a new identity, with the possible consequence that the children are deceived about their original identity, whether or not a member of the local community with legal authority has agreed to such adoption. While taking care not to impede the adoption of war orphans and other children who have genuinely lost their parents and families, the Government of Sudan should consequently clarify the specific circumstances in which children can be fostered, adopted or employed by families other than their own;

**t** debt bondage, that is to say the practice of placing a child or other family member to work for another person or household in return for a loan, in anticipation that the child or family member will continue working until the loan is paid off (this practice is prohibited by Article 1(a) of the 1956 UN Supplementary Convention<sup>12</sup>, the text of which is included in Appendix 1 below);

**t** employing the children of other families (and possibly other ethnic groups) in circumstances which are prohibited by Article 1(d) of the 1956 UN Supplementary Convention (see Appendix 1 below for relevant provisions); for example, employing children below 18 from another family to look after cattle on anything other than a strictly temporary and part-time basis;

**t** persuading a girl or woman to enter into marriage, even with her own consent, when she is unaware of her own origins, and is consequently not able to give her informed consent;

**t** maintaining women or girls in marriage when they have not given their informed consent to marriage.

112. Implementing these standards would require a substantial change of behaviour among various pastoral groups (Baggara and others) in Sudan. Anti-Slavery International further recommends that the appropriate authorities should promote awareness of these new standards among communities in South Darfur, Western Kordofan and North Bahr El Ghazal through education and awareness-raising programmes.

### 5.3 When to prosecute

113. The Government of Sudan should instruct both the CEAWC and the various Baggara communities that all Dinka people held illegally must be released immediately, and should facilitate this process by setting a date when prosecutions will be started against anyone who fails to follow these instructions.

114. Reviewing the circumstances in which patterns of slavery were brought to an end during the 20th century, Anti-Slavery International can observe that it is rare that an entrenched pattern of slavery or servitude has been ended simply by prosecuting and punishing those responsible for exploiting or holding others, that is to say, by attempting to put an end to their impunity. This is for many reasons, not least that government officials and law enforcement personnel at district or local level are in many cases complicit with those who control and exploit the labour of people in slavery or servitude,<sup>13</sup> and they consequently fail to uphold the law - and in some cases central government authorities do not have enough power or influence to ensure they do so.

115. Anti-Slavery's recommendation, therefore, is that there should be a carefully managed process of several stages, beginning with a clear statement of what norms or standards should henceforth be observed, and a time bound programme to move to the new situation in which such norms are observed. The implication, of course, is that for a short and limited period, legal standards already set at international and national level are not implemented, and in effect an amnesty is granted for transgressors. This appears to be the situation at present in South Darfur and West Kordofan, a situation in which, either deliberately or not, the authorities have suspended the rule of law. It is important that this period should be brought to an end as soon as possible, if the Government is not to be accused of condoning slavery.

116. Within as short a period as feasible, it is vital that the State should enforce the new standards, for its failure to do so will be perceived as a sign of weakness and will undermine the new standards.<sup>14</sup>

117. In the context of Sudan, these principles suggest that the Government is correct to have embarked on a process to secure the release of all those abducted or otherwise reduced to a situation of forced labour, servitude or slavery, without simply announcing that it will prosecute anyone responsible for carrying out abductions or keeping victims of abductions in their custody. However, it is important now that a deadline be announced by which everyone must have been released, and after which prosecutions will start.

118. Anti-Slavery International consequently recommends that the CEAWC or other appropriate senior government authority announces a target date when prosecutions will start, and that the appropriate resources be allocated by the Government for investigations and prosecutions.

119. Anti-Slavery International also recommends that in the short term anyone responsible for a new

abduction should be prosecuted, and that individuals responsible for any sort of assault, such as beatings (which have left some victims scarred or maimed) or rape, should be prosecuted and punished.

#### **5.4 Re-establishing a corridor to allow children and women to travel home**

120. Undoubtedly, the greatest priority at the moment is to re-establish a route by which children and women who are currently awaiting reunification with their families can pass safely back to areas of North Bahr El Ghazal where their relatives are living or from which they were forcibly removed. These areas are not currently controlled by the forces of the Government of Sudan. Understanding the exact reasons why a new corridor has not been established since the safe passage out of Aweil came to an end in June 2000 was not among the initial objectives of the visit by Anti-Slavery's representatives. However, it was evident that the absence of such a corridor constitutes a major obstacle to the success of the CEAWC's work and is not only preventing family reunification, but also undermining confidence in the release process as a whole, and consequently having a negative effect on the earlier stages: the operations of tracing and securing the release of children and women held in South Darfur and West Kordofan. It seems vital that the Government should do all that it can to remove this obstacle, and it is clearly also important that it should be seen to be doing everything within its power to do so.

#### **5.5 Girls and women - the urgent need to establish a process for freeing girls and women who are said to be married**

121. Anti-Slavery's representatives were told on several occasions that many women and girls living in Baggara households were being treated as "special cases" on the grounds that they are now married. The representatives were told that these cases would be dealt with later on, and that a method or procedure for doing so still had to be agreed. Their status as married women evidently makes the cases especially sensitive, but it is nevertheless vital that the CEAWC proceeds with its work on the basis of the principle of non-discrimination, and consequently elaborates a procedure as a matter of urgency which will allow women and girls who have been abducted to return to their original families if they wish to do so, whether or not they have been married.

122. In its June 2000 statement to the UN Working Group on Contemporary Forms of Slavery, Anti-Slavery International included the observation that:

"... the process for consulting such women about whether they want to return to their community of origin or to remain in their marriage requires particularly sensitive handling. Any pressure on such women to abandon their children in order to return to their community of origin would undermine the process. Some precedent was established in southern Sudan in 1999, when it was agreed that it should be the parents of a woman who has been abducted or forcibly married, who visit and consult her, in order to make it absolutely clear that she is free either to remain or return home without stigma".

123. Representatives of the Dinka community were evidently concerned in October 2000 that the classification of cases of married girls and women as "special cases" represented procrastination by the families and communities into which they had been married. Anti-Slavery International notes, of course, that married women and girls may choose to remain in their marriages, and may not be obliged to leave and return to their families of origin. However, it is vital that they should be given a proper opportunity to make an informed choice about whether they remain or return home. This decision may not reasonably be made for them either by their in-laws, nor indeed in meetings involving primarily male representatives of the Dinka and Baggara community concerned.

124. Anti-Slavery International consequently recommends that the CEAWC should convene a joint working group of women from the different communities involved, Arabic-speaking and Dinka-speaking, to identify suitable procedures for making the options clear to the girls and women involved, giving them an opportunity to choose as freely as possible, while also addressing the question of the custody of

children born to such women. The procedure should probably involve women, and possibly men, representatives of the Dinka community visiting all the girls and women concerned, to explain that they may leave the family into which they have married if they so wish.

## **5.6 Protection for individuals involved in tracing, rehabilitation and reunification**

125. The Government of Sudan should provide protection to all those involved in the tracing, release and rehabilitation activities of either CEAWC or the Dinka Committee, and punish officials or private individuals who obstruct their work.

126. Anti-Slavery International's representatives were impressed that the Sudanese authorities had embarked on a process of identifying individuals who need releasing which is participatory, that is to say involves representatives of both the community whose members have been abducted or forced to work (predominantly, the Dinka), and representatives of the communities which have abducted or exploited them (mainly the Rizeigat in South Darfur and the Misseriya in West Kordofan).

127. Evidently, however, the representatives of the two communities are not yet able to work on an equal basis, as the Dinka continue to be regarded in many cases as outsiders, suspected of sympathies or even links with the SPLA, and have frequently been subjected to discrimination in the areas of North Sudan concerned. For this reason, it is vital that the authorities provide them with protection from harassment, and that the Central Government takes remedial action against local government officials or members of the security forces who seek to impede the work of tracing, rehabilitation and reunification, for example by "externing" members of Dinka Committees engaged in tracing work, or detaining others involved.

## **5.7 Financing the work of tracing, rehabilitation and reunification**

128. Much of the work of the CEAWC since its establishment has been financed by international agencies (intergovernmental and non-governmental) or by foreign governments, notwithstanding Article 6 of the May 1999 Decree establishing the CEAWC, which states that: "The Government shall provide the necessary financial resources for CEAWC." It is easy to observe that for public relations reasons the Government of Sudan itself should be financing a significant part of the CEAWC's work. However, there are also more substantial reasons related to principles established in international law.

129. While the principle of financing repatriation of detainees set out in the Fourth Geneva Convention for the Protection of War Victims (the provisions of which are quoted in Appendix 2) is not binding on Sudan in this case, despite its accession to the Convention, it confirms that it would be appropriate for the Government to make a significant contribution out of State funds.

## **5.8 Government responsibility for upholding, and introducing awareness of and respect for international human rights standards**

130. This report contains recommendations concerning the implementation of a range of internationally recognised human rights and labour standards. The recommendations are focused on resolving a relatively specific pattern of abuse, which has developed in the context of civil war, accompanied by a wide range of other forms of abuse. However, the pattern of abuse which CEAWC has been established to stop was facilitated by apparent ignorance of a range of human rights and basic labour standards in much of Sudan, even before war restarted in 1983. Anti-Slavery International consequently notes that the Government has a responsibility under international law to introduce knowledge of and respect for human rights standards, not only at the level of central government and government agencies, but also in the wider population, including in groups which prefer to maintain "traditional" ways of life, such as nomadic pastoralism. Throughout the world, such communities object to central government dictating what their "cultural practices" should be, but nevertheless governments recognised by the international community have a clear international obligation to ensure that such practices do not entail abuse of human rights.

## 6. Concluding note: Further contacts by Anti-Slavery International with the CEAWC since October 2000

131. Shortly after leaving Sudan, on 2 November 2000 Anti-Slavery International's Director wrote to the Chairman of the CEAWC, Dr Ahmed El Mufti, to thank him for all the assistance provided by the CEAWC during the trip. He also drew attention to one of Anti-Slavery's main recommendations emerging from the visit, namely that the Sudanese authorities should give priority to re-establishing a safe corridor to allow individuals who had been abducted and then freed with the CEAWC's assistance to travel back from parts of the country controlled by the Government to areas controlled by the opposition SPLA.

132. During the following two months, Anti-Slavery International learnt of reports from the town of Aweil of the build up of militia forces in the town, which were said to be preparing to carry out raids in surrounding parts of North Bahr El Ghazal. On 10 January 2001 the Reuters news agency reported that UN officials had just confirmed that serious abuses had occurred in the Marial Bai area of North Bahr El Ghazal; the agency reported Baggara militia had carried out raids, killing 11 people and abducting 122 people - 11 adult women and 111 children. On 12 January 2001 Anti-Slavery International's Director contacted the Chairman of the CEAWC to draw his attention to these reports and to urge him to investigate, and in particular, to ensure that anyone responsible for these or other new raids was held to account and prosecuted, along with any members of the Sudanese defence or security forces who had encouraged or facilitated the raids.

133. On 24 January 2001, Dr Ahmed El Mufti replied, reporting that the CEAWC was addressing 101 new cases identified in El Meram in West Kordofan. He noted that he was aware that "some circles are still claiming that some abductions have taken place". In relation to the latest reports of abductions he reported that the CEAWC Committee members present on the train moving between Wau, Aweil and El Muglad had reported noting some 27 civilians on the train, and had "satisfactorily addressed the matter".

## Appendix One - On relevant international law and its implications

### UN slavery conventions

134. The first time a definition of slavery appeared in an international agreement was in the League of Nations Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (the "Slavery Convention"). Article 1(1) sets out the definition of 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".<sup>15</sup>

135. The Slavery Convention also prohibits all aspects of the slave trade. The slave trade "includes 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".<sup>16</sup>

136. The range of forms of slavery prohibited in 1926 had been officially recognised in a list prepared by the Temporary Slavery Commission in 1924, which in addition to enslavement, slave raiding, the slave trade and slave dealing, included:

"2. 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."

137. The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956<sup>17</sup> went further. The provisions of Article 1 oblige States parties to abolish certain institutions and practices analogous to slavery, which are referred to collectively as "servile status".<sup>18</sup> Two of the four provisions appear relevant to cases which have arisen in Sudan, in Article 1 (a) and 1 (d):

(a) "Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined;"

(d) "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."

138. The provisions of Article 1 (d) were developed in part to apply to cases of "false adoption", in which children who were bought or obtained in return for a loan were considered by the family that had acquired them to be integral members of the family, although often treated as servants in the household. This definition of a form of "servile status" or servitude applies to cases in which a child has been deliberately handed over to work for others. Evidently, any case where the child has been abducted would more appropriately be categorised as slavery.

139. In November 2000 the UN adopted a new Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, which condemns not only abductions, but also recruitment marked by deception and the abuse of power or of a position of vulnerability, all of which appear to apply to cases which have occurred in Sudan. The Protocol sets out to "prevent and combat trafficking in persons, paying particular attention to women and children" and to "protect and assist the victims of such trafficking, with full respect for their human rights" (Article 2). In opposing "trafficking in persons", Article 3 (a) of the Protocol condemns:

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

## **ILO forced labour conventions**

140. In 1930 the International Labour Organization (ILO) adopted the Convention Concerning Forced or Compulsory Labour (ILO Convention No. 29).<sup>19</sup> Article 2(1) of this Convention defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". The ILO Convention's definition of forced labour focuses on the exaction of involuntary labour through coercive means and thereby remains the link between forced labour and slavery.

141. ILO Convention No. 29 was initially intended to be applied to work or service exacted by governments or public authorities. More recently it has been interpreted by the ILO to apply to forced labour exacted by private bodies and individuals, including slavery, bonded labour and certain forms of child labour.<sup>20</sup> This has not altered the definitions of what practices are prohibited by international law, but means that the ILO nowadays criticises governments for failing to prevent practices prohibited by the UN's various slavery conventions. In both instances the victim's freedom is restricted and he or she is coerced to work involuntarily, usually under the threat of violence or some other punitive measure.<sup>21</sup>

142. ILO Convention No. 29 goes significantly further and obliges the signatories to "suppress the use of forced or compulsory labour within the shortest possible time". The ILO has stated that after more than 60 years it is not feasible for a country to rely on the transition period referred to in the convention to justify inadequate national protections against forced labour.<sup>22</sup>



## Forced marriage

143. International standards in relation to non-consensual marriage are clear, as is the principle that a contract entered into by someone acting under duress, for example while subjected to slavery, servitude or forced labour, shall be considered null and void.

144. The right not to be subjected to a forced or non-consensual marriage is a much broader right than those addressed by the UN's slavery conventions, but one intrinsically linked to various abusive practices related to marriage, which are condemned by Article 1(c) of the Supplementary Convention on Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 as forms of servile status. It is based on the provision of the Universal Declaration on Human Rights that "Marriage shall be entered into only with the free and full consent of the intending spouses."<sup>23</sup>

145. Recognising the close link between forms of servile status and the general practice of forced or non-consensual marriage, the Supplementary Convention of 1956 requires States Parties "to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages".

146. The UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted in 1962,<sup>25</sup> constitutes a basic international standard on the issue of marriage, and was supplemented in 1979 by the UN Convention on the Elimination of All Forms of Discrimination against Women. The 1962 Convention specifies that "No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and other witnesses..."<sup>26</sup>

## Appendix Two: Guiding principles for securing the release of individuals subjected to slavery or servitude

147. The wide range of violations of human rights which characterise cases of abduction, kidnapping, slavery, servile status, forced labour, unlawful confinement and unlawful detention place a heavy obligation on governments, as well as inter-governmental institutions, to take firm and rapid action to remedy any cases which are brought to their attention.

148. In the case of slavery or any pattern of abuse resembling slavery, the main priorities are to prevent any further cases of abduction or new recruitment into slavery, and to secure the release of current victims and their full rehabilitation. The longer individuals are kept in a situation of slavery, the more difficult it often becomes to reintegrate them into their original social environment. Consequently, there is a particular urgency to secure their release from any sort of captivity, arbitrary detention, or other situation in which they are subjected to coercion, but at the same time to ensure that this is done in an ordered way, which will not jeopardise their physical or mental well-being. For example, it should not leave them destitute.

149. Some forms of violation of human rights, such as killings and torture, take place at a single point in time. In such cases it is reasonable for the national authorities and international community to give priority both to preventive action to prevent any repetition, and to prosecution and punishment, to end the impunity of the individuals responsible for the acts which violated human rights, either directly or those with responsibility in a line of command.

150. Slavery and servitude differ in that they constitute an ongoing status, a continuous violation of human rights which persists after the individuals concerned have been put into this status, either by an act of violence (such as kidnapping) or by birth. Furthermore, they are aggravated over time, as the victims lose their original identity, become unable to speak their original language and are absorbed into social groups into which they have been introduced involuntarily. Consequently, the greatest priority for the national authorities and international community must be to put an end to the slave status of the

individual concerned as rapidly as possible, as well as ensuring that no other individuals are put into the same status.

151. In contrast to slavery and servitude, forced labour is frequently a form of abuse which is limited in time. An ongoing or permanent situation of forced labour in which private individuals (as opposed to officials acting in a governmental capacity) are forcing others to work for them implicitly amounts to slavery or servitude. It is not only in Sudan that government officials have failed or refused to recognise this implication.

152. As far as the victims of are concerned, ending their status in slavery or servitude is said in conventional terms to be done by "restoring their freedom". However, in practice it usually requires a more complicated process, one involving rehabilitation and reintegration. In the case of individuals who have been forcibly removed from one place to another, there is an obvious obligation on the State concerned to arrange, and finance, their return home or to the place from which they were removed.<sup>27</sup>

153. The State also has an obligation to end the pattern or system of slavery or servitude, whether this occurs as a result of acts of violence or as a result of the hierarchy and discrimination inherent in a social system. For this reason, it is not sufficient simply to secure the release of the individuals involved (for example, by raiding the premises where they are held, or paying money as a ransom or, in the cases of slavery, to manumit or redeem the person concerned), without also trying to address the root causes. For example, if a State condones a system of ransoming or manumission by payments for individuals in situations of slavery or similar to slavery, it would be failing to address the root causes and thus failing in its obligations under international law.

154. In cases of slavery or servitude, securing the release of victims, and their subsequent rehabilitation and social reintegration must be given priority. Consequently, it is important that action to prevent cases of abuse or to end impunity should not jeopardise the process of release. Nevertheless, prosecuting individuals who have taken part in capturing people or keeping them in slavery may be perceived as an important way of dissuading anyone from continuing such practices.

155. The decision by the Government of Sudan in 1999 to use the terms "abduction" and, to a lesser extent, "forced labour" to refer to the pattern of abuse reported in North Bahr El Ghazal, South Darfur and West Kordofan appeared to carry with it the intention that this pattern of abuse should not be regarded as one of either slavery or of servitude. The term "abduction" evidently refers to a single act, that of removing a person involuntarily and unlawfully from wherever that person was located at the time of the abduction, and implies some use of unlawful force. Implicitly, the victim of the abduction is subjected subsequently to arbitrary (and unlawful) detention, constituting a violation of their rights under Article 9 of the Universal Declaration of Human Rights ("No one shall be subjected to arbitrary arrest, detention or exile"). Also implicit is the notion that the status of "having been abducted" does not end until the person concerned is restored to the place from which he or she was abducted. The term does not, however, specify the status of the person abducted after his or her initial abduction. A number of different statuses are conceivable. An individual abducted by members of the security forces could be subjected to lawful imprisonment or to arbitrary detention, or, if held in secret and unacknowledged detention, could be considered to have "disappeared". The same status would apply to an individual who is abducted by an irregular force or militia, whether or not it is operating at the request of Government authorities. However, when individuals are made to work for private individuals following their abduction, it is difficult to see how their status differs from that of a slave.

# Endnotes

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<sup>1</sup> Until 1990 the organisation was known as the Anti-Slavery Society.	1
<sup>2</sup> These terms are explained in the first section of the Appendix, entitled "UN slavery conventions".	1
<sup>3</sup> In July 1957 the Ambassador of Sudan, His Excellency Sayed Awad Satti, attended a meeting in London organised by the Anti-Slavery Society, at which he concluded: "We should all hope that the Anti-Slavery Society will continue its good work until the great achievements it started are completed with great success and triumph to the human cause".	1
<sup>4</sup> The Eradication of Abduction of Women and Children Order, 1999.	4
<sup>5</sup> By Article 3.	
<sup>6</sup> Ad-Dha'ain is the name of both a town and the administrative division around it, referred to in English as a Province.	7
<sup>7</sup> Statement on Sudan made by Anti-Slavery International to the 25th session of the UN Working Group on Contemporary Forms of Slavery, Geneva, June 2000.	15
<sup>8</sup> Article 161.1 specifies that: "Whoever abducts any person below puberty or insane person by taking or inducing, in order to remove him away from the custody of his lawful guardian without the consent of such guardian shall be punished for a term not exceeding seven years and may also be punished with a fine". Article 161.2 adds that: "The provisions of sub-section 1, shall not apply to any person who alleges the right of custody or guardianship or trusteeship or any lawful authority".	15
<sup>9</sup> Article 163.	15
<sup>10</sup> Articles 162 and 164.	15
<sup>11</sup> A recent United Nations instrument on trafficking in persons condemns recruitment which involves fraud, deception, and abuse of power or abuse of a person in a vulnerable position: the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, of November 2000 (see Appendix 1).	17
<sup>12</sup> United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, of 1956.	17
<sup>13</sup> An "entrenched pattern" refers to one which has not been regarded as morally wrong or socially unacceptable by those involved in profiting from slavery or servitude.	18
<sup>14</sup> For example, this is what has happened in Pakistan, where bonded labour (a type of servile status or servitude affecting tens of thousands of people) was declared unconstitutional in 1989, and was formally banned by a law adopted in 1992. However, the Government of Pakistan did not take action to enforce the new law, and landlords using bonded labour interpreted this as a green light to continue doing so.	18

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<sup>15</sup> Slavery Convention of 1926 Article 1(1). The most recent reference to slavery in an international instrument is in the Rome Final Act establishing the International Criminal Court. Enslavement is deemed to be a crime against humanity, which falls under the jurisdiction of the Court. Enslavement is defined as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children." [Rome Final Act Article 7 (2) c].	21
<sup>16</sup> Ibid. Article 1(2).	21
<sup>17</sup> Ratified by Sudan on 9 September 1957.	22
<sup>18</sup> The term "servitude" is not used in the Supplementary Convention, which refers instead to "institutions and practices similar to slavery" and "persons of servile status".	22
<sup>19</sup> Ratified by Sudan on 18 June 1957.	22
<sup>20</sup> ILO Governing Body Report GB.965/2 para.32 (1996)	22
<sup>21</sup> The 1926 Slavery Convention already addressed some aspects of forced labour, specifying that "compulsory or forced labour may only be exacted for public purposes", and thereby distinguishing it from forced labour exacted for private purposes or by private individuals, which was implicitly not allowed. The Slavery Convention also specified that "the responsibility for any recourse to compulsory or forced labour shall rest with the competent central authorities of the territory concerned" and that "as long as forced or compulsory labour exists" it "shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence".	22
<sup>22</sup> Report of the ILO Committee of Experts 1998 p.100 The Commission of Inquiry on the observance of the Forced Labour Convention No. 29 in Myanmar (Burma) agreed in 1998 with this view (Forced Labour in Myanmar Report ILO Geneva 2 July 1998 p.72). The Commission of Inquiry also observed that, regardless of the provisions of national law, "any person who violates the prohibition of recourse to forced labour under the [ILO] Convention [No. 29] is guilty of an international crime that is also, if committed in a widespread or systematic manner, a crime against humanity" (ibid, p. 158).	23
<sup>23</sup> Universal Declaration of Human Rights, Article 16 (2)	23
<sup>24</sup> Ibid. Article 2	23
<sup>25</sup> Adopted by UN General Assembly resolution 1763 A (XVII) of 7 November 1963, and entered into force on 9 December 1964	23
<sup>26</sup> Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, Article 1 (1)	23
<sup>27</sup> Although there is no precedent in international law for obliging governments to accept responsibility for financing the "return home" or "reunification with family of origin" processes, such as those occurring currently in Sudan, some principles have already been established in analogous situations, which the Government of Sudan can take account of in deciding how to finance the process. The Fourth Geneva Convention for the Protection of War Victims, the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (adopted in Geneva on 12 August 1949) is not considered to be directly applicable to the protection of civilians in armed conflicts which are not of an international character (other than its Common Article 3). However, in referring to the process for returning individuals who have been deprived of their freedom to the places where they were residing before, Article 135 of the Fourth Convention is clear that the Government of the country in which they were detained shall bear the expense of returning them.	24

# Addendum 1:

## Comments by the Chairman of the Committee for the Eradication of Abduction of Women and Children (CEAWC) to Anti-Slavery's Report; *'Is There Slavery in Sudan?'*.

Sent on 30 August 2001. (Unofficial translation by Anti-Slavery International from original Arabic)

Let us begin by thanking you for your visit to the Sudan. We wish to convey to you our appreciation for the efforts your Organisation is making in achieving its objectives and fulfilling its commitments. We also wish to convey to you the complete commitment and resolve of the State to support and protect human rights in the Sudan.

However, permit us to raise the following points with regard to the above-mentioned subject, hoping that you will take them into consideration in your preparation of the final report:

1. The Sudan is sincere. It has joined all the international treaties which condemn and prohibit slavery in all its current forms. The Constitution of the Sudan of 1998 guarantees this commitment. Article 20 (of the Constitution) states that "every man has a right to life and freedom and to feel secure in his person and dignity unless otherwise stated by Law. He is free and his enslavement, servitude, abuse, torture are prohibited." Article 132 (of the Constitution) makes freedom from slavery or torture rights and sanctities not to be violated under all circumstances.
2. Abduction among tribes in the west and south of the Sudan has existed as long as these tribes have. It has its deep roots in various economic, social and cultural conditions. Its growth is fostered by the geographic distance of and weakness of infrastructure in these regions, and lack of awareness, education and security among those tribes. Customs and traditions organised the ways and mechanisms of resolving this phenomenon and other conflicts in these remote areas in the past, without the intervention of the Law or Authorities. Those traditional institutions and customs frequently helped to foster stability, peaceful co-existence and interconnectedness among these tribes for long periods of time. The rebellions leading to the (civil) war played a big role in the reappearance and exacerbation of this phenomenon. The rebels attacked all tribes in these regions, capturing and killing a great number of the members of the tribes. This in turn provoked impulses of revenge, riot and self-defence in those tribes. After the war had started, and because of the absence of security and opportunities for leaving war zones, because of the breakdown in communications, the obstruction by the rebellion of any efforts in establishing peace and mutual trust among the tribes, it has become difficult for traditional mechanisms to solve problems, the first of which is the phenomenon of mutual abduction.
3. Abduction usually occurs when nomadic tribes come into contact with one another during their travels in search of pasture and water. Abduction is mutual among different tribes in areas of intersection and is not limited to one specific tribe. CEAWC recently returned 118 abductees belonging to Baggara tribes and united them with their families in the North. The southern tribes abduct from one another. The evidence for this is the agreement made between Dinka and Nuer to stop mutual abduction. The same may be said of Dinka, Tabusa and Murli in the south of the Sudan.
4. Abduction is a crime by Article 162 of the Penal Code of the Sudanese Law, not Article 161 as you mention in your report. Article 161 deals with enticement. CEAWC works with Article 162's definition of abduction. The punishment for this crime by Article 162 is ten years' imprisonment. If it is combined with enticement, as defined in Article 161, and forced labour, as defined in Article 163, then the total punishment may reach 18 years' imprisonment, not including fines or the victims' compensation.
5. It is the Sudanese Government's priority to eradicate this grave phenomenon and therefore it set up CEAWC. The slowness in procedures is the result of over ten years of accumulation of the phenomenon. CEAWC is seeking the most effective way to eradicate this phenomenon from its roots. Even though the Government representatives are familiar with all the international treaties and laws that prohibit slavery, the vastness of the targeted area and its distance from media prevents them from disseminating extensively the "culture of human rights." This explains why they have turned to traditional institutions and tribal leadership to spread as much as possible the awareness among the people through direct contact, travelling in those regions, and soliciting their participation in the full solution of this phenomenon.
6. The number of abductees documented by CEAWC is 1200 only. Other numbers are not exact and cannot be confirmed. Some of them are mere claims not confirmed by reports or lists (compiled by those who claim the existence of such large numbers of abductees). CEAWC is trying to be accurate and to distinguish between abduction, forced labour and other cases of separation (from their families) for other reasons. Because of the large number of displaced people in these regions, there are difficulties in documentation and treatment of cases other than abduction.
7. The report makes no mention of the violations committed by the rebellion in its attack of villages, countryside, and refugee camps, and its escalation of fighting with various tribes living in these regions. You were informed of these violations, which were later confirmed by reports and actual events.
8. The report does not mention the various ways of peaceful co-existences prevalent in north Sudan, especially in Darfur and Kordofan. There are large numbers of migrants who moved from the south to the north either because of war or drought and have integrated into northern tribes and have lived peacefully among them. This confirms that abduction is narrowly limited to distant and isolated regions due to economic, security and trust problems among the tribes there. CEAWC's objectives are to

support peaceful co-existence through awareness-raising, restoring trust, solution of tribal conflicts, and strengthening basic and developmental structures. One of the most important recommendations made by the first workshop organised by CEAWC in co-operation with UNICEF in 1999 was to initiate development projects in those regions. CEAWC hopes to receive international funding for these projects.

9. When an abductee is identified, CEAWC follows the practice of removing immediately the abductee from abductor to peace centres (centres of temporary care) except in special and complex cases. These peace centres are managed in co-operation with Save the Children (UK) that has extensive experience in this field. CEAWC is seeking to expand these centres and to have them served by social workers, who will help to solve social and psychological problems of the abductees and to rehabilitate them in order to reunite them with their family in their original societies.

10. Uniting abductees with their families is complex and requires patience; for it must be ensured that a child is returned to his family in the best of conditions. The process is further complicated by the constant movements of tribes from warring areas to peaceful areas. CEAWC is seeking follow-up mechanisms to monitor those children recently reunited with their families in order to ensure their integration into their original environment, and that children returned to areas under the control of the rebellion will not be exploited or conscripted. The rebellion has a bad record in this regard. CEAWC is also studying the possibility of finding other safe passageways and corridors between the areas controlled by the Government and areas controlled by the rebellion. It is CEAWC's conviction that children should be united with their families without being subjected to negative mental and physical consequences; reunification should not affect the best interest of the children negatively.

11. CEAWC deals with special and complex cases with the best interest of the abductee in mind. The final decision is left to the abductee in the cases of older children and married women; they are to decide what is their best interest. Children who do not know their families are integrated into substitute families from the original society of the abducted children. However, efforts to identify and find their real families continue.

12. The incidents encountered by members of the Dinka Committee were accidental. They were simply minor problems concerning how CEAWC should carry out its tasks. The Government interfered only to provide members of the Dinka Committee with protection in fear of conflicts with other tribes in these regions. CEAWC has now provided all members of tribal committees with identity cards under the umbrella of CEAWC. These ID cards, in which it is stated that official and unofficial "authorities" should co-operate with their holders and facilitate their tasks, gives them some protection. In fact, the vehicle that the chairman of the Dinka Committee uses now carries a government plate for additional protection. There are now instruction manuals that organise and detail the roles and relations among various committees in order to prevent overlaps in responsibilities or jurisdictions. The workshops will continue to refine the performance.

13. The method followed by CEAWC in tackling this phenomenon is grounded on its complete understanding of its roots and manifestations. CEAWC is committed to the (UN) Commission on Human Rights' resolution made at the 57th session, on 12 April 2001, which requires bringing to justice persons suspected of supporting or participating in abduction (when they refuse to co-operate with CEAWC).

14. The report does not mention the success CEAWC achieved within the short period of its establishment, or the unprecedented co-operation it has found among the tribes and their leadership-their complete commitment to the appeals by CEAWC and its programmes designed to spread awareness in various societies of the need to eradicate this phenomenon that has been deep-rooted for many years.

15. The slow progress made by CEAWC last year was due to the desire of UNICEF and Save the Children (UK), CEAWC's partners, to review previous funding and to appoint new and experienced officials for this important task. This coincided with CEAWC's desire to reorganise its internal structures, without affecting the authorities of the committee, for the purpose of evaluating its previous experience and finding the shortest and most effective ways of eradicating this phenomenon, practically and scientifically, in both the short and long term.

16. We inform you that CEAWC has received a generous donation from the Government recently in addition to the Government's commitment to encourage and support around one hundred government employees working for various CEAWC committees, and to the Government's commitment to continue to support CEAWC politically and in the media in providing all help necessary for CEAWC to complete its work.

17. We think that the mistakes that accompanied CEAWC's work were natural and accidental because CEAWC is working towards tackling a long-term phenomenon current in traditional environment and remote areas, the causes of which are economic, social and cultural. Considering the size of achievements, the accomplished progress and the co-operation found, these mistakes remain insignificant as long as there is readiness and political commitment from the part of the Government to find the last abductee and to reunite him or her with their family. CEAWC is prepared to work towards eradicating the historical roots of this phenomenon, and towards spreading awareness, security, concepts of peaceful co-existence through spreading peace and concepts of human rights in a planned and programmatic fashion.

18. We thank you for your efforts and hope that the final report will be a balanced one. We are fully prepared to co-operate with you and to benefit from your long, rich experience and accept all constructive recommendations that will lead to ending this phenomenon in the Sudan.

# Addendum 2:

## Response from the Director of Anti-Slavery International to the CEAWC Chairman's comments.

Sent on 12 October 2001.

Let me confirm first of all our intention of ensuring that anyone who sees the report we prepared ("Is there slavery in Sudan") also sees your comments...

I think the most important piece of information to highlight in your comments is that the number of abductees documented by CEAWC is 1200 only. This is evidently in strong contrast both to the estimates that by the Dinka Committee (that a total of some 14,000 people are believed to have been abducted since 1986) and the numbers cited to the media by Christian Solidarity International (CSI), which, in a press statement made in early September, doubled its estimate from 100,000 to 200,000, a figure which we regard as having no credibility whatsoever. However, the number of 1200 abductees documented by the CEAWC is not appreciably more than the number recorded a year ago, and consequently I must emphasise our very considerable concern that the CEAWC appears not to have been able to continue its work of releasing victims of abduction at a significant rate over the past year.

On the other points raised in your fax, we have only a few minor observations to make.

In the light of your comment 4 on the provisions of Article 162 of the Penal Code, we can see now that we were slightly misled by the translations from Arabic into English given in the text of the Penal Code that we received last year. In commenting, as we did in the second of the five recommendations highlighted in the "Executive Summary" of our report, that the term "abduction" referred only to cases involving young children and people who are insane, we were interpreting the English text of the penal code that we were given during our visit to Khartoum last year. The translation into English suggests that Article 161 is about "Abduction", whereas now we have consulted the text in Arabic, we can see that it deals with cases of enticement, just as you point out in your fax. Again, the translation into English which we received translated the title of Article 162 as "Kidnapping", whereas we can see in the light of your comment that it does indeed deal with abductions. We consequently observe that the offence of "abduction" as defined by the Penal Code carries a penalty of 10 years imprisonment, and this is a serious punishment that, in our view, would be commensurate with the crime. As you will probably appreciate, we remain concerned that there have not actually been prosecutions or convictions of people for this offence, arising out of the very substantial pattern of abductions by people based in South Darfur and West Kordofan, although we are, of course, pleased to note that the CEAWC is committed to implementing the last (20 April 2001) UN Commission on Human Rights resolution.

You are largely right in saying, in point 7 in your fax, that our report makes no mention of the violations committed "by the rebellion", that is to say by supporters of the SPLA. Of course, we report on some cases which were mentioned to us, as in paragraph 53 of our report. However, our report deliberately focuses on a relatively specific pattern of abuse. Consequently the report does not mention other abuses which Anti-Slavery is concerned about in Sudan, such as the recruitment and deployment of child soldiers, the extreme forms of exploitation of children held in the custody of the Lord's Resistance Army in the Juba area, and the prolonged detention by the Sudanese military or security service of children and young adults who were themselves abducted in Uganda by the Lord's Resistance Army, and who have subsequently escaped from LRA control). Our report certainly did not set out to document the wide range of abuses committed by both the SPLA and by government forces, regular and irregular, in the context of the war. We do not think this needs detract from its objective: indeed, we hope that you interpret it as a technical report focusing on a specific and long-term form of abuse, and not a propaganda document produced to score points for one or other side in the context of the war.