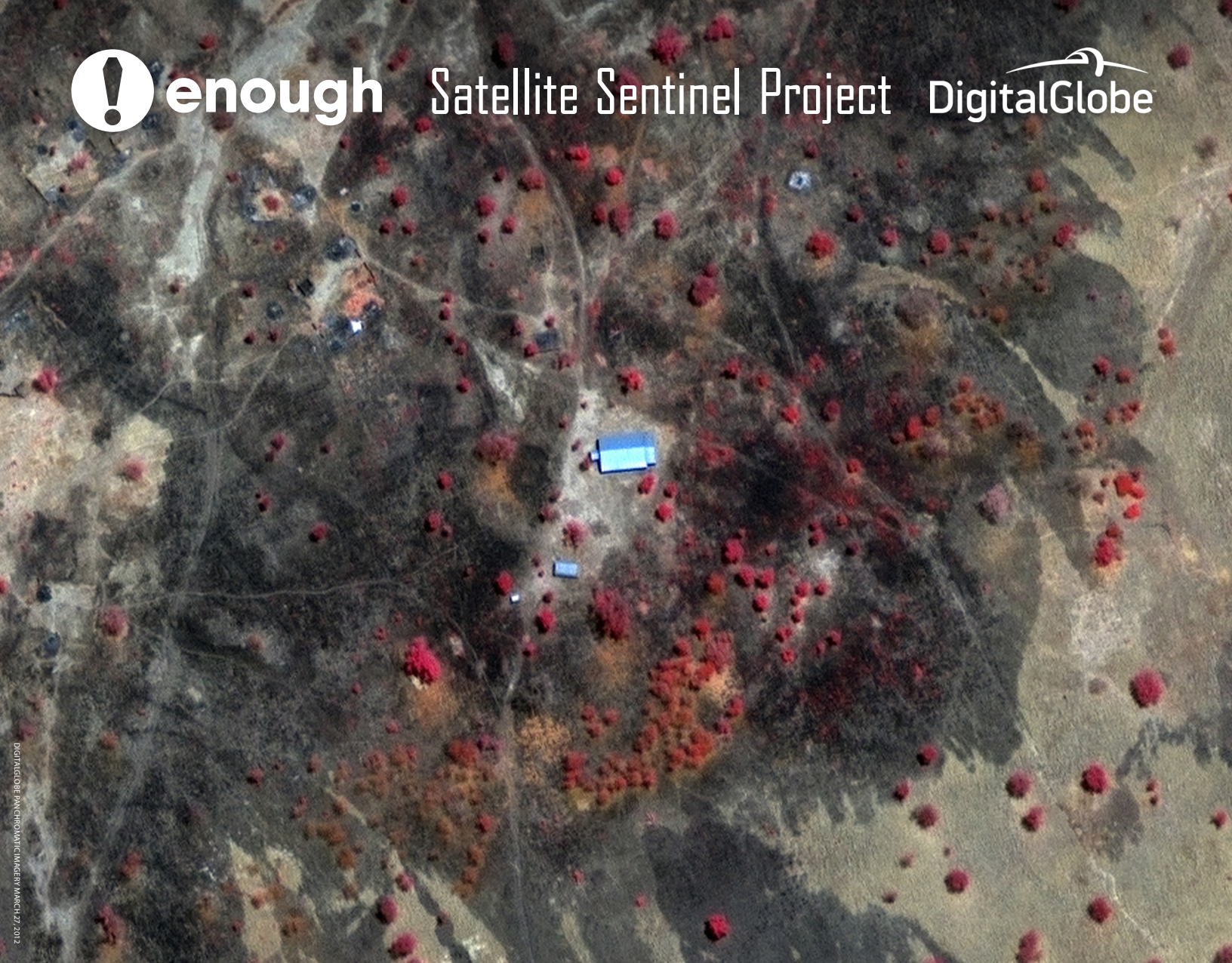




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Satellite Sentinel Project



DIGITALGLOBE PANCHROMATIC IMAGE/ MARCH 27, 2013

Architects of Atrocity

The Sudanese Government's War Crimes, Crimes against Humanity, and Torture in South Kordofan and Blue Nile States

The Enough Project and the Satellite Sentinel Project Teams

March 2013



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The project to end genocide and crimes against humanity

Satellite Sentinel Project

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Humanity, and Torture in South Kordofan and Blue Nile States

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March 2013

Overview

Over the past two years, the Enough Project and the Satellite Sentinel Project, or SSP,¹ have used DigitalGlobe satellite imagery and on-the-ground research to gather information that could serve as evidence of the Sudanese government's responsibility for war crimes and crimes against humanity in its South Kordofan and Blue Nile states.² The level and extent of evidence set out in our reports supports referring the situation in Sudan's two southern states to the International Criminal Court, or ICC, for further investigation and prosecution.³ So that the evidence can be collected as quickly and effectively as possible, even in the absence of such a referral, the United Nations should immediately establish an impartial commission of inquiry to carry out an investigation into the likely war crimes, crimes against humanity, and torture, which our evidence suggests are taking place in South Kordofan and Blue Nile.

In June 2011, fighting erupted between Sudanese government forces and the Sudan People's Liberation Army-North, or SPLA-N, in the Sudanese state of South Kordofan.⁴ The precipitating cause for the violent clashes was the disputed result of a gubernatorial election, which pitted a candidate from Sudan's ruling National Congress Party, or NCP—who is the subject of an arrest warrant for crimes against humanity issued by the ICC—against a candidate from the SPLA-N's political wing, the Sudan People's Liberation Movement-North, or SPLM-N.⁵ By September of that year, fighting had spread to the neighboring Blue Nile state.⁶ The grievances of the SPLM-N and its supporters, however, run deeper than an electoral dispute. The opposition is rooted in the inequitable manner by which the NCP regime rules Sudan. The NCP, like its predecessors, politically, economically, and socially marginalizes populations on the country's periphery. This systematic marginalization has led people in South Sudan, eastern Sudan, and Darfur to revolt against the central government, which resulted in the violent conflict that has beset Sudan since it gained independence in 1956.⁷ In response to these uprisings, the Sudanese government has resorted to using indiscriminate bombardment (aerial artillery) and ground assaults, the destruction of villages and the means of food production, and the blockade of international humanitarian assistance to target civilian populations whom the government perceives to be supporting armed insurgents.⁸

The government's brutal response to uprising on the periphery has taken an immeasurable toll on Sudanese civilians. During Sudan's second civil war—which took place from

**Um Bartumbu Village, South Kordofan, Sudan
June 12, 2012**



A member of the "Match Battalion" carries a torch through Um Bartumbu village. This screenshot was captured from a video reportedly found on the body of a PDF militia member in the Jebel Toma area on March 2012 and released to the public on NubaReports.org on June 12, 2012.

1983 to 2005—these tactics led to the deaths of 2 million civilians and the displacement of 4 million in what is now South Sudan.⁹ Independently, the ongoing conflict in Darfur has resulted in the deaths of approximately 300,000 people and the displacement of an additional 3 million people.¹⁰ In response to these atrocities, the U.N. Security Council referred the situation in Darfur to the ICC, which in turn issued arrest warrants against Sudanese President Omar al-Bashir, Minister of Defense Abdelrahim Mohamed Hussein, and South Kordofan Governor Ahmed Haroun on allegations of genocide, crimes against humanity and war crimes.¹¹

Sudan's regular military forces—the Sudan Armed Forces, or SAF—along with the country's Central Reserve Police, known as Abu Tira, and the government-supported Popular Defense Forces militia, or PDF—are now using these same tactics against civilian populations in the South Kordofan and Blue Nile states. SSP's examination of DigitalGlobe satellite imagery and information from multiple sources—including eyewitness reports, photos and videos, as well as open-source documentation—reveals that the government of Sudan and its agents have likely committed war crimes, crimes against humanity, and torture in the South Kordofan and Blue Nile states.¹² While the potential evidence that SSP has gathered does not indicate that the Sudanese government is committing genocide in these areas, the ICC or a U.N. commission of inquiry needs to conduct further investigation on this issue.

Ongoing violence and Sudanese-government-imposed restrictions on travel into the two states limit SSP's ability to gather information in a comprehensive manner. Establishment of a U.N. commission of inquiry is therefore necessary to uncover the full extent of the Sudanese government's actions. Further investigations by the U.S. government and other international actors could also help. Additionally, expanding the ICC's Sudan mandate to permit investigations in the situation in the two states could be part of a broad international effort to stop the violence in South Kordofan and Blue Nile.

Key international instruments and laws

Key international instruments and laws¹³ concerning non-international armed conflicts¹³ and human rights inform the Enough Project's legal analysis of SSP's information. Sudan is a party to a number of international instruments and is therefore required under international law to adhere to its obligations, including:

- The four Geneva Conventions of 1949, which set out rules related to international armed conflict. Common Article III of the Geneva Conventions concerns the obligations of state actors and insurgency groups taking part in a non-international armed conflict¹⁴

Gardud al Badry, South Kordofan, Sudan
October 16, 2012



The Government of Sudan's indiscriminate artillery bombardment of Gardud al Badry on July 29, 2012, blew the roof off this classroom, and shrapnel tore a hole through the chalkboard.

PHOTO BY NUBA REPORTS

- Additional Protocol II of the Geneva Conventions, which sets out rules related to non-international armed conflicts¹⁵
- The Convention on the Prevention and Punishment of the Crime of Genocide, or the U.N. Genocide Convention, which provides a definition for genocide and requires state parties to prevent and punish the perpetrators of genocide, among other things¹⁶

There are also other international instruments that inform the Enough Project's analysis of SSP's information because of their contributions to customary law, even though Sudan is not a party to them. These include:

- The Rome Statute, which established the ICC and provides internationally recognized definitions for major international crimes, including war crimes and crimes against humanity¹⁷
- The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the U.N. Convention Against Torture, which provides a definition of torture that is considered customary international law and therefore binding on all countries¹⁸

When SSP's information is analyzed against this backdrop, it becomes apparent that the Sudanese government and its agents have likely committed war crimes, crimes against humanity, and torture during the non-international armed conflict underway in the South Kordofan and Blue Nile states.

War crimes

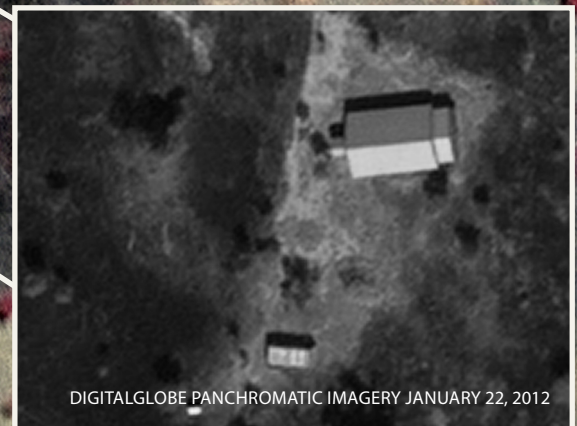
War crimes are defined as grave breaches of the Geneva Conventions and their additional protocols.¹⁹ Given that the conflict in the South Kordofan and Blue Nile states is considered a non-international armed conflict, war crimes in this instance are grave breaches of Common Article III of the Geneva Conventions and Additional Protocol II, both of which concern non-international armed conflicts.²⁰ Examples of war crimes in this context include intentional attacks against civilian populations who are not taking direct part in the conflict; intentionally attacking buildings used for religious services, schools, historic monuments, hospitals, and other places where sick or wounded individuals are located; and pillaging or looting a village, even when that village was taken by force.²¹

SSP's reporting reveals numerous incidents in South Kordofan and Blue Nile in which SAF, Abu Tira, and/or PDF forces appear to have committed one or more war crimes. These include:²²

Sudanese Church of Christ and Church Storeroom



RYAN BOYETTE / EYES AND EARS NUBA JUNE 16, 2012



DIGITALGLOBE PANCHROMATIC IMAGERY JANUARY 22, 2012



Um Bartumbu Village, South Kordofan, Sudan

March 27, 2012

- The deliberate burning and looting of at least 80 civilian structures, including a church, a mosque, and a grinding mill, in Um Bartumbu village, South Kordofan, in November 2011. SAF and PDF forces recorded their destruction of the village on a cell phone video, which SSP obtained.²³



RYAN BOYETTE / EYES AND EARS NUBA JUNE 16, 2012



Satellite Sentinel Project



Cratering Consistent with Aerial Bombardment, 'Amara, Blue Nile, Sudan

November 27, 2011

- The deliberate burning of 33 civilian structures in 'Amara village, Blue Nile, in November 2011.²⁴



Smoke Plume Consistent with Artillery Barrage, Toroge, South Kordofan
January 25, 2012

- The deliberate destruction of civilian structures in Toroge village, South Kordofan, sometime between November 2011 and January 2012.²⁵



DigitalGlobe™

Evidence Consistent with Aerial Bombardment in Progress, South Kordofan, Sudan

March 8, 2012

- The indiscriminate aerial bombing of civilian populations near the village of Angarto, South Kordofan, in March 2012.²⁶



BEFORE (June 10, 2011)

Classroom
Intact

Fence

Classroom
Intact



AFTER (Sept. 8, 2011)

Damaged
Classroom

Destroyed
Fence

Damaged
Classroom

DigitalGlobe

Destroyed School Compound at Gardud al Badry, Sudan
DigitalGlobe Panchromatic Image

- The deliberate burning and looting of civilian structures, including a school compound, in the village of Gardud al Badry, South Kordofan, in May 2012 and the subsequent indiscriminate bombardment of the village in July 2012. Abu Tira members recorded video of the destruction and looting of the village by SAF, PDF, and Abu Tira forces on a cell phone, which SSP obtained.²⁷

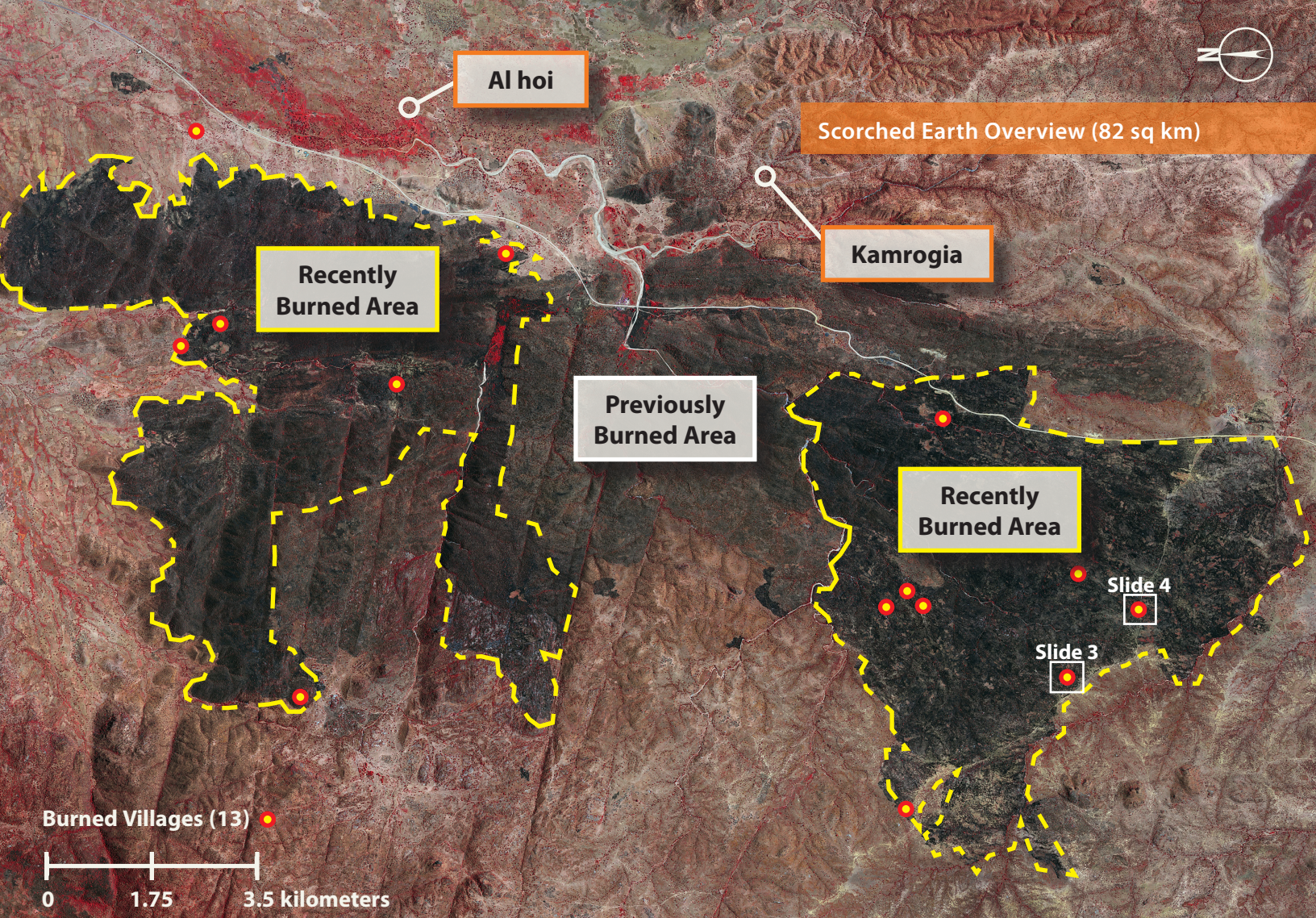
Destroyed Civilian Infrastructure



DigitalGlobe

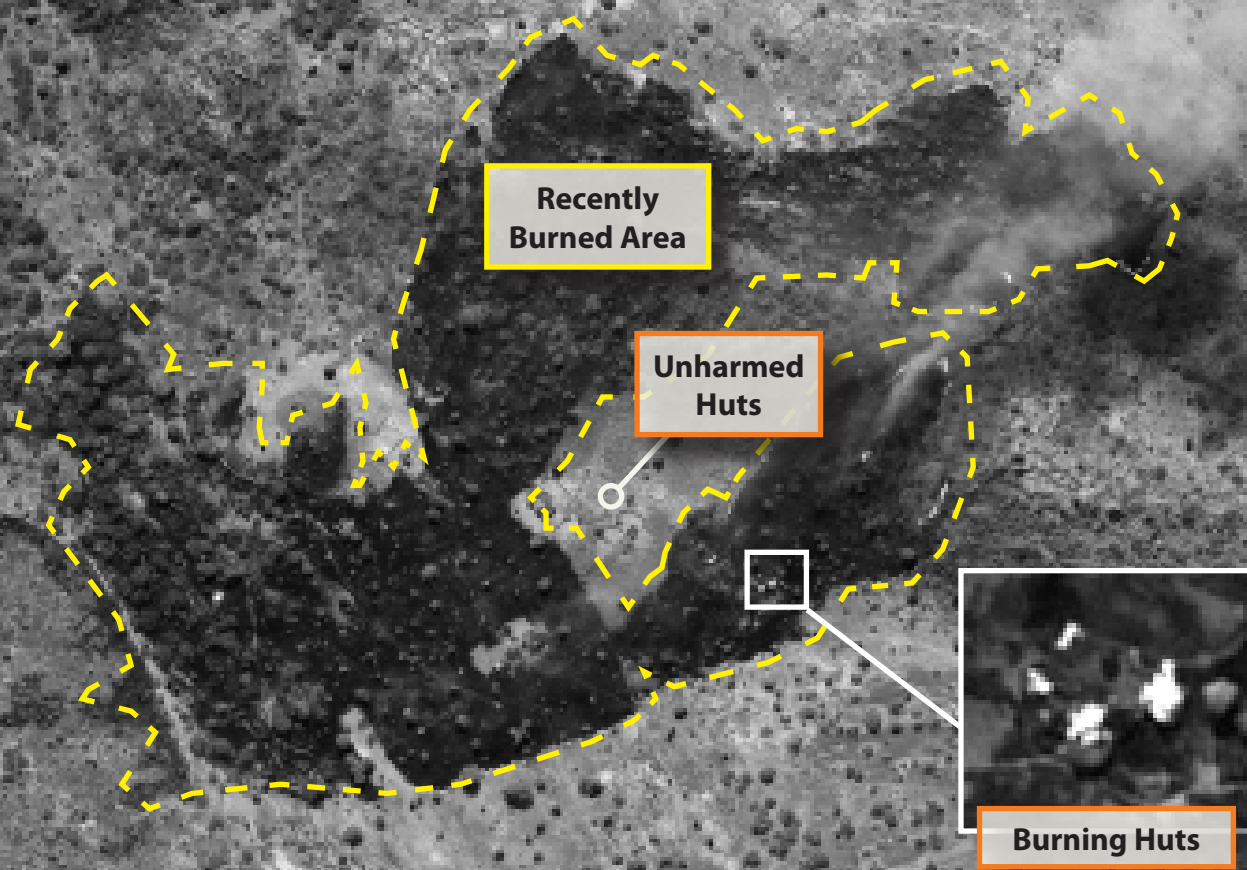
Destruction of Tukuls, El Moreib, South Kordofan
September 8, 2012

- The indiscriminate bombardment, razing, and looting of El Moreib village, South Kordofan, in August 2012.²⁸



Burner Area Overview, al Hoi, South Kordofan, Sudan
 DigitalGlobe Color Infrared Image, November 26, 2012

- The deliberate burning of 13 villages and 31 square miles of fields and forests to the southwest of the town of al Abassiya, South Kordofan, in November 2012.²⁹



- The deliberate burning of at least 26 villages and 54 square miles of fields and grasslands in three areas of South Kordofan state in November 2012.³⁰

Reports from other sources on the ground in the two states—as well as from refugees who have fled into South Sudan and Ethiopia—indicate that SSP’s reporting is representative of a broader pattern of indiscriminate attacks on civilians and possible war crimes perpetrated by actors of the Sudanese government.³¹

Crimes against humanity

Crimes against humanity are a category of particularly heinous acts, such as murder, enforced disappearance, forcible transfer of populations, or other inhumane acts that purposefully cause great suffering or serious bodily injury to civilian populations. To be considered crimes against humanity, these acts cannot be perpetrated in isolation. Instead, they must be committed “as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”³² Generally, attacks directed against a civilian population require a “course of conduct” involving the “multiple” prohibited acts “against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.”³³ The Rome Statute provides that a “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population.³⁴

Information gathered by SSP indicates that the Sudanese government’s attacks against civilian populations are widespread and systematic. SSP has documented the deliberate burning of 292 square miles of farms and grasslands and the deliberate destruction of 26 civilian villages in South Kordofan state and 16 villages in Blue Nile state.³⁵ In April 2012, South Kordofan governor Ahmed Haroun was caught on video tape urging troops to “hand over the place clean. Swept, rubbed, crushed. Don’t bring them back alive. We have no space for them.”³⁶ In an interview shortly thereafter, former ICC prosecutor Luis Moreno Ocampo concluded that this language appears to confirm the Haroun’s pattern of behavior, substantiating the widespread, systematic nature of the Sudanese government’s attacks.³⁷

The Enough Project has documented possible crimes against humanity—most notably, the systematic murder by SAF, PDF, and Abu Tira forces of numerous civilians suspected of supporting the SPLM-N in Kadugli, the capital of South Kordofan. Government forces tied civilians to posts and beat them prior to shooting them and locked people inside buildings before setting them on fire, burning the people alive.³⁸ SSP also documented eight apparent mass graves in and around Kadugli.³⁹ This information is derived from eyewitness reports obtained by SSP and corroborated by satellite imagery, photographs from on-the-ground observations, and open-source information.⁴⁰

Um Bartumbu, South Kordofan, Sudan
June 16, 2012



Citizen journalist Ryan Boyette takes a photo of what appears to be a razed civilian residential structure in Um Bartumbu village on June 16, 2012. Eyes and Ears Nuba obtained photos and eyewitness reports corroborating video and satellite imagery evidence of the razing of the village.

Torture

Torture is considered a peremptory norm in international law, meaning that no one may commit torture and that all countries have a legal obligation to prosecute offenders and stop the commission of torture, regardless of whether those countries have signed a treaty requiring such action.⁴¹

The U.N. Convention against Torture defines torture as any act perpetrated by a person acting in an official capacity or with the consent or acquiescence of an official that intentionally causes severe physical or mental pain or suffering.⁴² The purpose of the act must be either to punish the victim for something he or another person has done or is suspected of doing or to intimidate or coerce the victim or a third person for a reason that is based on discrimination of any kind.⁴³ The Rome Statute identifies torture as an act that can constitute a war crime and a crime against humanity.⁴⁴

SSP obtained a cell phone video—filmed by Abu Tira members—that records instances of torture perpetrated by Abu Tira, SAF, and PDF forces in South Kordofan. The footage shows these forces tying down an 18-year-old Nuban man in the back of a truck and demanding that he tell them the location of his village’s cattle.⁴⁵ A participant is heard saying, “Get information from him, then kill him.”⁴⁶ In the video, the young man evinces fear.⁴⁷ His captors mock and interrogate him while his village burns in the background. In subsequent testimony, the young man asserts that these forces took him to a cave, where they held him for 10 days, repeatedly beating him and pouring water into his nose and mouth.⁴⁸ These actions caused the young man physical and mental pain and suffering, and they were perpetrated by officials with the express intent of obtaining information from him about his village’s cattle.

Gardud al Badry, South Kordofan, Sudan
May 18, 2012



Cell phone video documents a joint unit of Sudanese soldiers, militia, and police targeting civilians while razing and looting the village of Gardud al Badry.

Genocide

The U.N. Genocide Convention—to which Sudan is a party—defines genocide as the commission of certain acts with the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁴⁹ The acts that may constitute genocide include killing members of a defined group; causing serious bodily or mental harm to members of a defined group; deliberately causing a defined group to live in conditions that are designed to bring about the group’s destruction, in whole or in part; sterilization; and forcibly transferring children of one defined group to another defined group.⁵⁰

SSP and other reports from the two areas show that agents of the Sudanese government are killing innocent civilians and causing civilians serious bodily and mental harm through the likely commission of war crimes, crimes against humanity, and torture.

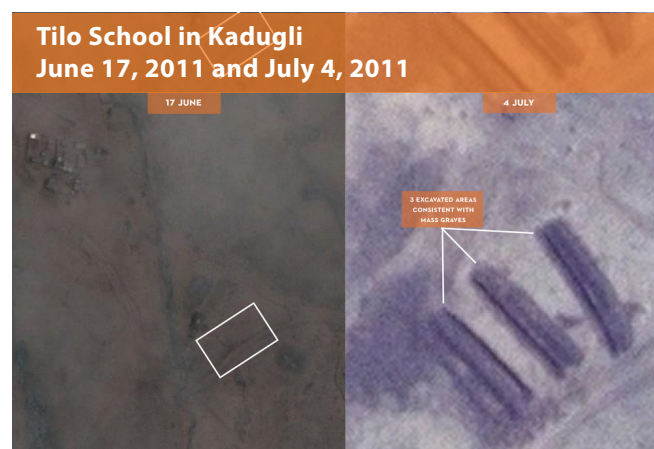
SSP does not have information that indicates that genocide is underway. We have been unable to identify a national, ethnic, racial, or religious group that the government of Sudan intends to destroy, in whole or in part. The lack of this evidence today does not prove that Sudan is not carrying out genocide; rather, it points to the need for further investigation into the character of the government's actions against civilians in South Kordofan and Blue Nile.

Recommendations for the international community

SSP's reports indicate that the government of Sudan and its agents are likely perpetrating war crimes, crimes against humanity, and torture in the two states. The government's indiscriminate bombing of civilian targets, looting and razing of villages, extrajudicial killings, and torture probably constitute crimes under international law. SSP's reporting, however, provides only snapshots of incidents in South Kordofan and Blue Nile. It is likely that these actions are representative of systematic government activities. The weight of the information that SSP has collected since June 2011—which has been corroborated by other reports from the two states—suggests the urgent need for further impartial international investigations.

To this end, the international community should undertake the following steps:

1. The U.N. Security Council should refer the situation in the South Kordofan and Blue Nile states since June 2011 to the ICC. In 2005, the U.N. Security Council referred the situation in Darfur to the ICC.⁵¹ The ensuing investigations resulted in ICC arrest warrants for genocide against Sudanese President Omar al-Bashir, Minister of Defense Abdelrahim Mohamed Hussein, South Kordofan governor, Ahmed Haroun, and Janjaweed militia leader Ali Muhammad Ali Abd-Al-Rahman. Most of these men continue to direct their government's activities in the conflict in South Kordofan and Blue Nile. Further ICC investigations could lead to additional charges being brought against these men—as well as additional arrest warrants—and ensure that evidence of the crimes committed in the two states is effectively gathered and secured. This evidence could also be used in future national judicial and reconciliation processes in Sudan, as well as to determine adequate compensation of victims.
2. Members of the international community should endeavor to collect evidence of crimes from refugees and other victims of atrocity crimes in the two states, even in the absence of an additional U.N. Security Council referral to the ICC. The United Nations should establish a commission of inquiry with a mandate to investigate international crimes that have occurred in the two states since at least June 2011. The U.S.



The three excavated areas positively identified by imagery analysis, independent of eyewitness reports, corroborate allegations by two eyewitnesses of potential mass graves south of the Tilo School in Kadugli.

government carried out a small-scale investigation along these lines shortly after the conflict broke out in the two states.⁵² The United States should revive this initiative and broaden its scope to ensure that evidence is not lost.

3. The international community should support the ongoing efforts to hold the government of Sudan and its agents accountable for crimes committed in the two states and explore additional avenues for accountability. One example of these efforts is a communication before the African Commission on Human and Peoples' Rights, which the Enough Project and other nongovernmental organizations initiated on behalf of the Sudanese people affected by the conflict in the two states.⁵³

Gardud al Badry, South Kordofan, Sudan
October 16, 2012



This frame from a cell phone video of the razing of Gardud al Badry shows flames arising from thatch-roofed, civilian residential structures called "tukuls".

Conclusion

This report offers a legal characterization of some of SSP's main findings between April 2011 and the present. Given the limitations imposed by cloud cover and other logistical hurdles, it is impossible to know how many other atrocity crimes went undocumented during that period. The acts discussed in this report are likely only an outline of the realities on the ground in South Kordofan and Blue Nile, and DigitalGlobe satellites continue to monitor the situation alongside citizen journalists operating in the two areas. The international community must do more to investigate the war crimes, crimes against humanity, and torture being perpetrated by Sudanese government forces against their own people. If implemented quickly, a commission of inquiry and the involvement of the International Criminal Court prosecutor could serve as a substantial deterrent force against future violence.

Editor's note: For further information on the conflict in the South Kordofan and Blue Nile states, please visit the websites of the Enough Project, www.enoughproject.org, and the Satellite Sentinel Project, www.satsentinel.org.

Appendix

Satellite Sentinel Project reports related to South Kordofan and Blue Nile

Date	Location	Area	Report name
4/19/11	South Kordofan	el-Feid	The Razing: Intentional Burning at el-Feid, Nuba Mountains
6/29/11	South Kordofan	Nuba Mountains; El Obeid	Bombardment: Aerial and Artillery Attacks in the Nuba Mountains
7/14/11	South Kordofan	Kadugli	Crime Scene: Evidence of Mass Graves in Kadugli, Sudan
8/17/11	South Kordofan	Kadugli	Cover-Up: New Evidence of Three Mass Graves in South Kordofan
8/23/11	South Kordofan	Kadugli	Special Report: Evidence of Burial of Human Remains in Kadugli, South Kordofan
10/12/11	South Kordofan	Kadugli	In Close Proximity: Alleged Abduction, Detention and Extra-Judicial Killings by Abu Tira
12/1/11	Blue Nile	Amara	Blue Nile Burning: Evidence of the Destruction of Amara Village
1/27/12	South Kordofan	Toroge	Checkpoint: Evidence of SAF Control of Refugee Route to South Sudan
3/14/12	South Kordofan	Angarto; Tira Mande	Impact: Indiscriminate Bombardment by a SAF Antonov, South Kordofan, Sudan
7/20/12	South Kordofan	Um Bartumbu	Match Battalion: Confirmation of the Razing of Um Bartumbu Village, South Kordofan, Sudan
9/28/12	South Kordofan	El Moreib	Gateway to the North: Confirmation of Bombardment and New SAF Fortification at El Moreib Village, South Kordofan, Sudan
10/16/12	South Kordofan	Gardud al Badry	Cameras on the Battlefield: Multimedia Confirmation of the Razing of Gardud al Badry, South Kordofan, Sudan
11/30/12	South Kordofan	Al Abassiya	Situation Report: Scorched Earth Near al Abassiya
12/6/12	South Kordofan	Dilling	Situation Report: Scorched Earth Near Dilling
3/15/13	South Kordofan	Heglig	Situation Report: Sudan Armed Forces Buildup in Heglig

About the Satellite Sentinel Project and its Partners

SSP launched on December 29, 2010, with the goals of preventing a return to full-scale civil war between northern and southern Sudan as well as detecting, deterring and documenting threats to civilians along both sides of the border. SSP focuses world attention on pending incidents of mass violence in the Sudans and uses imagery and analysis to generate rapid responses on human rights and human security concerns.

The project works like this: A constellation of five DigitalGlobe satellites passing over Sudan and South Sudan captures imagery of possible threats to civilians, detects bombed and razed villages, or notes other evidence of mass atrocities or pending mass violence. SSP analyzes the imagery, open source data, and information from sources on the ground to produce reports.

The Enough Project contributes field reports, policy analysis, and communication strategy and, together with Not On Our Watch, pressures policymakers by urging the public to act. DigitalGlobe provides high-resolution satellite imagery and analysis conducted by the DigitalGlobe Analytics Center.

SSP is the first sustained public effort to systematically monitor and report on potential hotspots and threats to human security in near real-time.

SSP is primarily funded by Not On Our Watch. To support the Satellite Sentinel Project, donate at www.satsentinel.org.

Endnotes

- 1 The Satellite Sentinel Project is a partnership between the Enough Project and DigitalGlobe.
- 2 " ICC Should Investigate War Crimes in S. Kordofan and Blue Nile" *Sudan Tribune*, January 21, 2013, available at <http://www.sudantribune.com/spip.php?article45258>.
- 3 Jenn Christian, "Shifting the Burden: The Responsibility to Protect Doctrine and the Humanitarian Crisis in Sudan," (Washington: Enough Project, 2012) available at <http://www.enoughproject.org/files/ResponsibilityDoctrine.pdf>.
- 4 Amanda Hsiao and Laura Jones, "Rethinking Sudan After Southern Secession," (Washington: Enough Project, 2011), available at http://www.enoughproject.org/files/Rethinking_Sudan.pdf.
- 5 Maggie Fick, "Field Dispatch: Election Grievances Reverberate in the Countdown to the South's Referendum," (Washington: Enough Project, 2010), available at <http://www.enoughproject.org/publications/field-dispatch-election-grievances-reverberate-countdown-souths-referendum>.
- 6 Amanda Hsiao and Omer Ismail, "Field Dispatch: Refugees from Blue Nile Recount Atrocities, Government's Targeting of Civilians," (Ethiopia: Enough Project, 2011), available at http://www.enoughproject.org/files/Overview%20Sherkole_0.pdf
- 7 "Sudanese President Omar Hassan al-Bashir and his regime have been in power since his military coup in 1989, and since that time he has been in perpetual war with Sudan's periphery: the south (which is now independent), Darfur, the border states of South Kordofan and Blue Nile, the contested area of Abyei, and the east have all taken up arms at one time or another during this period." See John Prendergast, "Preventing the Next Mali," *Foreign Policy*, March 3, 2013, available at http://www.foreignpolicy.com/articles/2013/03/04/preventing_the_next_mali_sudan
- 8 Human Rights Watch, "Under Siege" (2012) available at <http://www.hrw.org/reports/2012/12/11/under-siege>; "Sudan 'block aid' to civilians in rebel-held Blue Nile," *BBC News*, May 9, 2012, available at <http://www.bbc.co.uk/news/world-africa-18007048>.
- 9 "US Committee for Refugees: Sudan," available at <http://web.archive.org/web/20041210024759/http://www.refugees.org/news/crisis/sudan.htm>
- 10 "World Without Genocide: Darfur," available at <http://worldwithoutgenocide.org/genocides-and-conflicts/darfur-genocide>
- 11 *Warrant of Arrest for Omar Hassan Ahmad Al Bashir*, No.: ICC-02/05-01/09 (ICC 2009), available at <http://www.icc-cpi.int/iccdocs/doc/doc639078.pdf>; *Second Warrant of Arrest for Omar Hassan Ahmad Al Bashir*, No.: ICC-02/05-01/09 (ICC 2010), available at <http://www.icc-cpi.int/iccdocs/doc/doc907140.pdf>; *The Prosecutor v. Abdel Raheem Muhammad Hussein*, No.: ICC-02/05-01/12 (ICC 2012), available at http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/related%20cases/icc02050112/Pages/icc02050112.aspx; *Warrant of Arrest for Ahmad Harun*, No.: ICC-02/05-01/07 (ICC 2007), available at <http://www.icc-cpi.int/iccdocs/doc/doc279813.pdf>.
- 12 Under international law, a state is responsible for any acts committed by its agents, even if those agents act outside of their authority or violate a state's internal laws. Agents of the state include members of the state's military and police, as well as other individuals or entities that a state has empowered under its internal laws to exercise elements of governmental authority. In Sudan, agents of the state include members of the SAF, Abu Tira, and PDF militias. International Committee of the Red Cross, "Rule 149. Responsibility for Violations of International Humanitarian Law," available at http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter42_rule149.
- 13 A non-international armed conflict is defined as a conflict between the military of a state and "dissident armed forces or other organized armed groups, which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and implement" rules related to armed conflict. The SPLA-N (a) possesses a command and control structure, led by Abdel Aziz in South Kordofan and Malik Agar in Blue Nile; (b) retains control over territory in South Kordofan and Blue Nile, where it governs and imposes taxes; and (c) launches attacks against government forces from the territory under its control. Also, in a proposal it submitted in the context of proximity talks with the SPLM-N in 2012, the government of Sudan admitted that Common Article III and Additional Protocol II apply to the conflict in the two states, indicating that Sudan itself considers the conflict to be non-international. See: International Committee of the Red Cross, "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977," part 1, article 1, paragraph 1, available at <http://www.icrc.org/ihl.nsf/full/475?opendocument>
- 14 International Committee of the Red Cross, "Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949," part 1, article 3, available at <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>.
- 15 International Committee of the Red Cross, "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977," available at <http://www.icrc.org/ihl.nsf/full/475?opendocument>.
- 16 United Nations, "Convention on the Prevention and Punishment of the Crime of Genocide" (1948), available at <http://www.unhcr.org/refworld/pdfid/3ae6b3ac0.pdf>
- 17 United Nations, "Rome Statute of the International Criminal Court" (2002), available at <http://untreaty.un.org/cod/icc/statute/rome.htm>.
- 18 United Nations, "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" available at <http://www.unhcr.org/refworld/docid/3ae6b3a94.html>
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Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, South Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough conducts intensive field research, develops practical policies to address these crises, and shares sensible tools to empower citizens and groups working for change. To learn more about Enough and what you can do to help, go to www.enoughproject.org.



The Satellite Sentinel Project launched on December 29, 2010, with the goals of preventing a return to full-scale civil war between northern and southern Sudan, as well as detecting, deterring, and documenting threats to civilians along both sides of the border. SSP focuses world attention on pending incidents of mass violence in the Sudans and uses imagery and analysis to generate rapid responses on human-rights and human-security concerns.

Satellite Sentinel Project
