

## **Intrastate Conflicts Influencing Human Rights Enforcement with Specific Reference to the Republic of Sudan, 1956 – 2011**

### **AUTHORS**

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### **ABSTRACT**

**Objective:** Evaluate the extent of intrastate conflicts in influencing of human rights enforcement in the Republic of Sudan.

**Design:** Descriptive Survey research that incorporated both, document analysis, quantitative and qualitative techniques

**Results:** More than half (62.2%) of the respondents interviewed were of the opinion that sustained denial of human rights enforcement was among the causes of intrastate conflicts in the Republic of Sudan while almost three thirds (73%) of the respondents perceived that demand for human rights was also the cause of conflicts in Republic of Sudan. Instrumental use of rights by state mobilized population for violence according to 86% of the interviewed respondents. The findings further revealed that the sustained denial of human rights, demand for human rights and instrumental use of rights by state had influence on human rights enforcement in Republic of Sudan.

**Conclusion:** The study concludes that sustained denial of human rights causes repressed/ oppressed groups to react and may prompt to interventions, intensifying the conflict. Sustained of Human rights often emerges from denial to demand for human rights from citizens. The two are intertwined. There was gross violation of human rights enforcement as a result of instrumental use of rights by state that resulted to intrastate conflicts in the republic of Sudan.

**Recommendation:** There is need for good principles that target upholding human rights and peacemaking basic through the change of circumstances that offer ascent to fierce conflicts. Upholding human rights in any country is a benchmark and an essential instrument of search for peace and harmony.

### **INTRODUCTION**

Fifty-one years after the United Nations adopted the 1948 Universal Declaration of Human Rights and almost nineteen years after the Organization of African Unity (OAU) adopted its own African Charter on Human and Peoples' Rights, the human rights situation in some parts of the world and particularly the African continent is decidedly bleak. Indeed, achieving genuine respect for human rights may constitute the greatest challenge facing many countries in the new millennium (Magnarella, 2000).

Violation of human rights as a result of intrastate conflicts has been epidemic throughout the world according to a study by Oxford University (2012). Even though many countries have signed and

ratified various treaties on human rights, international human rights treaties that the average state has ratified and the percentage of states reported to be repressive, over time have increased. It is clear that the average state has ratified a steadily increasing percentage of available human rights treaties, creating a world space characterized by the rapid and nearly universal acceptance of international human rights law, while the percentage of states reported to repress human rights has grown over time, although the increase has tapered off in recent years (Oxford University, 2012).

As Gurr and Ted (1993) note, intrastate conflicts and violation of human rights are experienced all over the world. In the UK, people have been dying violently for centuries over various conflicts. The Western Balkans, Russia (Chechnya), Georgia (South Ossetia), Northern Ireland, Iran and Iraq, Israel, Afghanistan, Bangladesh, East Timor in Indonesia, Sri Lanka, Burma, to mention but a few, have all experienced the influence of internal conflicts. Other regions of the world are also riddled with considerable violence and social conflagration. For instance, Latin America is also enmeshed in conflicts as evinced by countries like Peru, Guatemala, Mexico and Columbia (Adedeji, 1999). This widespread existence of intrastate conflicts across the continents of the world has prompted scholars to observe that conflict is an inevitable aspect of human interaction (Oтите and Albert, 1999).

A study conducted by the Bureau of Democracy, Human Rights and Labor (2012) established that the most important human rights abuses throughout the world in regions experiencing intrastate conflicts included: government forces and government aligned groups committing extrajudicial and other unlawful killings; security forces and militias or rebels fighting government forces committing torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions being harsh and life threatening.

According to a study by Amnesty International (2009) in the last fifteen years or so, millions of African civilians' human rights have been violated and some have lost their lives in intrastate conflicts characterized by the proliferation of small arms and extreme levels of violence directed against the civilian population. Almost all these human rights violations have been fueled by internal conflicts within various countries, the unregulated international arms trade and the presence of foreign troops and mercenaries. According to Magnarella (2002), by June 1999, there was a deep concern by the UN over the ever increasing number of African countries afflicted by war and associated human rights abuses. Twenty-four African countries had serious and widespread human rights violations in 1998 and armed intrastate conflicts, social and political unrest continued unabated, leading to appalling human rights abuse throughout the continent.

The human rights situation in the Republic of Sudan remains precarious, with continuing fighting and breaches of human rights and international humanitarian laws by the parties to the conflict. Hundreds of thousands of civilians continue to suffer the influence of the armed conflict through direct attacks, displacements and limited access to humanitarian assistance. Furthermore, the enjoyment of fundamental rights and freedoms in the region has to a large extent been suppressed by the combined effect of the application of emergency and security laws (Jok, 2012).

## **METHODOLOGY**

The Study featured the Republic of South Sudan, 1956-2011. The Study adopted descriptive survey design, and as recommended by Okoth (2012) and Brewer and Kuhn (2010). Descriptive research design, helped to find relationship between intrastate conflicts in the Republic of Sudan and how they undermine human rights enforcement in the region (Ombok, 2013). The study combined both the quantitative and the qualitative methods to collaborate each other, which have been referred to

as 'triangulation' in the social sciences in order to validate results through more than one perspective and thus enhanced the study positively (Piccianno, 2004). Document analysis is a type of qualitative research that involves systematic reviewing or evaluating documents both printed and electronic was also utilized (Corbin & Strauss 2008). To obtain the population of the study, the researcher obtained the list of population available from the institutions of interest as follows; 10 diplomats from Ministry of Foreign Affairs, 8 diplomats from Embassy of the Republic of Sudan, 20 UNHCR officials, 80 University academicians from the Republic of Sudan who were taking academic courses related to conflict resolution in purposively selected Kenya universities, 30 experts in intrastate conflicts and 30 humanitarian experts from Directorate of Refugee Affairs (DRA) and Kenya Commission for Human Rights (KNCHR), and National Steering committee (NSC) and 330 Sudanese refugees living in Nairobi. This comprised a total population of 500 individuals. To determine the sample size of the study from a population of 500 individuals, a formula by Fisher *et al.*, (1998) was applied. A total sample of 230 respondents was interviewed. Probability and Non-Probability sampling was used. The non-probability technique was used to identify the institutions of interest while probability sampling was applied in to identify the number of respondents that were to be interviewed in each category. The Non-Probability techniques used were convenience sampling and Purposive sampling. These are types of non-probability sampling techniques based on the judgment of the researcher (Babbie, 2001). Convenience sampling was employed in selecting the institutions which are based in the Republic of Sudan for easiness of access. Purposive sampling was used in determining the departments within these institutions where the types of respondents suitable for interview were available and was used to select the Key informants and Focus Group Discussion (FGD) participants. A total of 7 key informants and 3 FGD were conducted. Probability Sampling techniques used were snow balling and simple random sampling. Snow balling technique was used to identify key informants for interview where one key informant would lead the researcher to the other Beauchemin and González-Ferrer (2011). Simple Random sampling was used to identify 230 respondents randomly according to their availability for interviews. Data collected was analyzed quantitatively and qualitatively in relation to the objective.

## RESULTS

The findings revealed that sustained denial of human rights did cause conflicts in Republic of Sudan, More than half (143; 62.2%) agreed while more than a third (87; 37.8%) disagreed (Table 1). Out of 143 respondents who said that the sustained human rights were the cause of conflicts in Republic of Sudan, most (116; 81.1%) had perception that the sustained denial of human rights had influence on human rights enforcement in Republic of Sudan as opposed to 27; 18.9% of respondents (Figure 1). On the other hand, out of 87 respondents who said that sustained denial of human rights did not cause conflict in Republic of Sudan, majority (79; 90.8%) said that it had influence on human rights enforcement in Republic of Sudan while 8; 9.2% said it did not affect human rights enforcement (Figure1). When the results were subjected to a chi-square test, there was significance difference to show that sustained denial of human rights in Republic of Sudan had influence on human rights enforcement in the Republic of Sudan,  $\chi^2 = 3.933$ ,  $df=1$   $P=0.047$ , Table 5.

The results showed that state uses its instruments to mobilize populations for violence, a high proportion (199; 86.5%) of the respondents agreed while 31; 13.5% disagreed (Table 2). Out of 199 respondents who said that instrumental use of rights violation by state mobilized population for violence, majority (179; 89.9%) of respondents had perception that it had influence on human rights

enforcement while 20; 10.1% of the respondents said it did not have effect on human rights enforcement (Figure 2). Out of 31 respondents who had the perception that instrumental use of rights violation by state did not mobilize population for violence, half (16; 51.6%) of the respondents said that it influenced human rights enforcement while 15; 48.4 % of the respondents said it did not (Figure 2). When the results were subjected to Chi-square test of association, there was strong significance difference to show that instrumental use of rights violations by state had influence on human rights enforcement,  $\chi^2 = 30.554$ ,  $df=1$   $P=0.000$ , Table 5.

The findings further revealed that demand for human rights did cause conflicts in Republic of Sudan, a high proportion (168; 73%) of the respondents said it was the cause of conflicts while 62; 27 % said demand for human rights did not cause conflicts in Republic of Sudan (Table 3). Out of 168 respondents who said that demand for human rights was the cause of conflict in Republic of Sudan, most (151; 89.9%) of the respondents had opinion that it influenced the human rights enforcement in Republic of Sudan as opposed to 44; 10.1% of the respondents (Figure 3). On the other hand, of 62 respondents who had perception that demand for human rights did not cause conflict in Republic of Sudan, a high proportion (44; 71%) said that it had influence on human rights enforcement while 18; 29% of the respondents said it had no influence on human rights enforcement (Figure 3). When the results were subjected to the Chi-square test of association, there was significance to show that demand for human rights as a cause of conflict in Republic of Sudan had negative influence on human rights enforcement,  $\chi^2 = 12.556$ ,  $df=1$   $P=0.000$ , Table 5.

The findings revealed that conflict did result to human rights violation in Republic of Sudan, Majority (209; 90.9%) of the respondents said it did while 21; 9.1% of the respondents said it did not result to human rights violation (Table 4). Out of 209 respondents who said that conflict resulted to human rights violation in Republic of Sudan, most (174; 83.3%) of the respondents said that conflict as a result of human rights violation had influence on human rights enforcement while 35; 16.7% of the respondents had perception that it did not affect human rights enforcement (Figure 4). Of 21 respondents who said that conflict did not result to violation of human rights in Republic of Sudan, all of these respondents (21; 100%) reported that it influenced human rights enforcement in Republic of Sudan (figure 4). When the results were cross tabulated there was significant difference between conflict as a result of human rights violation in the Republic of Sudan and influence on human rights violations,  $\chi^2 = 4.148$ ,  $df=1$   $P=0.042$ , Table 5.

On contribution of human rights violation to intrastate conflicts in the republic of Sudan, two thirds (155; 67.4%) agreed that it has contributed to escalation of conflict in Republic of Sudan with 48; 20.9% disagreed while 27; 11.7% neither agreed nor disagree (figure 5). Almost similar pattern was revealed by the findings where a high proportion of respondents agreed also that violation of human rights contributed to bias by the Arab-Muslim majority government against African Republic of Sudanese, Underdevelopment in Southern Republic of Sudan, Civil wars in Republic of Sudan and animosity between Arab-Muslim and African Sudanese (Figure 5).

**Table 1 Sustained denial of Human rights**

Sustained denial of Human Rights cause conflict in Republic of Sudan?	Frequency	Percent
Yes	143	62.2
No	87	37.8
Total	230	100.0

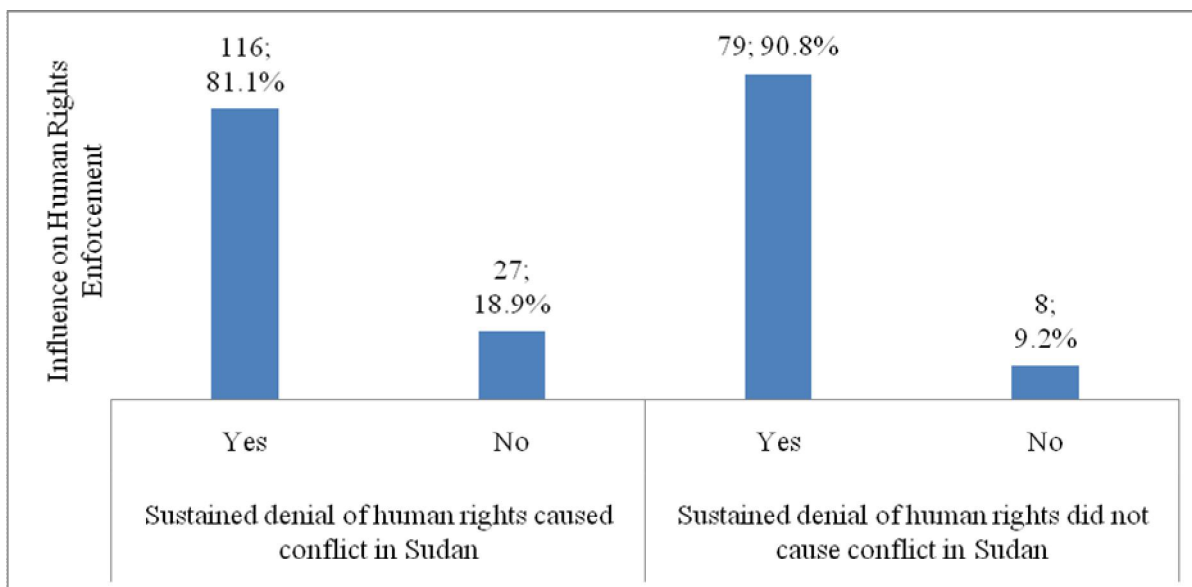


Figure 1 Sustained denials of human rights in relation to influence on human rights enforcement

**Table 2 instrumental use of rights violation by state**

Instrumental use of rights violation by state mobilize	Frequency	Percent
Yes	199	86.5
No	31	13.5
Total	230	100.0

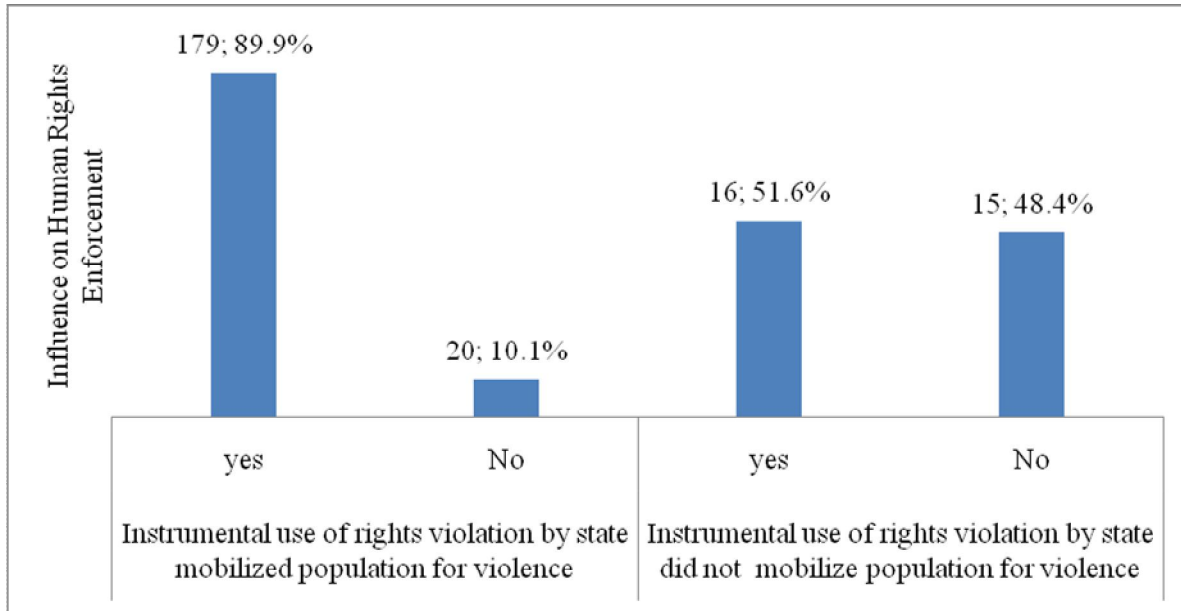


Figure 2 instrumental use of rights violation by state in relation to human rights enforcement

Table 3 Demand for human rights

Demand for Human Rights cause conflicts in republic of Sudan	Frequency	Percent
Yes	168	73.0
No	62	27.0
Total	230	100.0

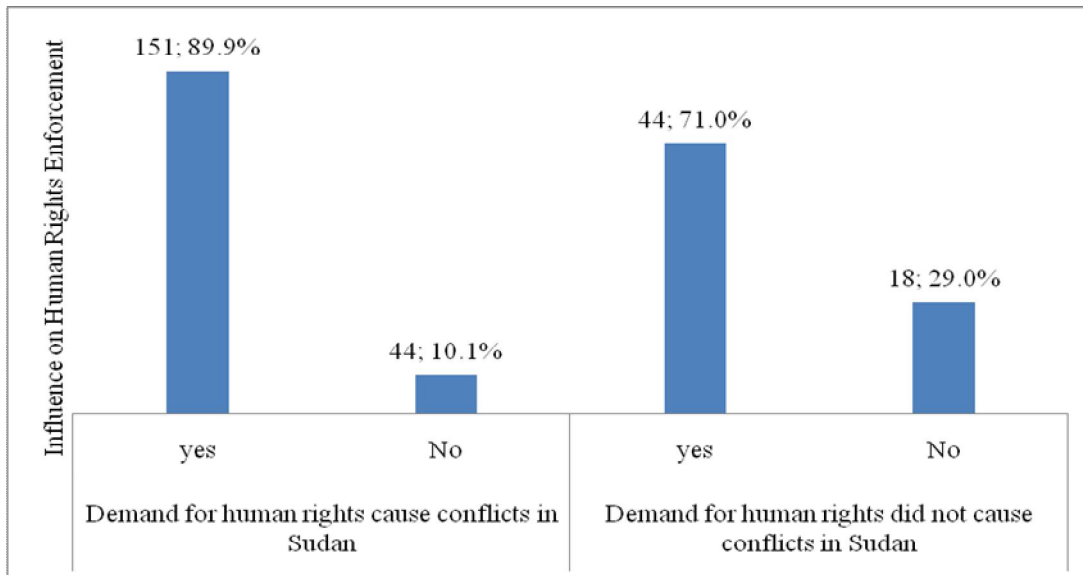


Figure 3 Demand for human rights as a cause of conflict in relation to human rights

Table 4 Conflict influence to human rights violations

<b>Did Conflict result Human Rights violation?</b>	<b>Frequency</b>	<b>Percent</b>
Yes	209	90.9
No	21	9.1
Total	230	100.0

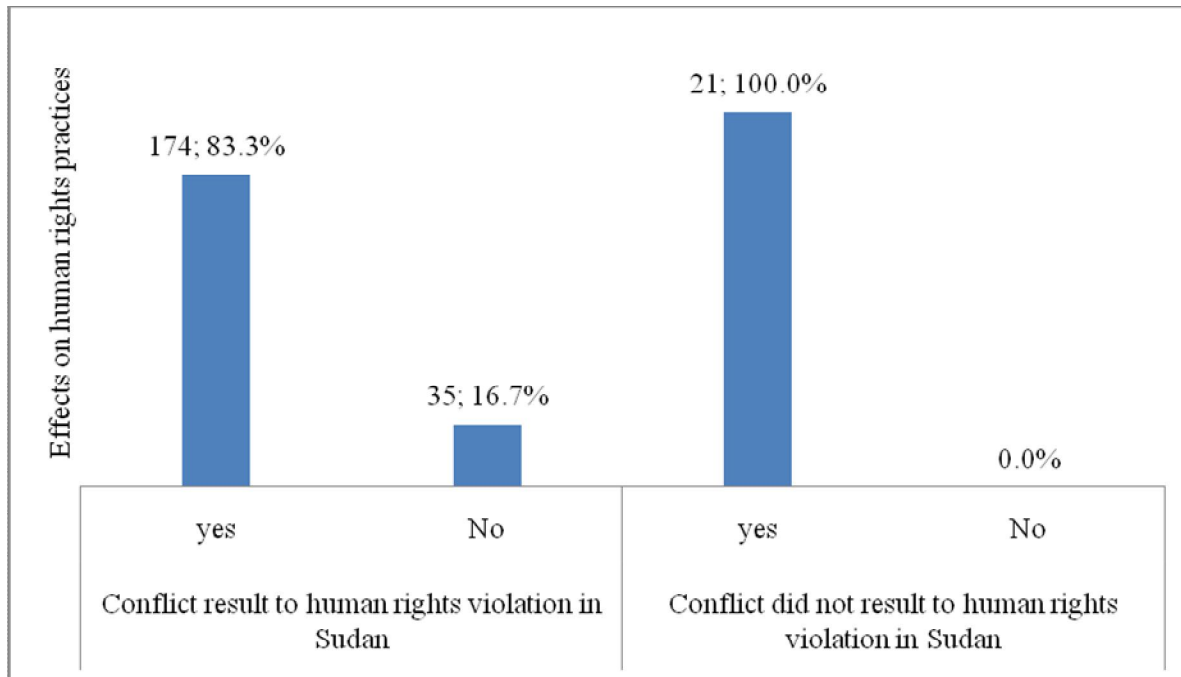


Figure 4 Conflict as a result of human rights violation in relation to human rights enforcement

<b>Influence on human rights enforcement</b>							
	<b>Yes</b>		<b>No</b>		$\chi^2$	<i>df</i>	<b>P-Value</b>
	<b>n</b>	<b>%</b>	<b>n</b>	<b>%</b>			
Sustained denial of Human Rights cause conflict in Republic of Sudan?					3.933	1	<b>0.047*</b>
Yes	116	81.1	27	18.9			
No	79	90.8	8	9.2			
Demand for human rights cause conflicts in Republic of Sudan?					12.556	1	<b>0.000*</b>
Yes	151	89.9	17	10.1			
No	44	71.0	18	29.0			

Did Conflict result on human rights violation in Republic of Sudan?	4.148	1	<b>0.042*</b>
Yes	174	83.3	35 16.7
No	21	100.0	0 0.0
Instrumental use of rights violation by state mobilize population for violence	<b>30.554</b>	<b>1</b>	<b>0.000*</b>
Yes	179	89.9	20 10.1
No	16	51.6	15 48.4

\*Significant at 0.05

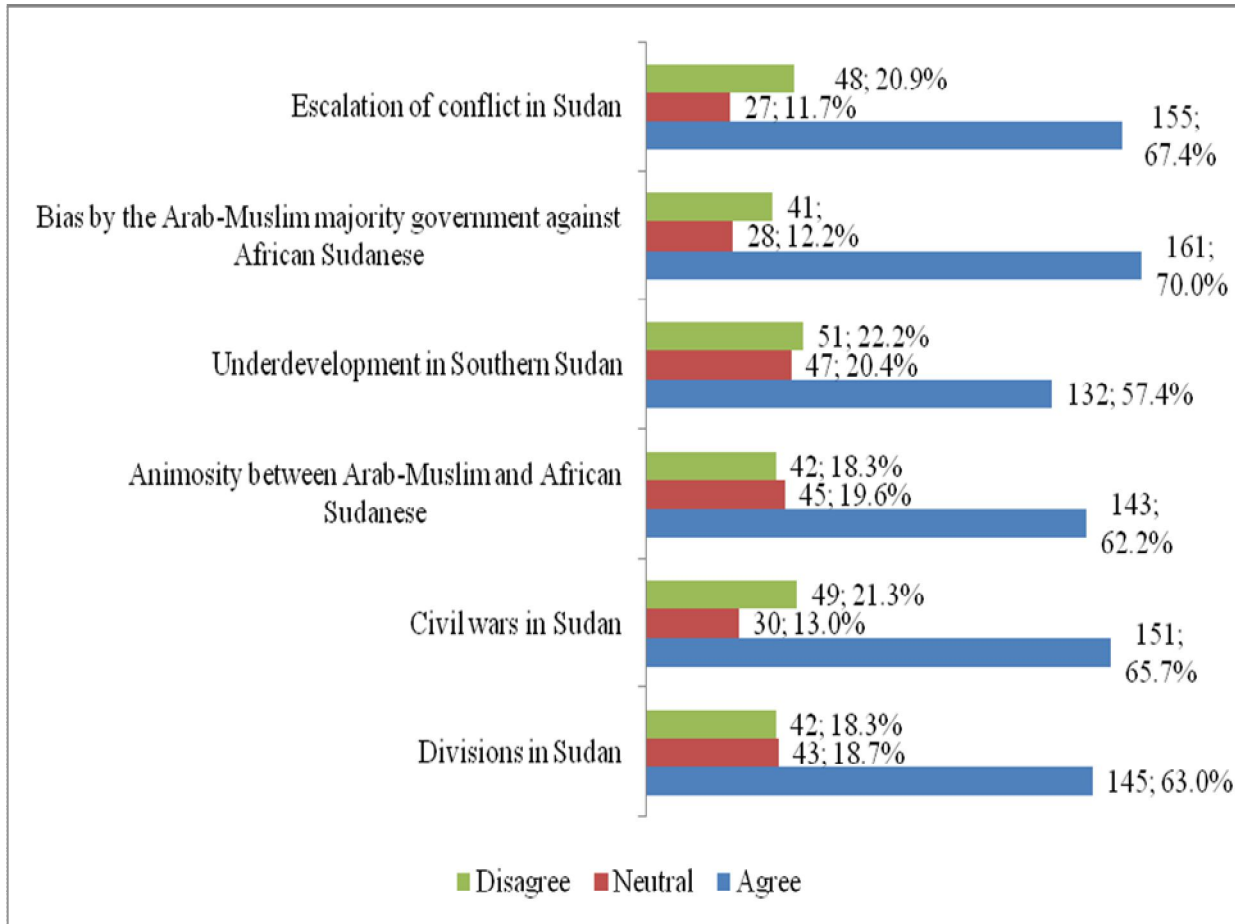


Figure 5 Human rights violation contribution to conflicts in Republic of Sudan

**DISCUSSIONS**

Sustained human rights denial especially in ethnically divided society with Republic of Sudan not unexceptional, is through ignoring minority human increase in social and political views. They cause tensions, for example, political tensions, till conflicts erupt. According to Lamb (2000), and as supported by the study, there is a link between human rights abuses and conflict management. Sustained denial of human rights over a long period of time can lead to violent and destructive conflict that ends up with gross violation of human rights. In other words, human rights abuses can



be a cause as well as a consequence, or symptom, of violent conflict. In Republic of Sudan, A repetitive act of state abusing human rights enforcement was uttered by a key informant during interview who said that:

The Sudanese government has throughout the years since independence abused human rights enforcement by arbitrarily jailing citizens who spoke out against the government, restricting freedom of the press and of association forcing the citizens to follow a particular religion without allowing freedom of worship and this has led to increase of conflicts as people fought the denial of their human rights by the government. (FGD for Sudanese refugees, SWAN centre 11<sup>th</sup> August, 2015)

According to the findings, different conflicts have happened in the Republic of Sudan as a result of going against human rights issues. Some of the issues like, restricted political investment, the journey for self determination, constrained access to assets, abuse, constrained cultural assimilation and segregation are among the major causes. They call attention to some instances for example, the Northern Ireland, supported rejection of human rights offered rise to claims of methodical misuse of the common and political privileges of the Catholic patriot group after partition in 1921. The issues related to the manipulation of electoral boundaries, voting rights, access to housing and employment prompted the rise of peaceful social movements in the 1960s. At the point when this failed to create a sufficient response and changes, violent conflicts erupted (Nathan, 2000).

The undermining of human rights enforcement in the Juba area in South Sudan was never different from the rest of the conflict areas in the Republic of Sudan. The main human rights abuses during the conflict included the following: government forces and government-aligned groups committed extrajudicial and other unlawful killings; security forces committed torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions were harsh and life threatening. Other major abuses and undermining of human rights enforcement during a period running up to 2011 included arbitrary arrest and arbitrary, incommunicado, and prolonged pretrial detention and the disappearance of civilians. The NISS, military intelligence, and Sudanese Armed Forces (SAF) arbitrarily arrested, detained persons and killed them. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods. Actually this scenario emerged amid focus group discussions where one of the key respondents said that:

The Sudanese armed forces abused human rights enforcement at will, arresting, torturing and killing people at will. At one point, I witnessed a scenario whereby a pregnant woman was shot by the military and they opened up her womb and killed the baby. (FGD for refugees, SWAN Centre, 24<sup>th</sup> August, 2015)

Sentiments which concur with the findings of the study reveals that there was devastating influence on civilians, particularly in Darfur, Southern Kordofan and Blue Nile states. The conflicts were characterized by gross violation of human rights enforcement (HRW, 2007).

Michelle, (2010) reiterates that the issue at hand appears to be moderately basic and clear: whether and to what degree the security and advancement of human rights are fundamental for endeavors to address struggle and assemble peace. The issue has been quite in contentious after some time. The 1948 General Announcement of Human Rights compellingly related the security of human rights with the aversion of fierce conflicts, expressing that "it is fundamental, if man is not to be constrained to have plan of action, if all else fails, to resistance against oppression and abuse, that

human rights ought to be ensured by the standard of law" (UN 1998; p175). Yet in 1996, a mysterious author in *Human Rights Quarterly* blamed the worldwide human rights development for contributing to the war in Bosnia-Herzegovina. There, human rights activists had rejected sober minded arrangements that could have finished the viciousness and, from insight into the past, were no more regrettable than the consequent consent in compensating ethnic cleansing and animosity. It made "today's living the dead of tomorrow" by pursuing a perfectly just and moral peace that would bring "justice for yesterday's victims of atrocities" (Anonymous 1996, 259).

From that point forward, the thought that the standardizing way of human rights gauges may confuse the viable requests of peacemaking has been an intermittent topic in talks on the relationship between human rights and endeavors to address violent conflicts. Inquiries of definitions and targets are in this major key. The other important key issue is the time span that, the link and level of intercession that one has taken, however, few writers have noted this before. Furthermore, contract discernments and speculations possess large amounts of this civil argument as individuals taking a shot at human rights, peace and struggle have been assembled into classifications of 'human rights activists' and 'conflict resolvers' as though these were homogenous and coherent clusters of performers (Michelle, 2010).

The study established that violations of human rights were rampant against Sudanese citizens. During the study period, respondents confirmed that, students, members of the media, civil society activists and political party members were often targeted for arbitrary arrest and detention. Citizens were denied permission to organize public gathering or found that the gatherings were disrupted after approval by government forces. Activists were arrested after attending events, hindering the exercise of the freedoms of assembly and association in violation of a defendant's rights to a free and fair trial, they often appeared in court without lawyers or their lawyers were not allowed to speak. In addition, 'shari'a law' and a strict interpretation of Islam were imposed on Sudanese citizens, regardless of their religion. If charged with apostasy, citizens faced the death penalty. It was also noted by the respondents that the Sudanese government on various occasions launched campaigns targeting the media that prevented news papers from distributing printed papers, inflicting enormous costs, and arresting individual journalists. Frequently heavy fines were imposed for articles that the government found objectionable. Violence against women was a tool that had been used by the government to prevent women from participating in civil society. One of the resident said that 'if you were seen in a group of more than three people, then suspicion over to what you are discussing could arise. The police intervened and started questioning or arrest people over false allegations that according to the rule that was a gathering that deserved permit to hold'. This is attributed to mistrust and fear that the government had at that times when the situation was at a volatile state.

One respondent during an FGD pointed out that in 2010, over 50 police officers in uniform and in plain clothes raided the home of the late ex-governor of Upper Nile State, Colonel Simon Manyang, in Khartoum's Jabra district. The raid took place while the family celebrated the graduation of the former governor's son, from Juba University. The police forced their way into the home using tear gas, shattered the main door and windows, and broke furniture within the house. Guests attending the party were beaten, some were arrested. They were not given any reason for their arrest and were released later that evening. Colonel Manyang's widow was beaten by the police in front of her guests. The detainees were held overnight at a police station. The following morning, the males received 40 lashes and the females were fined 500 Sudanese pounds by the Public Order court. Colonel Manyang's widow, who had lived in Jabra District for over 20 years, stated that:

This is the first time that my family has to go through such an appalling experience. We were beaten and verbally abused by the police, including the use of racial slurs. A respondent from the Darfur region concurred with the rest by noting that: Sudanese citizens are frequently arrested on the basis of ethnicity. In particular, activists from Darfur are repeatedly targeted for arbitrary arrest. This includes arrests for engaging with international bodies and participating in civil society activities. (FGD for Republic of Sudanese, Swan Centre, 24<sup>th</sup> August, 2015)

In finding the avenues to express their rights, the African Sudanese were ready to team up with the groups that were seen agitating their course and more probably the human activists and international community groups. These led them be the victims of these arrests.

Additionally, in accordance with sharia (Islamic law), the Republic of Sudan's Criminal Act provides for physical punishments, including flogging, amputation, stoning, and the public display of a body after execution. Traditional customary law was commonly applied to convicted defendants. However, with the exception of flogging, such physical punishment was not frequently used. Courts routinely imposed flogging, especially as punishment for the production of alcohol.

According to one of the respondents from Khartoum said that;

Government security forces beat and torture persons in detention, including members of the political opposition, civil society activists, and journalists. Often these persons subsequently were released without charge. Security forces used excessive force in dispersing protesters, employing live ammunition, tear gas, and physical force to disrupt gatherings and intimidate protesters. Some of those arrested were subjected to torture and other forms of mistreatment while in detention (FGD for Republic of Sudanese. Swan Centre. 24<sup>th</sup> August, 2015).

This clearly shows how the Republic of Sudan government was prevalent in silencing the voices that were raised over the atrocities that the state was committing without respect of human rights.

According to the study findings, Republic of Sudan has faced serious, human rights crisis. Gross violations continued to be committed in armed conflicts, in Darfur, South Kordofan and Blue Nile. Civil society and the media have been subjected to repeated crackdowns. Public protests have been met with excessive force, and frequently followed by arbitrary detentions and ill-treatment. Republic of Sudan's legal system has failed to protect its citizens, particularly women, and foreign nationals living in the country, from violations and facilitates breaches, such as torture, which are committed with impunity. This applies particularly to the National Intelligence Security Service (NISS) which enjoy virtually unlimited powers. Impunity for violations, both in the context of armed conflict and in other situations, remains the norm. Legislative and institutional reforms to address widely acknowledged systemic deficiencies have, with few exceptions, not been advanced (Willems, 2015).

Instrumental use of rights by state mobilized population for violence according to the findings. In spite of its expanding significance in contemporary political logic and its focal part in the worldwide law of human rights, there has been huge resistance among political philosophers and rationalists to the thought that there is a human right to popular government. In John Rawls' political theory of worldwide equity and in the perspectives of many who are thoughtful to these positions, the thought that there is a human right to majority rule government is enthusiastically rejected to that rule (John, 1999).. The key worries behind a considerable lot of these contentious spin around aggregate self-determination of people or groups either as a kind of natural right of people or groups or as a sort of instrumental right. It is frequently contended by authors that the

presence of a human right to majority rule government in the universal framework would one way or another encroach on or disregard the aggregate right of an individual to self-determination. It is guaranteed that a few people or groups reject vote based system or the equity on which it is established so that the acknowledgment of a human right to majority rule government would force upon them an arrangement of standards that are outside their political societies. There has likewise been a composition proposing that new majority rule governments regularly damage essential privileges of natives (John, 1999). A key informant in concurring with these assertions in relation to what Republic of Sudan government had done in contribution to conflicts, said:

The Sudanese government has for a long time continued to grossly violate human rights enforcement and the wishes of the majority have been met with impunity, brutal force and sometimes killing those who fight for human rights and want to change the status quo. (FGD for UNHCR officials, Nairobi, 20<sup>th</sup> August, 2015)

According to this statement, it's clear that state contributed to Republic of Sudan conflicts especially through sustained denial of human rights to its citizens.

The relationship between criminal equity and human rights is profoundly undecided. Criminal equity frameworks and criminal law has been at the heart of state force for drawing in its managerial, official and legal capacities. Criminal equity is necessary to satisfying the established state capacity of guaranteeing the security and insurance of its populace from damage,' and is intended to ensure essential social qualities (Oette, 2013).

Without a doubt, international human rights law obliges states to give insurance against destructive behavior, and this positive commitment includes making an administrative structure to subdue infringement by state and non-state on-screen characters. Be that as it may, the arrangement of criminal equity is at last in light of the utilization of pressure, which spills out of the state's restraining infrastructure of power and is principal reflected in its energy to rebuff. This force conveys the intrinsic danger of abusing both rights and the very thought of equity that it is intended to reflect and progress (Oette, 2013).

During an FGD, one of the respondents said:

There is arbitrary and unnecessary arrest done to Sudanese based on their religion affiliation or ethnicity. We are brutally beaten, our children, husbands disappear mysteriously without any explanations from the government (FGD, Sudanese refugees, Swan Centre. 24<sup>th</sup> August 2015).

This statement revealed how Republic of Sudan saw no progress in its abysmal rights record since independence to the period leading to the secession of Southern Republic of Sudan. Instead, episodes of conflict in Darfur, South Kordofan, and Blue Nile states resulted in large numbers of civilian deaths and displacement; security forces repeatedly suppressed protesters demonstrating against government policies; and authorities continued to stifle civil society and independent media.

According to respondents fighting between government forces and rebel groups, and between other armed groups, often using government equipments and weapons, continued in several parts of Darfur. Conflict between the Rizeigat and Ma'aliya groups in South Darfur killed hundreds. People fled violence in Darfur a view supported by United Nations Office for the Coordination of Humanitarian Affairs (2012).

The findings also indicate that Sudanese law enforcement officers continued to violently disperse protests and to arbitrarily arrest and detain protesters and activists. Government forces have used excessive force, including live ammunition, to disperse waves of protests over austerity measures.

During the clamour for secession government forces were implicated in hundreds of deaths, and hundreds of injuries and arrests. Many people were held for weeks or months without charge or access to family or lawyers, and were beaten, verbally abused, deprived of sleep, and held for long periods in solitary confinement and this led to further escalation of violence (HRW, 2007). A respondent during the interview said that:

Those who were responsible for the killings and other abuses in the Republic of Sudan are well able people. They cannot be jailed or prosecuted with the government because they are regarded as powerful individuals. Even if they are taken to court today they will be vindicated. They will get their way out. (Interview Schedule guide for intrastate conflict expert, UNCHR, 5<sup>th</sup> September, 2014)

The government failed to investigate or prosecute those responsible for the killings and related abuses. There is also failure for thorough and independent investigations from the government as noted by one of the respondent during the FGD.

Security officers and pro-government student militia used live ammunition to disperse a student demonstration protesting the escalating violence in South Darfur. In another instance, government forces broke up memorial services, and arrested more than 80 political opposition members, activists, and their family members. Authorities continued to censor media and blacklist journalists (FGD for UNCHR officials, Nairobi, 20<sup>th</sup> August).

Comparatively, Oette, 2013, stated that rapid Support Forces, a Sudanese government force consisting largely of former militias, moved into Darfur from the Kordofan region, where they had been deployed to fight rebels in Southern Kordofan. The forces, led by the Darfuri former militia leader, Brig. Gen. Mohammed Hamdan Dagolo (“Hemmeti”) carried out massive ground attacks on dozens of villages in South and North Darfur, targeting areas where they accused the population of sympathizing with rebels (Oette, 2013). A respondent said that: “They burned homes and shops, looted livestock, killed and robbed civilians, and forced tens of thousands of residents to flee to towns and camps for displaced people as noted by one of the participant”.

Criminal laws themselves may abuse rights, for instance, where they criminalize the privilege to security to all and freedom of expression leads to human rights violation. While purporting to guarantee and keep up societal qualities, state agencies take their great part of the time to use criminal law as an instrument of restriction and/or for ideological competitions. This in turn infringes the rights for minorities, discriminated groups, or those politically alienated from the government. In its most uncovered revelations, criminal law transforms into a state's machinery serving as a gadget and a legal framework for used to suppress others. This instrumental use of human rights violation portrays lack of an adequate criminal legitimate framework that can prevent human rights violation, give assurance to people, and give an equitable justice system. In addition, criminal law is sometimes used by governments to secure their interests and get over control the regions resources (Oette, 2013)

Demand for human rights to unwilling state that is ready to protect human rights will revoke resistance forces from the society hence causing conflict. According to Bureau of Democracy, Human Rights and Labor (2012) study, conflict has continued in Republic of Sudan over a long period and this has led to various violations of human rights enforcement. The demand for human rights became outright when the state uses unlawful killings to human rights activists and those groups who demand for their rights. The security forces sometimes use a lot of force and torture

when apprehending those perceived to be going against their governments while demanding their rights (United Nations Office for the Coordination of Humanitarian Affairs, 2012). Others which were commonly applied by Republic of Sudan forces were beatings, rape, and other cruel and inhumane treatment or punishment; and prison and creating harsh detention center conditions and life threatening. The arbitrary arrest by security officers in the wake of demand for the rights, and prolonged pretrial detention, judicial system interference by the executive where justice does not prevail to the voiceless, blocking the humanitarian assistance when human crisis occur, denial of freedom of speech, press, assembly, religion, and movement; harassment of internally displaced persons; restrictions on privacy; harassment and closure of human rights organizations; violence and discrimination against women, including female genital mutilation; child abuse, including sexual violence and recruitment of child soldiers; trafficking in persons; violence against ethnic minorities; denial of workers' rights; and forced and child labor have all been said to be the major sources of conflict, (United Nations Office for the Coordination of Humanitarian Affairs, 2012).

Human rights violation in most parts of Republic of Sudan and high tampering with humanitarian laws did occur to a great extent. The violence experienced caught the ordinary citizens unaware and some were even directly targeted. "As violence erupted, civilians fled their homes, often to UNMISS bases in areas designated as 'Protection of Civilians' (PoC) "(United Nations Office for the Coordination of Humanitarian Affairs, 2012).

Denial of human rights comes as a result of demand of human rights from citizens and the state refuses to heed their demands. According to Blanchard, (2012), after Republic of Sudan picked up autonomy from Old English Egyptian principle in 1956, progressive governments in Khartoum sustained improvement variations between the north and south that were, to some degree, a legacy of pioneer organization. Northern-drove administrations upholding Islamist beliefs have commanded quite a bit of Republic of Sudan's advanced political history, regularly squeezing arrangements went for constraining far off regions to fit in with the middle Khartoum instead of attempting to oblige the nearby traditions and organizations of the nation's assorted populace. Rather than producing a typical Sudanese personality, these arrangements exacerbated Republic of Sudan's racial, social, and religious contrasts. Government's demonstration of favourism to Arabs and Islam was met with resistance from southerners, as well as from different ethnic and local gatherings that felt deprived of their human rights and had to demand for them by force. Disenchantment in the south started two related rebellions and in demand to be given what they felt led to secession of Republic of Sudan (Blanchard, 2012).

Human rights violation is prevalent in Republic of Sudan since the day of independence. This observation is well articulated by the study. As supported by Patrick, (2006) reiterations are that intrastate wars and conflicts in Republic of Sudan have resulted in major crises due to massive human rights violation in the country. Darfur region of Republic of Sudan is a typical example of how civilians were mistreated and this had drew attention to various actors. The ongoing intrastate conflicts and the unwelcome way of how security handles civilians in this region of Darfur aroused many not only in Africa but also internationally. In some academic circles, the magnitude of the Republic of Sudan-Darfur conflict has served to qualify the theory that views violence and war as socially acceptable conflict resolution mechanisms.

In spite of noteworthy advancement throughout the most recent century, numerous Governments around the world disregard the human rights of their nationals. In 2010, 85 percent of nations registered in no less than one recorded occasion of torture, extrajudicial slaughtering or political detainment. About 83 percent of nations reported widespread violations, and more than 13 percent

reported gross violations. Maybe shockingly, both fair and non-popular based governments were among the culprits. Lately researchers have raised the likelihood that legislatures who go against their own subjects are altogether more prone to against savagery in their outer relations, too. Depending on reliable information, these studies have revealed in number of connections between respect for local human rights and peaceful foreign relations. Significantly, this relationship holds on whether the nation is a popular government or totalitarian, demonstrating that respect for human rights is a route to peace independent states (Caprioli and Trumbore 2006).

As Arnold (1998) noted, there is an absence of incorporation between the fields of human rights and intrastate conflicts. This has not been a special case on account of Republic of Sudan and there is a need to interface intrastate conflicts and human rights violations in the nation. The intrastate conflicts in Republic of Sudan have prompted different groups, for example, the armed force, renegades and civilian armies being in charge of genuine violation of international human rights. The findings have revealed how in a greater degree the intrastate conflicts from various sources have influenced human rights violation in Republic of Sudan.

As per the study findings, human rights violations have incredibly added to conflicts in Republic of Sudan. The findings are bolstered by Shanawez (2011) who in examination from cross country information which uncovered that an infringement of human rights is interrelated with intrastate conflict and there is a connection in the middle of contention, and human improvement. A good example of the intrastate conflict is that of Bangladesh (Chittangon Slope Tracks), which was additionally identified with violation of human rights in organizational and economically. Subjective and reliable information examination archived human rights misuse of indigenous people and groups in the Chittangon Slope Tracks, including violation of the rights to personality, access to possess land and assets, the activity of political, social, and religious rights, and also deliberate infringement of rights to improvement, lodging, least training and sufficient remedial services (Shanawez, 2011).

From all corners of the world, the African Commission on Human and People Rights keeps on accepting dissensions on infringement of all classifications of human rights (Nyaga, 2007). The 1994 genocide in Rwanda, in which about 800 000 individuals died on in only 100 days, ruins as a notable amongst the most chilling delineations of the extent of influence that intrastate conflicts can produce. The extended conflict in Angola and Republic of Sudan shows that this sort of misuse does not just erupt in the short term but also in the long term. In both nations, the populace has encountered many years of human rights infringement coming about because of the wars occurring. Particular human rights misuses have intentionally been utilized as a system of war to battle and scare rivals and threaten regular folks. The mutilation and removal of individuals' hands and other body parts by the revolutionaries of Foday Sankoh's Progressive United Front in Sierra Leone is a an example, just like the precise utilization of assault in "ethnic purifying" in Bosnia (Michelle, 2002).

The study found out that, intensive examination of data accumulated by the commission over the span of its research that the contention in Republic of Sudan has prompted different groups being in charge of genuine violation of worldwide human rights and helpful law adding up to criminal acts under universal law. Specifically, the Commission found that human rights violation exhibited in Darfur region were as a result of intrastate conflict. This was supported by the (International Commission of Inquiry 2005).

Human rights abuse stayed no matter how one can look at it in the midst of an extraordinary dispute in Darfur. Ambushes including flying forces were sent by government powers, including the Popular Defense Forces (PDF) to launch ground attacks, in and around towns including camps for internally Displaced people (IDPs) (International Commission of Inquiry 2005).

The intrastate Conflict in the Republic of Sudan never spared children either. As indicated by the Republic of Sudan Military Act, the Act disallows the enlistment of kids in military and the Act gives criminal punishments to culprits (Legislature of Republic of Sudan, 1979). As it is, this did not deter government from accomplishing the cruel force of law that infringed the rights of citizens.

## **CONCLUSION**

Sustained denial of human rights causes repressed/ oppressed groups to react and may prompt to interventions, intensifying the conflict. It's an undisputed to the fact that peace and security have been a big toll to Africa. In spite of the great observation around the globe that evaluates that conflicts have declined over the past few years in every place and more especially the re-occurring of conflicts seen as diminishing, various African states are still assailed by genocide, human rights violations against mankind, killings, torment, and other common and political rights infringement. There is still a long way to totally accomplish the objective conveying security to the Africa continent that is by and by overwhelmed in struggle of upholding human rights. However, some cases of peace striking like that which happened in Kenya after post-election violence in 2008 are among good examples that therefore shows that standards are visible in Africa. The study therefore concludes that the continued intervention of international community. In spite of such motives not always perceived in the best light, it has proved to reduce conflicts and played an important role in bringing up peace. The engagements work well when the locals are involved to finding ways and solutions to come to the end of a conflict that they experience within their states.

## **RECOMMENDATIONS**

Sustained denial of human rights is an automatic possibility of conflicts outbreak. There is need for good principles that target upholding human rights and peacemaking basic through the change of circumstances that offer ascent to fierce conflicts. Upholding human rights in any country is a benchmark and an essential instrument of search for peace and harmony. The advancement of human rights therefore is vital. There is need for governments to incorporate peacemaking, peace building, and non-compromise of human rights to protect and to build the confidence of the assorted qualities of minorities. The perpetrators of violence should be held accountable by the governments in place, restore the rule of law and build democratic institutions where everyone would feel that justice is delivered. Justice is not debatable-result must be in accordance with international human rights standards.

## **ACKNOWLEDGEMENTS**

The authors would like to thank the following for their enormous contributions towards the success of this study:

Entire staff of Masinde Muliro University of Science and Technology leadership  
Head of Department of Peace and Conflict Studies, Prof. Frank Matanga  
Research Assistants Denis Onchomba and Vincent Muia



**REFERENCES**

- Adedeji, A. (1999). *Comprehending and Mastering African Conflicts: The Search for Sustainable Peace and Governance*, London, Zed Books.
- Amnesty International (2009), "Republic of Sudan must end violent crackdown on protesters", Press Release, Accessed on July 27<sup>th</sup>, 2014 at [http://www.amnesty.org/en/news-and-updates/news/Republic\\_of\\_Sudan-must-end-violent-crackdown-protestors-20091207](http://www.amnesty.org/en/news-and-updates/news/Republic_of_Sudan-must-end-violent-crackdown-protestors-20091207).
- Anonymous 1996. "Human Rights in Peace Negotiations", in: *Human Rights Quarterly*, 18, 2 (May), 249-259.
- Arnold, K. (1998). Exploring the relationship between Human Rights and Conflict Resolution, FORUM (National Institute for Dispute Resolution) pp 1-5.
- Babbie, E. & Mouton, J. (2001). *The Enforcement of Social Research*. Cape Town, Oxford University Press.
- Beauchemin and Gonzalez, F. (2011). *Snow balling sampling design*. Edward elgar ISBN 1782548076. International Handbook on Migration and Economic Development.
- Blanchard, L. P. (2012). Republic of Sudan and South Sudan: Current Issues for. *Congressional Research Service* , 1-43.
- Brewer, and Kuln . (2010). *Casual Comparative Design, California*. Sage Publications.
- Bureau of Democracy, Human Rights and labour, (2012), *County report on human rightsenforcements for 2012* ,Washington DC , US Department of State.
- Caprioli, Mary, and Peter F. Trumbore. 2006. "Human Rights Rogues in Interstate Disputes, 1980–2001." *Journal of Peace Research* 43(2): 131 –148.
- Corbin, J & Staruss, A.(2008). *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (3<sup>rd</sup> edition). Thousand Oaks: Sage.
- Fisher *et al.*, (1998) *self-designing clinical trials*. Stat. med .17:1551-1562
- Gurr & Ted R. (1993). *Minorities at risk: a Global View of Ethnopolitical Conflicts*. Washington DC, United States Institute of Peace Press
- HRW. 2007. No One Is Safe: Insurgent Attacks on Civilians in Thailand's Southern Border Provinces. Vol. 19, No. 13. Human Rights Watch. Accessed on May 16<sup>th</sup>, 2014. <http://www.hrw.org/reports/2007/thailand0807/thailand0807webwcover.pdf>
- International Commission of Inquiry, (2005). *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*. Geneva.
- Jok, J. (2011). *Diversity, unity and nation building in South Sudan*. Washington D.C, United States Institute of Peace.
- John R.(1999). *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999) pp. 71-81.
- Lamb, G. (2000). "Putting belligerents in context: the cases of Namibia and Angola." In Chesterman, S.(ed.), *Civilians in War*. Colorado: Lynne Rienner Publishers: pp. 25-43.
- Magnarella, P. (2000). *Justice in Africa, Surrey*. Ashgate Publication Limited.

- Michelle, P. (2002). *Bridging the Divide: Exploring the Relationship between human Rights and conflict management*, Berlin, Gitz,
- Michelle P. (2010). *Rethinking Conflict Transformation*. Retrieved 10 6, 2015, from berghof-foundation: [www.berghof-foundation.org/.../Publications/.../parlevliet\\_handbook.pdf](http://www.berghof-foundation.org/.../Publications/.../parlevliet_handbook.pdf)
- Michelle, P. (2010). *Connecting Human Rights and Conflict Transformation*, Berlin, Gitz.
- Mohammed, W. (2006). *Bridging Conflict Resolution and Human Rights: Promises and Challenges*, New York, Routledge.
- Nathan, L. (2000). "No refuge from conflict. A conflict resolution perspective on UNHCR," *Track Two*, Vol. 9, No. 3, November: pp. 56-60.
- Nyaga, J.M. (2007). 'Conflicts and overlaps of jurisdiction of various regional courts in Africa', in 7 Judiciary Watch Report, Nairobi, International Commission of Jurists (Kenya).
- Oette, D. L. (2013). *Criminal Law Reform and Transitional Justice: Human Rights Perspectives for Republic of Sudan*. Ashgate Publishing, Ltd.
- Okoth, P.G. (2012). "Research as a Cornerstone of Quality Assurance in University Education with specific reference to Uganda Martyrs University." *Journal of Science and Sustainable Development*, Vol. 5: 37-55.
- Ombok, O (2013). *A proposal on China-Republic of Sudan Bilateral Relations in the Context of Sudanese Oil Diplomacy Since 1959*, Kakamega, Masinde Muliro University of Science and Technology.
- Otite, O. & Albert, S (1999). *Community conflict in Nigeria: Management, Resolution and Transformation*, Ibadan, Spectrum Books.
- Oxford University (2012). *Working Paper 'Reconciliation and Conflict Resolution in East Timor'*. Accessed on August 16<sup>th</sup> 2014  
<http://www.elac.ox.ac.uk/downloads/reconciliation%20and%20conflict%20resolution%20in%20east%20timor%20apr%202012.pdf>
- Patrick R. (2006). *Civil Wars and Foreign Powers: Interventions and Intrastate conflicts*, Michigan, University of Michigan Press
- Shanawez, H., (2011). *Mainstreaming Human Rights in Development in Bangladesh*, Waseda University, Shinjuku.
- United Nations Office for the Coordination of Humanitarian Affairs, (2012). *The Crises in Republic of Sudan*, New York.
- Willems .R.C (2015). *Security and Hybridity After Armed Conflict: The Dynamics of Security Provision in Post-Civil War States*. Routledge