**Darfur and Kadugli (South Kordofan): Obduracy Rewarded**

**By Eric Reeves, Sudan Tribune**

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***International failure to investigate atrocity crimes in Darfur and subsequently in South Kordofan sustains a climate of impunity that increases the likelihood of war—and sends a dangerous message to tyrants everywhere***

**The Face of Impunity**

In June of last year massive atrocity crimes were committed by military, paramilitary, and intelligence forces of the Khartoum regime in the major town of Kadugli, capital of South Kordofan in (northern) Sudan. To be sure, such crimes were committed elsewhere, and continue to this day—in the Nuba Mountains of South Kordofan, in Blue Nile State (where major conflict began on September 1), and in the form of aerial attacks on refugees in the new Republic of South Sudan. I have chronicled many of these atrocities over the past year. But the events in Kadugli were singularly well reported and utterly appalling. And yet nine months later, despite demands from the UN, the U.S., the EU, and human rights organizations for an unfettered international human rights investigation, nothing has been done to confirm the horrific reports that emerged during this month of widespread, ethnically targeted violence. Nothing has been done to hold accountable those responsible, and the self-righteous words from various international actors of consequence have all proved vacuous. I predicted precisely as much last August, and was dismissed.

Now, against the present backdrop of desperate need for humanitarian access to many hundreds of thousands of civilians throughout South Kordofan and Blue Nile—cut off from all relief aid by Khartoum, an action that is itself a crime against humanity—it becomes increasingly unlikely that a human rights investigation will ever move to the top of the international agenda. Moreover, recent violence along the border between Sudan and South Sudan—instigated by Khartoum and coming perilously close to triggering renewed all-out war—has commandeered all available diplomatic capacity.

What we are likely to see in the end is not a human rights investigation but rather something much more like what was reported two days ago (April 5, 2012) by Radio Dabanga. The focus of the dispatch was the mass gravesites holding the bodies of Fur men and boys massacred by Khartoum’s génocidaires in the Wadi Saleh area of West Darfur in spring 2004, massacres documented by both Human Rights Watch and Amnesty International:

Authorities hire new settlers to destroy evidence of mass graves

[Radio Dabanga: Wadi Saleh, West Darfur (April 5, 2012)]

“Sudanese authorities in the Wadi Salih area of West Darfur are reportedly hiring new settlers to destroy the evidence of mass graves in the area. Eyewitnesses said that government authorities have hired groups of new settlers to clear the evidence of mass graves particularly in Mukjar, Bindisi, Arwala, Deleig and Sundu. The groups were reportedly told to burn all traces of bodies and bones to destroy all evidence of extra-judicial killing by the government or its militias. Witnesses said Daif al Summah, Al Sadig Salona and Korin Kwei were hired by Ali Kushayb to oversee this operation. They noted that this process began following the international criminal court issuing an arrest warrant for the Sudanese defence minister Abdel Rahim Mohamed Hussein, wanted for alleged war crimes, crimes against humanity and genocide in the Wadi Salih area of West Darfur. Kushayb is also wanted by the ICC, accused by Luis Ocampo of ordering killings, rapes and looting of civilians from 2003 – 2004 in Darfur.”

Here we have Janjaweed leader Ali Kushayb reportedly receiving instructions from Defense Minister Abdel Rahim Mohamed Hussein (who was Minister of the Interior during the years in question)—both indicted by the International Criminal Court for crimes against humanity.

The connection to South Kordofan and the present border fighting and humanitarian crises? Ahmed Haroun, now Khartoum’s governor of South Kordofan, has also been indicted by the ICC for crimes against humanity—and worked directly for Hussein in Darfur, serving as a key implementing partner in the early stages of the genocide. And as if to confirm his status as a war criminal, Haroun recently declared in an interview tape-recorded by al-Jazeera his attitude towards troops of the Sudan People’s Liberation Army/North (SPLA/N): “don’t bring them back alive, we have no space for them.” A native Arabic speaker from the north of Sudan has confirmed to me the impressive precision of the al-Jazeera English translation of Haroun’s address to troops before an assault on an SPLA/N base: “You must hand over their base clean, swept, rubbed, crushed. Don’t bring them back alive, we have no space for them.” Off camera, al-Jazeera reports, Haroun declared further, “we don’t want administrative costs,” i.e., the “costs” entailed in treating prisoners-of-war in accord with the Geneva Conventions.

In another extraordinary interview with al-Jazeera, senior regime adviser Rabi Abdel Atti refused to criticize Haroun’s directive, and indeed at one point in the interview characterized the policy of taking no prisoners as “absolutely correct” in the context of rebellion in South Kordofan. Asked repeatedly about actions that clearly contravene international law, Atti gave no sign whatsoever of caring about such violations. This is the very face of impunity and intransigence, but it is hardly surprising, certainly not to Southern Sudanese and their comrades-in-arms in the Nuba and Blue Nile. It has long been Khartoum’s policy not to take prisoners; but in the absence of an international outcry and concrete evidence—unavailable for the most part from the remote fronts of a civil war between a guerrilla movement and a ruthless national army—Khartoum’s regular and militia forces felt no compunction about killing prisoners.

Unsurprisingly, the regime’s sense of impunity only grew during the years of civil war, and carried over to its conduct of genocidal counter-insurgency in Darfur. There, despite the presence of the world’s largest peacekeeping force (the UN/AU Mission in Darfur, or UNAMID), vast areas are of Darfur are still marked by constant violence against civilians, including rape, brutal extortion by militia and paramilitary forces, and murder—all of which occur without judicial or other consequences (see a compendium of the very most recent violent events in Darfur as reported by Radio Dabanga, Appendix 1).

It is the failure to recognize the central reality of massive insecurity facing non-Arab or African civilians that apparently led to the deeply misconceived and ill-informed reporting by the New York Times from Nyuru, West Darfur (February 26, 2012). Guided by the self-serving assessments of UNAMID, New York Times correspondent Jeffrey Gettleman reports a factitious success story, implying in his dispatch that some 100,000 refugees have returned from eastern Chad to Darfur, thereby escaping a kind of “serfdom.” Not only does the Chad representative of the UN High Commission for Refugees (UNHCR) deny any such large-scale repatriation, but so do the Darfuri refugee leaders at all twelve camps in eastern Chad. A Darfuri recently back from West Darfur has emphatically declared that there are no significant returns from Chad (email received April 4, 2012); humanitarians on the ground also indicate that they have seen no sign of large-scale returns (email received from Darfur, April 5, 2012). In fact, data from the UNHCR and UN Office for the Coordination of Humanitarian Affairs make clear that over 1 million civilians have been newly displaced since UNAMID assumed its mandate on January 1, 2008, including more than 100,000 in the last year (mostly from Shangil Tobaya and Khor Abeche).

What Gettleman has done—according to one highly informed and deeply knowledgeable Western analyst who has long worked in the region—is allow himself “to be totally manipulated by the UN,” this in line with an ongoing “propaganda” campaign in support of Khartoum’s “New Strategy for Darfur.” The purpose of this campaign, which Gettleman unwittingly assists, is to suggest (according to my source) that “people are returning en masse”; this in turn aids Khartoum in its attempt to shift priorities: “early recovery and development, not aid, should be prioritized,” according to repeated pronouncements by Khartoum. And with this shift, the raison d’être for the still large humanitarian presence in Darfur disappears, and witnesses to further atrocity crimes are eliminated.

Notably, this same highly informed professional observer of Darfur puts the total number of displaced Darfuris living in eastern Chad outside the camps at roughly 10,000 – 20,000, mostly near Birak. He excoriates the slickly produced UNAMID website, which serves as little more than a mouthpiece for Khartoum’s mendacious “Humanitarian Aid Commission.” (Gettleman irresponsibly credits UNAMID’s authority without qualification). Thus even though the UN High Commission for Refugees insists that its rosters for eastern Chad include 282,000 Darfuris, HAC, via UNAMID, declares the number to be 100,000. In short, the UN is funding Khartoum’s propaganda efforts instead of protecting the people of Darfur and making returns possible—and ultimately, the New York Times has assisted in a propaganda effort that is working to consolidate ethnically-targeted land and village clearances that were an integral part of the genocide.

Even more dismaying are the suggestions that the people interviewed by Gettleman were not Darfuris at all, but rather—as has often been reported by human rights groups and Darfuris—Arab settlers from other countries in the region (particularly Chad and Niger). Radio Dabanga reported on March 30, 2012:

“The 12 [refugee] camp leaders [in eastern Chad] said the insistence of the Sudanese government and the UN/African Union Mission in Darfur to tell the international media that refugees are beginning voluntary return is to deceive the world into thinking peace and stability have returned to Darfur. [ ] From the interviews conducted with camp leaders and UNHCR it appears that the New York Times was misled by [UNAMID official Dysane] Dorani and the residents in place are in fact new settlers and not Darfuri villagers.”

Most ominously, only 50 miles from Gettleman’s dateline of Nyuru lies Deleig, site of one of the worst massacres in the Wadi Saleh area that was so terribly ravaged in 2003 – 2004. It was here, according to one member of the investigating team for the UN Commission of Inquiry (COI; fall 2004 – January 2005), that COI forensic investigators on the team were not allowed to put a spade in the soil (interview with Sgt. Deborah Bodkin [Waterloo, Ontario police detective] at Concordia University: November 1, 2005). And in Deleig, unreported by anyone but Radio Dabanga—with an extraordinary network of contacts on the ground—efforts have begun to sanitize atrocity crimes scenes, including not only Deleig but also Mukjar, Bindisi, Arwala, and Sundu. And whether we look to the east, the west, the north or the south, a brutal violence continues to stalk African civilians, creating a pervasive insecurity that prevents the vast majority from leaving camps in Darfur or eastern Chad except at great risk (risks sometimes taken in desperation during the planting and harvest seasons, this in an attempt to obtain food and preserve traditional claims to their lands).

**Easing the Road to Genocide**

What do atrocity crimes in Darfur have to do with the present crises in the border regions of Sudan/South Sudan? What is the connection to a vast humanitarian crisis that has put more than half a million lives at risk in South Kordofan, Blue Nile, and refugee camps in South Sudan, including more than 100,000 who were forced to flee from Abyei following Khartoum’s military seizure of the region in May 2011?

We may look at present challenges throughout greater Sudan from various perspectives; and certainly the threat of mass starvation in South Kordofan and Blue Nile, engineered by Khartoum’s génocidaires, is the most urgent. But even here the regime has learned well its lessons of obduracy in Darfur, and we should not be surprised that an agreement on humanitarian access presented by the African Union, the League of Arab States, and the United Nations more than two months ago has been repeatedly put off by Khartoum, even as it was signed on February 9 by the northern rebel group known as the Sudan People’s Liberation Movement/Army-North (SPLM/A-N). As a means of further delay, Khartoum has conducted its own humanitarian assessment and found that the food situation is “normal” in the affected regions, even as journalists and refugees present a picture of starvation already underway, and famine looming perilously close. And with the normal start of the rainy season less than a month away, there is precious little time to pre-position food and critical non-food items (shelter, mosquito netting, soap, water drilling and purification resources, medical supplies). Human mortality is likely to be appalling—as it has been in Darfur, largely because of Khartoum’s obstruction, harassment, and intimidation of humanitarian relief efforts in the region.

But neither the humanitarian crisis nor the military threats diminish in the slightest the atrocity crimes in Kadugli reported by Amnesty International, Human Rights Watch, the Satellite Sentinel Project (SSP), and countless escaping eyewitnesses, often speaking to journalists as they fled or hid. These are crimes that demand to be investigated, particularly those that occasioned the digging of the many mass gravesites reported by eyewitnesses and confirmed by satellite photography from SSP. Certainly this was the conclusion of the report by UN human rights observers on the ground in Kadugli throughout the terrible month of June 2011. They recommended,

“That the UN Security Council mandate the establishment of a commission of inquiry or other appropriate investigative authority, including the Prosecutor of the International Criminal Court, to conduct a comprehensive investigation into the violence in Southern Kordofan and violations of human rights and humanitarian laws and to identify the perpetrators or those who bear the greatest responsibility, with the view to bringing them to justice.”

Their insistence could not have been more emphatic, or more futile:

“The attacks on UNMIS, its staff and assets are so egregious that condemnation is insufficient. The conduct of [Khartoum's] Sudan Armed Forces, the Popular Defense Forces, the Central Reserve Police Force, and the Government Police, singularly and collectively, has frustrated and weakened the capacity of the UNMIS to implement in Southern Kordofan a mandate given to it by the UN Security Council. The conduct has also resulted in loss of life and injury of UN staff. The international community must hold the Government of Sudan accountable for its conduct and insist that it arrest and bring to justice those responsible.”

What are some of the specifics from the scores of incidents reported in this UN human rights assessment?

“Instead of distinguishing between civilians and combatants and accordingly directing their military operations only against military targets, the SAF and allied paramilitary forces have targeted members and supporters of the SPLM/A, most of whom are Nubans and other dark-skinned people.”

“On 6 June, the second day of the conflict, a physician at Kadugli Hospital confirmed that four civilians were killed in Kadugli and Um Durein Localities—two from Um Durein and two from Talodi Locality. Medical officers reported that military roadblocks in Kadugli prevented ambulances from reaching wounded persons in need of urgent medical assistance.”

“On 9 June, while on route from the UNMIS Protective Perimeter to their home in Hagar Al Nar district of Kadugli to retrieve food and belongings, a group of nine relatives were confronted by Central Reserve Police personnel who shot and killed two of them. One of the survivors informed UNMIS Human Rights that the fate of his remaining six relatives who fled from the scene remains unknown. Eyewitnesses confirmed the incident and pleaded for humanitarian agencies to provide food assistance to IDPs in order to avoid recurrence of similar incidents.”

“UNMIS Human Rights received information that on 15 June, eight civilians of Nuban descent were killed while attempting to retrieve some of their belongings from Al Gardut Locality of Kadugli Town. An eyewitness reported that another four young males of the Nuban ethnic group were killed near the Kadugli airport after being arrested at a checkpoint attempting to leave the state. This individual pleaded with UNMIS to assist in protection of civilians and provide the transport of church members to safety in Southern Sudan.”

“On the evening of 22 June, SAF surrounded the UNMIS Team site compound in Kadugli with three heavy artillery gun-mounted vehicles pointed at the compound from three points, including the front gate. This occurred following the arrest and interrogation of six UNMIS national staff early in the day by SAF military intelligence at the Kadugli airport.”

“[On 20 June] UNMIS Human Rights also observed a well known National Security agent wearing a Sudan Red Crescent reflective vest intimidating IDPs. When approached and questioned by UNMIS Human Rights the agent identified himself as a NSS agent and said he had received instructions from state-level authorities to move out IDPs from the UNMIS Protective Perimeter. IDPs interviewed said that they were informed by Sudan Red Crescent personnel that they must evacuate the Protective Perimeter by 16:00 and that they feared the Central Reserve Police would evacuate them forcibly if they did not leave the premises. UNMIS Human Rights confirmed that by 17:00, approximately 75 per cent of the 11,000 IDPs in the vicinity of the Protective Perimeter had vacated the area.”

To this day, there has been no accounting for these missing 8,000 civilians, all of whom had very good reason to seek the protection of the UN. It is difficult not to conclude that they fill the larger gravesites.

Reports from civilians speaking with news organizations and to expatriate groups were just as chilling. Nuba were systematically stopped at checkpoints grimly similar to those once seen in Rwanda. One aid worker who had recently escaped from South Kordofan told McClatchy News, “Those [Nuba] coming in are saying, ‘Whenever they see you are a black person, they kill you.’” Another Nuba aid worker reported that an Arab militia leader made clear that their orders were simple: to “just clear.”

Yet another Nuba resident of Kadugli told Agence France-Presse that he had been informed by a member of the paramilitary Popular Defense Forces that they had been provided plenty of weapons and ammunition, and a standing order: “He said that they had clear instructions: just sweep away the rubbish. If you see a Nuba, just clean it up .… He told me he saw two trucks of people with their hands tied and blindfolded, driving out to where diggers were making holes for graves on the edge of town.”

Mass gravesites, capable of holding many thousands of dead bodies, were identified by the Satellite Sentinel Project by means of grimly unambiguous satellite photography published on July 14 and August 17. Though greeted with perverse and untenable skepticism by Obama’s special envoy for Sudan, Princeton Lyman, evidence continued to pour in, both from the ground and further satellite imagery. Indeed, yet further confirmation of the mass graves came from a July 1 report released by the International Federation of the Red Cross and Red Crescent Societies: “the Sudan Red Crescent Society, reportedly acting on instructions from the Government of South Kordofan, has been actively collecting dead bodies in Kadugli town, and had at least 415 body bags and 2,000 plastic tarps recently transferred to it from the IFRC prior to the fighting in June. By the end of June, the SRCS was publicly saying it needed more body bags“ (emphasis added).

To say that the international response to the UN human rights report has been tepid hardly captures the abject moral failure of those countries that have nominally accepted the “responsibility to protect” endangered and unprotected civilians. Asked in late June about reports that had already emerged from South Kordofan, Lyman would say only: “We certainly have reports of [atrocity crimes]. Because we don’t have a presence there, we haven’t been able to investigate it fully. There are certainly reports of targeted killings. There are some reports from the other side also. What we’ve asked for is a full investigation.” And to the follow-up question (“By whom [should the investigation be conducted]?”) Lyman responded: “Well, by the UN would be the best. The UN presence has not been sufficient to get out and stop this or to investigate it.” And yet the U.S. has done nothing to push effectively for such a UN investigation.

Lyman subsequently testified to the Congress (October 2011):

“… accountability for human rights violations that have occurred in [South Kordofan and Blue Nile] is critical to a lasting resolution of the conflict. We will continue to push for a credible, independent investigation of violations of human rights that will contribute to efforts to bring those responsible to account. Unfortunately, to date, there has been insufficient support in the UN Security Council for such an investigation.”

Here again a U.S. “push” for accountability ended with the mere mouthing of words thought to be politically obligatory on such an occasion. Certainly Lyman knows full well the names of those most “responsible,” and for reasons of expediency refuses to name them.

For its part, the most the European Union could muster was a press release in late August that was guaranteed to gain no news profile; it cited the little-known Kristalina Georgieva, EU Commissioner responsible for International Cooperation, Humanitarian Aid and Crisis Response: “A recent report from the UN highlights the perpetration of human rights abuses in South Kordofan since fighting started in June and calls for an investigation as a follow-up to these findings.” Hardly a statement likely to push forward such an investigation.

Navi Pillay, the UN High Commissioner for Human Rights, declared in mid-August that “what [the UN report] suggests has been happening in Southern Kordofan is so serious that it is essential there is an independent, thorough and objective inquiry with the aim of holding perpetrators to account.”

But Pillay has let this “essential” matter drop completely, and indeed distinguished herself mainly by expediently revising the original UN human rights report so as to blunt its findings when presented to the UN Security Council (she also offered a supremely feckless response to Ahmed Haroun’s demand of his troops that “they bring no prisoners back”: “Such comments” said Pillay, “are extremely worrying in this context and could amount to incitement”) (emphasis added). And Valerie Amos, head of UN humanitarian operations, declared on July 15: “We do not know whether there is any truth to the grave allegations of extra-judicial killings, mass graves and other grave violations in South Kordofan.” Unless we credit Amos with complete ignorance of the UN human rights report, leaked publicly two weeks earlier by a senior Western diplomat, then we must conclude that she is lying. And we must wonder what Khartoum makes of such factitious skepticism.

Unsurprisingly—given this diffidence, expediency, and mendacity—Khartoum steadfastly refused to allow any investigation, if only because the regime is fully aware of what is contained in these well-documented mass gravesites. Instead of allowing an investigation, Khartoum has continued with its savage aerial bombardment of civilians and civilian targets throughout the Nuba Mountains and Blue Nile (where Khartoum began its military assault on September 1). The planting and harvesting seasons were deliberately disrupted by such aerial attacks, ensuring massive food deficits that are now biting deeply, with no humanitarian response in sight.

There have seen several high-profile trips into the Nuba Mountains by notable international figures, and all come back with some version of the account offered by the outspoken Mukesh Kapila, UN humanitarian chief in Sudan when the Darfur genocide began in earnest in April 2003. In a reprise of comments that would cost him his job in 2004, Kapila, on returning from his own dangerous trip to the Nuba, declared (March 11, 2012) that on the basis of what he’d seen: “Sudan hosted the first genocide of the century in Darfur, and the second one is unfolding in Nuba.“

For those skeptical about whether Khartoum’s ambitions are genocidal or not, Reuters recently provided a comment made by President Omar al-Bashir on the occasion of the election of his candidate for governor last May (Ahmed Haroun, wanted by the International Criminal Court for crimes against humanity and war crimes in Darfur): “If the people here refuse to honour the results of the election [in South Kordofan], then we will force them back into the mountains and prevent them from having food just as we did before.” Al-Bashir is here referring to the total humanitarian embargo imposed on the Nuba Mountains in the 1990s as part of a campaign to annihilate the Nuba people, reflecting ambitions that virtually all observers of Sudan characterize as genocidal.

Here we might juxtapose the June 28 assessment of Lyman: “I don’t think the North [Khartoum's SAF] is capable of dislodging large numbers of people on an ethnic basis from the Nuba Mountains. Second, I’m not sure that’s the objective of the government.” By December, the UN was estimating that more than 400,000 people in the Nuba Mountains and Blue Nile had been displaced by Khartoum’s ethnically targeted violence and destruction of agricultural production; thousands more have displaced every week since, and only Khartoum’s military stranglehold on much of the perimeter of the Nuba has prevented many additional tens of thousands from fleeing toward South Sudan.

**Patterns and Antecedents**

Khartoum’s broader ambitions were evident well before the May 21, 2011 seizure of the contested Abyei region by Khartoum’s Sudan Armed Forces, in contravention of the Abyei Protocol of the Comprehensive Peace Act (2005) and the determination of Abyei’s boundaries by the Permanent Court of Arbitration (July 2009). But certainly the lack of any effective response to this military collapsing of diplomatic efforts sent a disastrous signal to Khartoum; what we are seeing in the aftermath is in too many ways a function of this initial weak-willed acquiescence. The military assault on Kadugli and South Kordofan began only two weeks after the seizure of Abyei, and on Blue Nile two months subsequently.

These events are not discrete; they are not a concatenation of unfortunate developments; they derive directly, all of them, from a refusal to confront Khartoum and recognize the regime for what it is. Despite Lyman’s conviction that Khartoum is neither capable nor committed to “dislodging large numbers of people on an ethnic basis from the Nuba Mountains,” the evidence suggests just how misguided he has been. Moreover, massive displacement has already thoroughly compromised both planting and harvesting in the Nuba and Blue Nile. Khartoum’s ground forces and militia allies have destroyed large quantities of foodstocks. As a direct consequence, in early October the UN Food and Agriculture Organization predicted that because of the violence, harvests in the region would “generally fail.” By November the Famine Early Warning Network (FEWSNet) was warning that near-famine conditions would be seen by March without humanitarian relief. March has come and gone, and people are in fact already starving, or dying from the results of malnutrition. Mortality will soon accelerate dramatically, even as the international community dithers.

Refugees from Blue Nile and South Kordofan who have reached Ethiopia and South Sudan now number roughly 150,000, and the expectation is strong among relief workers that this number will spike sharply before the rainy season, even as humanitarian conditions are already grim. More than 100,000 Dinka Ngok, displaced last May by Khartoum’s military seizure of the region, remain in poor conditions in South Sudan, with no prospect of returns in substantial numbers. And within Blue Nile and South Kordofan, hundreds of thousands of civilians are denied all international humanitarian relief. The situation is urgent and becoming more so by the day; indeed, in contrast to the relatively upbeat, “things are manageable” assessment offered by the US Agency for International Development (April 2, 2012), nongovernmental relief organizations are a great deal more worried. Both Doctors Without Borders/Médecins Sans Frontières (MSF) and Oxfam International have very recently sounded increasingly urgent warnings (here Oxfam):

“Oxfam is urging donors to ramp up support now, warning that it will be three times more expensive when the rains come and block off roads; shortages could endanger people’s lives. ‘This is going to cause a lot of health problems and I’m afraid that we will lose a lot of people, especially if rains flood this black cotton soil,’ Omale said. ‘The international community has not done enough… it has not focused on this emergency. These people started coming here in November. Up to now we have not received enough support to help the refugees here in Jamam [refugee camp, Upper Nile State].’” (UN IRIN [Jamam refugee camp], April 3, 2012)

This is markedly at odds with the tenor of remarks by USAID and U.S. special envoy Princeton Lyman, who has managed merely to talk about the humanitarian crisis, with vague hopefulness about cross-border corridors for the hundreds of thousands of civilians still trapped inside Blue Nile and South Kordofan and moving ever closer to a catastrophic food emergency. Again, let us be clear: these people are being deliberately starved to death by the Khartoum regime, and the dying has begun, both from malnutrition and from diseases directly related to malnutrition and the conditions of forced flight from violence.

It is shocking that none of this has changed Lyman’s assessment of Khartoum; but in a recent interview with Asharq Al-Awsat (the most important pan-Arabic newspaper publishing in English), he declared:

“Frankly, we do not want to see the ouster of the [Sudanese] regime, nor regime change. We want to see the regime carrying out reform via constitutional democratic measures.”

But despite this preposterous optimism about a “reformist” Khartoum regime, this on the part of the chief U.S. diplomat engaged on Sudan, it is clear that an increasing number of Sudanese in the north believe that only regime change will create the possibility for a greater Sudan genuinely that is at peace with itself and its neighbors, and for broadly shared opportunities for economic development—thus the broad coalition of rebel groups making up the Sudan Revolutionary Front (SRF). In fact, the need for regime change has been conspicuous for years.

And if we were in doubt about where the regime is really headed, we need merely to survey the developments of the past year. For if there has been a belated and partial acknowledgement of the growing military ascendancy within the Khartoum regime, there is still too little acknowledgement of what follows from these new realities, reported authoritatively by Julie Flint in early August of last year. Flint’s dispatch (August 2, 2011) was based on remarkable interviews with officials in Khartoum, fearful that a military coup from within would leave very little room for civilians in the new configuration of power:

“[A] well-informed source close to the National Congress Party reports that Sudan’s two most powerful generals went to [Sudanese President Omar al-] Bashir on May 5, five days after 11 soldiers were killed in an SPLA ambush in Abyei, on South Kordofan’s southwestern border, and demanded powers to act as they sought fit, without reference to the political leadership.”

“‘They got it,’ the source says. ‘It is the hour of the soldiers—a vengeful, bitter attitude of defending one’s interests no matter what; a punitive and emotional approach that goes beyond calculation of self-interest. The army was the first to accept that Sudan would be partitioned. But they also felt it as a humiliation, primarily because they were withdrawing from territory in which they had not been defeated. They were ready to go along with the politicians as long as the politicians were delivering—but they had come to the conclusion they weren’t. Ambushes in Abyei…interminable talks in Doha keeping Darfur as an open wound…. Lack of agreement on oil revenue….”

“‘It has gone beyond politics,’ says one of Bashir’s closest aides. ‘It is about dignity.’”

It is this reality, this “creeping military coup” in which ruthless generals seek “dignity,” that the world has in the main refused to see, and nobody more conspicuously than Princeton Lyman. Rather than clearly assign responsibility for actions that have brought Sudan and South Sudan to the brink of all-out war, Lyman and others have—when speaking of the military violence over the past year—consistently indulged in a deeply disingenuous moral equivalence between Khartoum and Juba. Dismayingly, this in turn has been reflected in a great deal of uncritical news reporting.

**Kadugli and the “International Community**”

International failure to respond to the atrocity crimes in Kadugli of June 2011 is emblematic of the broad failure of international diplomacy to confront Khartoum, but most consequentially that of the Obama administration. This failure is reflected in the decision to “de-couple” Darfur from the key bilateral negotiating issue between Washington and Khartoum (summer 2010); in the misguided decision to pressure the Government of South Sudan to “compromise” (i.e., capitulate) yet further on Abyei in the face of Khartoum’s intransigence (October – November 2010); and in the feckless response to Khartoum’s military seizure of Abyei, which the Obama administration, including frequent emissary Senator John Kerry, had fairly invited. Princeton Lyman’s skepticism about the commission of atrocity crimes in Kadugli (June 2011), his refusal to credit satellite photography of what now all recognize are mass graves—containing perhaps many thousands of dead Nuba—is finally of a piece with administration helplessness before Khartoum’s adamant refusal to allow international humanitarian relief to reach hundreds of thousands of desperate civilians.

For the violence currently escalating dangerously along the North/South border is neither accidental nor unrelated to the impunity that has been so amply reaffirmed in the wake of military actions by the regime—in Darfur, in Abyei, in South Kordofan, in Blue Nile, and currently in the relentless aerial attacks on the South. Moreover, the evidence increasingly suggests that the actions reflect neither tactics nor opportunism, but rather a strategy on the part of Khartoum’s military leaders.

In this light, there is good reason to believe that one reason the April 3 summit in Juba between President al-Bashir and President Salva Kiir did not occur is because some of these same military leaders began offensive military actions that were designed to undermine the prospect of true rapprochement. The very recent discovery of a secret oil “tie-in,” whereby Khartoum would be able to siphon off large quantities of Southern crude into its own infrastructure, may also do much to explain the location and nature of the military action. Now that the “tie-in” has been discovered, it will be almost impossible for such subterfuge to succeed again. In the eyes of Khartoum’s most senior military officials, likely including al-Bashir himself, this means that only seizure of the Southern oil fields will allow oil to flow north again from these fields.

There are other factors at play, to be sure: the ongoing aerial military assaults on Southern oil infrastructure are certainly seen by Khartoum as a way to highlight for Juba the young nation’s vulnerabilities and thus compel concessions. And there can be little doubt after the successful and cost-free seizure of Abyei that the regime well understands the importance of creating military “facts on the ground”; such “facts” will be useful, Khartoum calculates, in negotiations over border delineation and in holding hostage the demarcation of borders already delineated. Here we should bear in mind that under present circumstances, only the regime benefits from ambiguous borders.

Assessing more broadly, we are confronted by an international failure in Sudan that has been painfully comprehensive: the AU is powerless and poorly led by Thabo Mbeki; the Arab League was never going to be of help in dealing with Khartoum; and the UN political bodies—with the exception of a few individuals—have been disastrously incompetent throughout Sudan, including Darfur. The European Union has worked too quietly, largely ineffectually, and with excessive caution. China is being urged in various quarters to use its enormous leverage with Khartoum to work for peace, but so far has made only tactical diplomatic moves (for a useful overview, see the International Crisis Group report of April 4, 2012). The U.S., however, is still the international actor setting the diplomatic tone for dealing with Khartoum, and from the beginning the Obama administration has been disastrously ill-informed and prone to make critical errors in judgment. Guided initially by the painfully incompetent special envoy Scott Gration and subsequently by the feckless Lyman, countless opportunities to forestall greater intransigence on Khartoum’s part have been squandered.

And finally the failure of the international community in Sudan has larger implications; for we must also consider the signals now being sent to other tyrannies, to other regimes that feel they, too, will enjoy impunity if they are sufficiently obdurate. Can anyone doubt that Syria’s Assad has taken the measure of the international community’s resolve in responding to his own ongoing atrocity crimes in part by looking to Sudan? Certainly Assad knows that Khartoum has, with impunity, relentlessly and deliberately bombed civilians and humanitarians for decades. Although Libya is the example most often adduced in discussions of Syria, it is the impunity enjoyed by Sudan’s National Islamic Front/National Congress Party that gives the Assad regime much of its confidence.

We are left with the dispiriting conclusion that the widespread failure in Sudan is not only international but also historic in implication, defining all too authoritatively the demise of any credible commitment to the “responsibility to protect.” And because of that failure there will be no investigation of the monstrous violations of international human rights and humanitarian law in Kadugli and South Kordofan—not in any foreseeable future defined by current diplomatic priorities and attitudes. It is crucial, if only for the sake of historical clarity, that we understand how these priorities emerged and now undermine the possibility for investigating large-scale and brutal atrocity crimes. For the present over-riding exigencies—desperately attempting to secure humanitarian access and prevent a resumption of war—grow directly out of previous failures to confront the criminals who make up the regime in Khartoum.