



Darfur: Humanitarian Aid under Siege

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Summary

The Sudanese government and rebel groups in Darfur are hindering humanitarian agencies from reaching hundreds of thousands of civilians dependent on international aid in many areas of Darfur. In recent weeks, the situation has become critical, with the U.N. estimating that at least 650,000 people are partly or wholly inaccessible to international humanitarian agencies.

Since late 2005 an upsurge of insecurity from armed clashes and criminal activity has caused humanitarian agencies to evacuate from many locations in Darfur and along the Chad border. Insecurity stems from clashes between the warring parties, intra-rebel rivalry, cross-border attacks by militia groups from Darfur into Chad, continuing attacks on the civilian population, and rampant banditry. More than 200,000 people in Darfur have been displaced from January through March 2006 alone and many of them are located in areas that are not regularly accessible to aid agencies due to continuing conflict.

Even in areas where access to civilians is secure, humanitarian agencies are faced with increasing obstruction by Sudanese government policies and practices in Darfur. The Sudanese government has a long record of deliberately restricting the activities of international humanitarian agencies trying to assist civilians in conflict-affected areas of Sudan. Under international pressure, special procedures for aid work were introduced in Darfur in 2004 that facilitated the massive expansion of the aid effort. However the Sudanese government is now steadily rolling back the gains that were made. In February 2006 the Sudanese government passed a new law regulating non-governmental organizations (NGOs). There is increasing harassment, arbitrary detentions, and intimidation of aid workers by government officials, and arbitrary administrative regulations are affecting the humanitarian activities of many agencies working in Darfur, even in areas that are secure.

The Darfur rebel movements and other armed groups, including bandits, are responsible for a growing number of armed attacks on humanitarian convoys and other threats against relief workers. Numerous vehicles have been looted from humanitarian agencies and aid workers have been beaten or threatened in an increasing number of incidents over the past months, rendering many roads, particularly in volatile West Darfur, “no-go” areas for the U.N. and NGOs.

Under international humanitarian law (the laws of war), civilians suffering undue hardship have the right to humanitarian relief. Parties to a conflict must allow rapid and unimpeded access of aid from humanitarian agencies to such populations. Attacks on humanitarian workers, infrastructure and objects used in relief operations, including food and medicine, as well as deliberate impediments to relief efforts, are serious violations of international humanitarian law and constitute war crimes. When such obstruction is knowingly part of a widespread and systematic attack on a civilian population, it can amount to crimes against humanity.

Since mid-2004, when the Sudanese government was pressured by the international community into lifting its near total embargo on humanitarian activity in Darfur, there has been a massively expanded relief effort in the region. As of April 2006, 14,000 emergency relief workers are engaged in efforts to save the lives of 3.5 million Darfurians in need of humanitarian assistance. The recent, escalating trends of attacking and obstructing humanitarian agencies threaten to undermine the survival of more than three million people who are dependent on international aid.

Human Rights Watch urges the international community to take immediate steps to protect civilians and ensure humanitarian access to all areas of Darfur. The United Nations Security Council and the African Union (A.U.) must put intense pressure on the government of Sudan to immediately remove all obstacles to humanitarian operations, cease attacks on civilians, and facilitate both the current African Union Mission in Sudan (AMIS) and any future U.N. mission in Darfur. All individuals responsible for attacks on civilians, including on humanitarian convoys, should also be placed under U.N. sanctions.

Donor governments must meet their financial commitments to international humanitarian organizations so that they can serve the needs of vulnerable groups, particularly displaced persons in especially hazardous areas such as Jebel Marra and other parts of West Darfur. Donors must also provide AMIS with the financial and logistical assistance, including military helicopters, needed to protect civilians and secure roads for humanitarian convoys. They must insist on an AMIS transition to a larger, more robust U.N. force at the earliest feasible time, to reverse the tragic decline and save lives in Darfur.

Recommendations

To the Government of Sudan

- Facilitate the full, safe, and unimpeded access of humanitarian personnel and the urgent delivery of humanitarian assistance to all populations in need in Darfur, expedite entry visas and travel authorization for all humanitarian aid organizations and workers, and fully cooperate with such organizations;
- Permit U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland and other diplomatic and aid officials full access to Khartoum and Darfur;
- Maintain and fully implement the 2004 government moratorium on restrictions on humanitarian work in Darfur and extend it to all of Sudan;
- Remove all regulations on the operations of national and international nongovernmental organizations, including the 2006 NGO law, that place unnecessary obstacles and constraints on humanitarian assistance, and desist from bureaucratic and other obstruction of such operations;
- Remove all obstacles to, and cooperate fully with, the operations of AMIS, and support the urgent transition of AMIS to a U.N. force;
- Cease to provide arms and logistical, financial, and other support to all militia groups in Darfur and disarm them; and
- Take all necessary steps, including by issuing clear public orders to government forces and police, including the Border Intelligence Patrol guards and government-sponsored and supplied paramilitary and militia forces, to immediately cease attacks on civilians, civilian property and humanitarian operations.

To the SLA, JEM, and other rebel factions

- Stop all attacks on humanitarian convoys and humanitarian personnel and cease interfering with the impartial distribution of humanitarian assistance; and
- Remove all obstacles to and cooperate fully with the operations of AMIS.

To the United Nations Security Council

- Demand that the government of Sudan facilitate the full, safe, and unimpeded access of humanitarian personnel and the urgent delivery of humanitarian assistance to all populations in need in Darfur, whether under government or rebel control;

- Take all necessary measures to ensure the deployment of a U.N. force in Darfur immediately upon, if not before, the September 30, 2006 expiry of the AMIS mandate;
- In the interim period prior to a transition to a U.N. force, support the African Union's efforts in Darfur to reach full operational capacity and to robustly interpret its mandate to protect civilians and humanitarian operations, and urge member states to provide AMIS with increased support for personnel, equipment, and funding and other resources from national and multinational forces to enable it to effectively protect civilians and humanitarian operations pending transition;
- Extend targeted sanctions to Sudanese government officials, rebels and others identified by the Panel of Experts of the Sanctions Committee of the Security Council; and
- Extend the arms embargo from Darfur to cover all of Sudan.

To the Donors

- Insist that the government of Sudan facilitate the full, safe, and unimpeded access of humanitarian personnel and the urgent delivery of humanitarian assistance to all populations in need in Darfur, whether under government or rebel control;
- Exert maximum political pressure on the government of Sudan to remove all obstacles to, and cooperate fully with, the operations of AMIS and support the urgent transition of AMIS to a U.N. force;
- Provide increased financial and technical resources to AMIS to ensure that it is fully funded and able to robustly protect civilians and humanitarian operations, and monitor an enhanced ceasefire agreement; and
- Ensure that humanitarian agencies operating in Darfur are adequately funded.

To the African Union

- Proactively and aggressively interpret AMIS's mandate to protect civilians and humanitarian operations;
- Work with donors and national and multinational forces urgently to secure logistical and financial resources to support an increased force posture; and
- Deploy in each sector fully equipped quick reaction forces to respond immediately to imminent threats to civilians and humanitarian operations, including along the Chad-Sudan border.

Background

Since the armed conflict in Darfur began in early 2003 more than 200,000 civilians have been killed and almost 2 million people have been displaced; the assets of this population have been looted and the economy destroyed.¹ An untold number of men, women and children have been victims of war crimes, crimes against humanity, and “ethnic cleansing.”²

Sudan’s government blocked almost all international relief work in Darfur while its counter-insurgency campaign of ethnic cleansing was in progress in 2003 and 2004. It finally relented somewhat under heightened international pressure in mid-2004. At the time, 1 million people were already internally displaced in Darfur. By mid-2005 the number of displaced persons had almost doubled.

The 1.7 million displaced persons now in Darfur have been robbed and driven from their homes and farms, and threatened with death by Janjaweed militias if they try to return; an additional 208,000 are refugees in Chad.³ Also counting those in Darfur who, although not displaced, have been impoverished by the collapse of the rural economy caused by the continuing violence in the countryside, a total of 3.5 million Darfurians—more than half of the region’s population—were in need of humanitarian assistance as of early 2006.⁴

¹ There are currently more than 1.7 million internally displaced persons in Darfur. UNHCR, “Protection and Assistance to Refugees and IDPs in Darfur: 2006 Supplementary Appeal,” March 2006, [online] <http://www.reliefweb.int/library/documents/2006/unhcr-sdn-09mar.pdf>.

² See Human Rights Watch, “Darfur in Flames: Atrocities in Western Sudan,” *A Human Rights Watch Report*, vol. 16, no. 5(A), April 2004, [online] <http://hrw.org/reports/2004/sudan0404>; “Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan,” *A Human Rights Watch Report*, vol. 16, no. 6(A), May 2004, [online] <http://hrw.org/reports/2004/sudan0504>; “Darfur Documents Confirm Government Policy of Militia Support,” *A Human Rights Watch Briefing Paper*, July 19, 2004, [online] <http://hrw.org/english/docs/2004/07/19/darfur9096.htm>; “Empty Promises? Continuing Abuses in Darfur, Sudan,” *A Human Rights Watch Briefing Paper*, August 11, 2004, [online] <http://hrw.org/backgroundunder/africa/sudan/2004>; “If We Return We Will Be Killed,” *A Human Rights Watch Briefing Paper*, November 15, 2004, [online] <http://hrw.org/backgroundunder/africa/darfur1104>; “Targeting the Fur: Mass Killings in Darfur,” *A Human Rights Watch Briefing Paper*, January 24, 2005; “Sexual Violence and its Consequences Among Displaced Persons in Darfur and Chad,” *A Human Rights Watch Briefing Paper*, April 12, 2005, [online] <http://hrw.org/backgroundunder/africa/darfur0505>; “Entrenching Impunity: Government Responsibility for International Crimes in Darfur,” *A Human Rights Watch Report*, vol. 17, no. 17(A), December 2005, [online] <http://hrw.org/reports/2005/darfur1205>; “Sudan : Imperatives for Immediate Change,” *A Human Rights Watch Report*, January 2006, vol. 18, no. 1(A), [online] <http://hrw.org/reports/2006/sudan0106>; and “Darfur Bleeds: Recent Cross-Border Violence in Chad,” *A Human Rights Watch Briefing Paper*, no. 2, February 2006, [online] <http://www.hrw.org/backgroundunder/africa/chad0206/>.

³ In December 2005 there were 1.8 million internally displaced. The number fluctuated slightly to 1.7 million in early 2006, which relief officials believe may have represented a temporary return by some displaced to villages. The total numbers used were 3.6 million in December 2005 and 3.5 million in 2006. The number of residential (non-displaced) persons in need remained about 1.8 million.

⁴ U.N. OCHA, Darfur Humanitarian Profile No. 22, Situation as of January 1, 2006, [online] <http://www.reliefweb.int/library/documents/2006/unmis-sdn-01jan.pdf>.

Displaced persons (as well as many among the non-displaced in need), have missed the 2004 and 2005 planting seasons, and will miss a third which begins in May 2006. A mere 4 percent of households in Darfur are now able to feed themselves from their own food production.⁵ Nomads and their herds have deliberately trampled, eaten, and destroyed crops throughout Darfur, unconstrained by any opposition from the expelled farmers or law enforcement. They have moved herds into particularly desirable and fertile localities in central Darfur. The nomads are suffering as well. Rebel forces mistrustful of these herders, from whom the government has recruited its Janjaweed militias, have blocked livestock migration routes.

The traditional “hunger gap” before the harvest—when stored food is exhausted—starts soon, and the heavy rains that fill the *wadis* (dry river beds) with flash floods should begin in June-July 2006 with the rainy season lasting from July to September. Darfur’s roads will become impassible in many locations, at the height of the lean season. Humanitarian aid workers seek to preposition supplies for at-risk populations in advance of the rains, but insecurity and a shortage of donor funding will hinder this life-saving measure this year.

Deteriorating security is the result of several factors. Periodically during the African Union-sponsored Darfur peace talks in Abuja, Nigeria, that started in 2004, both the government and rebels have tried to improve their bargaining positions through military advances on the ground. Sudanese government forces and Janjaweed militias have responded to rebel attacks on government targets with further attacks on and reprisals against civilians. Clashes between rival factions of the Sudan Liberation Army/Movement (SLA/M) have arisen from time to time and rebels have become a regular source of harassment and robbery of relief convoys. These attacks on convoys traveling Darfur’s roads have left many areas “no-go” for humanitarian agencies, adding to the climate of insecurity.

Clashes between the warring parties and attacks on villages and towns have occasionally forced relief organizations to withdraw their staff. For instance, in January 2006, insecurity as well as local government regulations limited relief operations outside Fashir, the capital of North Darfur.⁶ Insecurity has also had a negative impact on South Darfur,

⁵ World Food Programme, “Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Sudan,” February 15, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YAOI-6M35CE?OpenDocument>.

⁶ U.N. Joint Logistics Centre Sudan, Bulletin 72, January 2006, [online] <http://www.unjlc.org/14717/18256/bulletin72>.

where, according to U.N. statistics, less than two-thirds of the conflict-affected population is accessible to relief agencies.⁷

Nowhere is Sudan's humanitarian crisis as acute as in West Darfur, where the U.N. estimates that 716,000 people have been uprooted and taken refuge in internally displaced persons camps over the past two-and-a-half years.⁸ Since late 2005, there have been serious armed clashes in all three Darfur states, but some of the most intense fighting has taken place in West Darfur, where the security situation is complicated by the sheer multiplicity of armed groups. Some 60,000 new forced displacements took place in West Darfur in March alone due to sustained violence.⁹

The security situation in West Darfur has been steadily deteriorating for some time. The U.N. World Food Programme (WFP) was forced to resort to costly and inefficient airdrops to remote parts of Jebel Marra as long ago as July 2005.¹⁰ As a result of persistent government, bandit, and rebel attacks endangering humanitarian operations, on January 3, 2006, the U.N. imposed a Phase IV Security Level in many areas of West Darfur, north and south of the state capital Geneina: Phase IV is the U.N.'s most stringent security restriction short of total evacuation.¹¹ All U.N. workers not responsible for urgent, life-saving needs, evacuated; some NGO staff also left. (For successive restrictions on U.N. movements around Geneina in the preceding months, see below.)

The security situation in West Darfur deteriorated to the point that even the International Committee of the Red Cross (ICRC) temporarily suspended some of its activities outside Geneina in February 2006 for lack of sufficient security guarantees for

⁷ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," October 14, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/543/85/PDF/N0554385.pdf?OpenElement>. The air travel option is limited by the prohibitive costs and decreased cargo capacity. Carlos Veloso, the WFP emergency coordinator for Darfur, said in March 2006 that if food aid could not reach isolated communities by road, it would be dropped by parachute. But one airdrop costs as much as five truckloads of food and it can only deliver grain rations for 200 people per trip. Dan Morrison, "Darfur's turn for the worse," Christian Science Monitor, March 10, 2006, [online] <http://www.csmonitor.com/2006/0310/p01s04-woaf.html>. Half of Oxfam's Darfur programs must be accessed by air because of security problems. Oxfam press release, Jeremy Hobbs, "In Darfur, time is running out," op ed, March 10, 2006, [online] http://www.oxfam.org/en/news/pressreleases2006/oped060310_AMIS.

⁸ OCHA, "Sudan Humanitarian Overview," Volume 1, Issue 2, September 15 – October 15, 2005, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6K297K?OpenDocument>.

⁹ Human Rights Watch telephone interview from New York with international humanitarian aid official, March 29, 2006.

¹⁰ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," August 11, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/459/53/PDF/N0545953.pdf?OpenElement>.

¹¹ United Nations Joint Logistics Center, "Bulletin 72 - January 2006," [online] <http://www.unjlc.org/14717/18256/bulletin72>.

its field teams (see also below).¹² The ICRC operates pursuant to security agreements it negotiates directly with the parties, and is often able to go where other agencies cannot.

Statistics compiled by U.N. OCHA reflect the precipitous drop in U.N. humanitarian access to the population in need in West Darfur: from 100 percent access in April 2005 to less than 90 percent in August 2005 to less than 50 percent in December 2005.¹³ By January 2006, fewer than 40 percent of the people in need in West Darfur were within reach of humanitarian aid according to U.N. security standards.¹⁴

Humanitarian access is extremely difficult in Jebel Marra,¹⁵ the mountainous area in the center of Darfur that was the region's breadbasket before Darfur was turned into a killing field. Jebel Marra is considered an SLA stronghold.¹⁶ It was the historical bastion of the Fur people, with rugged terrain that is easy to defend and hard to capture.¹⁷

Rebels groups that only operate in West Darfur, particularly the rebel National Movement for Reform and Development (NMRD),¹⁸ have contributed to conflict and insecurity in West Darfur, notably by harassing AMIS forces. The NMRD, led by Col. Djibril Abdul Kareem Badri, is thought to be responsible for several attacks on AMIS forces in the NMRD-held area of Jebel Moon, West Darfur, some of them deadly.¹⁹ The Special Representative of the Chairman of the A.U. Commission in Sudan, Ambassador Baba Gana Kingibe, said that a breakaway faction of the JEM working with the NMRD abducted members of the Senegalese contingent of AMIS on October 9, 2005, in Tine, West Darfur. No fatalities were suffered, but AMIS vehicles and equipment were stolen by the attackers. The NMRD claimed responsibility for an attack on an AMIS patrol on

¹² ICRC News, "Bulletin No.06/39 – Sudan," February 15, 2006, [online] http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/Sudan-bulletin-150206?OpenDocument&style=custo_print.

¹³ U.N. OCHA, "Sudan Humanitarian Overview," Vol. 2, Issue 2, February 1 – March 1, 2006; U.N. OCHA, "Darfur Humanitarian Profile No. 22, Situation as of January 1, 2006," [online] <http://www.reliefweb.int/library/documents/2006/unmis-sdn-01jan.pdf>.

¹⁴ U.N. OCHA, "Darfur Humanitarian Profile No. 22," Khartoum, Sudan, January 1, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/KHII-6MNA4G?OpenDocument>.

¹⁵ Human Rights Watch telephone interview with international humanitarian aid official, March 23, 2006.

¹⁶ Disputes over land in Jebel Marra that predate the present conflict engendered local Fur self-defense groups that later formed part of the SLA. Currently, the dominant Sudanese rebel group in eastern Jebel Marra is the Abdul Wahid Mohamed al Nour faction of the SLA; Abdel Wahid is Fur.

¹⁷ The Jebel Marra region was split among the three states of Darfur when these were created in 1996.

According to many Fur leaders, this was done in order to divide the Fur population between three different administrative entities and thus weaken the dominance of this numerically strong ethnic group. The Fur ruled the DarFur sultanate for hundreds of years before the British annexed Darfur to its Anglo-Egyptian Condominium in 1916 to secure its flanks during World War I.

¹⁸ The NMRD entered into a bilateral ceasefire agreement with the Sudanese government, but announced that since it was not a party to the Abuja peace talks, it would not respect the April 2004 ceasefire agreement.

¹⁹ On November 29, 2005, an AMIS patrol was attacked in the Kulbus area of West Darfur and five soldiers were injured; Colonel Djibril claimed responsibility. On January 6, 2006, ten AMIS soldiers were wounded and one killed in another attack in West Darfur. An AMIS investigation placed responsibility for that attack on Colonel Djibril and the NMRD.

November 29 in the Kulbus area of West Darfur, in which five AMIS soldiers were injured.²⁰

The NMRD, which is itself a splinter from the Justice and Equality Movement (JEM), is suspected of receiving support from the Chadian government.²¹ The Chadian government and the Sudanese government have accused each other of sponsoring anti-government rebel groups. On April 25, the Security Council, with China, Russia and Qatar abstaining, voted to impose targeted sanctions on Colonel Djibril and three others (an SLA commander, a Janjaweed leader and a former Sudanese government military commander) implicated in violating international law and Security Council resolutions banning arms traffic to Darfur, among other things.²²

Chadian rebels, also absent from North and South Darfur, are located in many remote bases scattered throughout West Darfur.²³ The Chadian rebel presence has generated fighting in West Darfur, further impeding humanitarian access there, and there was a direct violation of existing humanitarian access arrangements when, prior to a November 18, 2005, offensive in West Darfur purportedly against Chadian army deserters,²⁴ the Sudanese government sealed off the Jebel Moon area on the Chadian border.²⁵

Events moved swiftly in the lead-up to an African Union-imposed deadline of April 30 for the conclusion of peace talks in Abuja. On April 13, Chadian rebels attacked the Chadian capital N'Djamena, trying to oust President Idriss Déby before the May 3 elections. On April 14, 2006, President Déby accused the Sudanese government of

²⁰ United Nations, "Monthly Report of the Secretary-General on Darfur," January 30, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/225/76/PDF/N0622576.pdf?OpenElement>.

²¹ U.N. Security Council, "Report of Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan," January 30, 2006, S/2006/65, [online] at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/632/74/PDF/N0563274.pdf?OpenElement>

²² "Security Council Imposes Travel, Financial Sanctions on 4 Sudanese," SC/8700, April 25, 2006.

²³ Chad, one of the world's poorest countries, stands to receive billions of dollars in oil money, with the bulk of the income earmarked for social programs pursuant to a World Bank revenue management program. Chad's President Idriss Déby diverted oil revenue intended for the social programs in November, leading the World Bank to freeze certain revenue payments. In November 2005, a rash of high-level defections from Chad's army occurred at the same time that Zaghawa relatives of Déby took up arms as SCUD to demand a share of the oil bonan za. See Human Rights Watch, "Darfur Bleeds."

²⁴ This action purportedly against Chadian army deserters occurred only a matter of weeks before Chad declared a "state of belligerence" with Sudan on December 23, 2005. The history of successive breaches and mends in relations between Chad and Sudan over support for rebels against each other's governments is noted in Human Rights Watch, "Darfur Bleeds." For comment on the mid-April 2006 Sudanese-backed Chadian rebel attempt to seize power in Chad, see "Chad: Rebel Offensive Poses Risk of Ethnic Reprisal," Human Rights Watch press release, April 13, 2006, [online] <http://www.hrw.org/english/docs/2006/04/13/chad13172.htm>.

²⁵ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," January 30, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/225/76/PDF/N0622576.pdf?OpenElement>.

supporting the Chadian rebels and broke off relations with Sudan.²⁶ The African Union is investigating these charges.

On April 23, Osama bin Laden echoed the call by Sudanese President Omar El Bashir for Islamists to go to Darfur to fight against any possible U.N. peacekeeping force, which they termed “foreign invaders” engaged in an anti-Muslim campaign.²⁷ The Sudanese government rejected bin Laden’s support but did not withdraw its call for Islamists to oppose any U.N. military operations in Darfur—which are still under consideration by the U.N. Security Council for deployment, possibly when the African Union forces’ mandate lapses on September 30, 2006.

Clashes increased on the ground in Darfur in late April. On April 24, the Sudanese government attacked a rebel-controlled area of South Darfur, utilizing Antonovs, attack helicopters and local militias, all in violation of its own commitments to refrain from using offensive military power.²⁸ Observers feared the attack might be a prelude to further attacks, including on Greida, an SLA-held town where almost 100,000 displaced civilians from the region had gathered.²⁹ As of May 4, the deadline for negotiations in Abuja had been extended twice as mediators struggled to reconcile the demands of the warring parties.

Humanitarian Access in the Context of Increasing Fighting and Insecurity

The massive relief operation underway in Darfur—amidst ethnic cleansing and crimes against humanity—far surpasses the humanitarian effort launched during the 1980s drought³⁰ and is the largest operation for several of the leading international humanitarian agencies.³¹ There are now thirteen United Nations agencies and eighty-four

²⁶ “Chad breaks off diplomatic ties with Sudan,” Associated Press, April 14, 2006 at http://www.sudantribune.com/article.php3?id_article=15053.

²⁷ Alastair Lyon, “Analysis: Bin Laden call for Darfur jihad clouds UN mission,” Reuters, April 24, 2006, at <http://www.alertnet.org/thenews/newsdesk/L2424302.htm>. See also Sudan Tribune, “Darfur will be foreign troops’ graveyard - Bashir,” February 26, 2006, [online] http://www.sudantribune.com/article.php3?id_article=14272.

²⁸ “Government Offensive Threatens Darfur Civilians,” Human Rights Watch press release, April 27, 2006, [online] <http://www.hrw.org/english/docs/2006/04/26/sudan13276.htm>.

²⁹ “Government offensive raises fears of attack on Gereida,” IRIN, May 2, 2006 at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/RURI-6PEL2S?OpenDocument&rc=1&emid=ACOS-635PJQ>.

³⁰ Alex de Waal, “Famine That Kills: Darfur, Sudan,” (Oxford University Press: Oxford, 2005).

³¹ Sudan is ICRC’s largest program, with Darfur accounting for a considerable proportion of the organization’s budget and human resources. See “Overview of the ICRC’s operations in 2006,” ICRC, December 9, 2005, at [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/appeals-overview-091205/\\$File/icrc_overview_appeal_2006.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/appeals-overview-091205/$File/icrc_overview_appeal_2006.pdf) Sudan was also the largest country operation for Médecins sans Frontières in 2005. See the MSF activity report [online] <http://www.doctorswithoutborders.org/publications/ar/i2005/factsandfigures2005.pdf>.

nongovernmental organizations in Darfur, in total deploying 14,000 relief workers, most of them Sudanese nationals. The humanitarian operation succeeded in preventing massive deaths in 2005, and in bringing about a dramatic improvement in acute malnutrition rates among children in Darfur.³²

Village by village, district by district, however, civilians in Darfur have been isolated by the persistent increase in fighting and criminal violence since late 2005. A significant portion of Darfur's population lives in scattered no-man's lands, run by the rule of the gun.

The case of Golo/Rokero described below is one of many areas in dire need as humanitarian agencies have been unable to obtain sustained access because of security concerns. There are many others: another example is in Aro Sharow, where Arab militias attacked a displaced persons camp and the villages of Gosmino and Ardja in the Kulbus area of West Darfur (northwest of Jebel Marra) on September 28, 2005, reportedly leaving thirty-four civilians dead and ten wounded, and forcing more than 4,000 villagers to flee.³³ At this writing, approximately eight months on, the displaced in that area have received no food distribution since the attack, and water supplies are limited. The government made only a feeble gesture at investigating the attack—one visit in eight months.³⁴

North-eastern Jebel Marra, particularly the rural council districts of Golo and Rokero in West Darfur, witnessed heavy fighting in December 2005 and January 2006, and then throughout March. Security conditions are now so poor that no humanitarian organization has been able to establish a regular presence in those two areas since mid-January.³⁵ According to a humanitarian worker, food aid has not reached approximately 63,000 displaced persons in the Golo area since the January fighting.³⁶

Since December 2005 there have been serious clashes in eastern Jebel Marra between the government forces at the Rokero base in this district together with their Janjaweed allies, and the SLA rebels who claim to control the area. The fighting has ranged over an extended area and many villages have been burned; thousands have been freshly displaced. On December 24, 2006, an SLA ambush of a government convoy near

³² World Food Programme, "Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Sudan," February 15, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YAOI-6M35CE?OpenDocument>.

³³ See "Sudan: U.N. expresses concern over attack on Darfur IDP camp, IRIN, September 30, 2005, [online] <http://www.irinnews.org/report.asp?ReportID=49302>.

³⁴ Confidential communication, Human Rights Watch, March 24, 2006.

³⁵ Human Rights Watch telephone interview with international humanitarian aid official, March 23, 2006.

³⁶ *Ibid.*

Rokero left at least fifteen people dead, including eight government soldiers and some civilians. In retaliation, government-backed militia apparently attacked several villages in the area over the next few days and burned the market in Rokero, displacing thousands of civilians.³⁷ On January 23, 2006, a force of 160 SLA rebels attacked government positions in Golo, killing twenty police officers and wounding sixteen others.³⁸ The Sudanese government responded to the attack by sending in reinforcements, including Janjaweed militia from Kebkabiya and Guildo. The fighting continued for several days.

A U.N. helicopter evacuating sixteen humanitarian staff from three organizations working in Golo under the protection of AMIS came under fire on January 25.³⁹ The helicopter crashed in the nearby town of Daya, possibly due to mechanical failure, killing one passenger, a Sudanese national working as a nutritionist.⁴⁰

The violence escalated again in March and has spread to dozens of villages in eastern Jebel Marra, displacing tens of thousands of people, many of them already previously displaced. According to an eyewitness, hundreds of government soldiers and allied Arab militias raided and attacked a total of seventy villages in eastern Jebel Marra in mid-March 2006, hitting Tibon and nearby Daya in the heart of SLA territory on March 16.⁴¹

As a result of the continuing attacks, no humanitarian organization has been able to maintain a regular presence in Jebel Marra.⁴² While at least three organizations have visited either Golo town or rural areas in eastern Jebel Marra since January, the visits were only to conduct assessments, and little or no aid was dispensed to civilians. According to one account, both Golo and Rokero are effectively surrounded by SLA positions and checkpoints, and roadblocks have effectively closed off vehicle access to the area; the same report confirmed the presence of large numbers of displaced persons in need of assistance.⁴³

³⁷ Confidential communications to Human Rights Watch, January 6 and January 30, 2006.

³⁸ The same day SLA fighters also ambushed a convoy of eighty commercial trucks escorted by police from Fashir to Kebkabiya, North Darfur, located northwest of Golo. United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," March 9, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/262/59/PDF/N0626259.pdf?OpenElement>.

³⁹ For one relief agency, it was the third time it had been evacuated in eighteen months of working in Golo. Human Rights Watch telephone interview, March 23, 2006.

⁴⁰ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," March 9, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/262/59/PDF/N0626259.pdf?OpenElement>.

⁴¹ Confidential communication, Human Rights Watch, March 20, 2006.

⁴² UNHCR, "Sudan Operations: Sudan/Chad Situation Update 52," March 23, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LTIO-6NAMZR?OpenDocument>.

⁴³ UNHCR, "Sudan Operations: Sudan/Chad Situation Update 50," March 9, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6MVMR7?OpenDocument>.

In April, the ICRC managed to assess parts of the Jebel Marra region, but noted that most of the north and central region remained inaccessible and that people living in the southwest had not received any assistance for months.⁴⁴ The onset of the rains will likely make it even more difficult for aid agencies to locate and assist communities who have fled even further into the mountains.

Insecurity on major roads has been a chronic problem in Darfur, but since September 2005 banditry on the roads has made humanitarian work exponentially more difficult, with armed hijackings of commercial and humanitarian trucks rendering the movement of supplies increasingly erratic and sometimes impossible.⁴⁵ Standard procedure for vehicle travel in conflict zones involves arranging security guarantees with armed groups in contested areas—these, in theory, ensure safe passage for non-combatants—but in the words of one relief worker in West Darfur, “You can get a green light from the parties, but there are no interlocutors with the bandits.”⁴⁶

Banditry and hijackings along the main roads leading from Geneina to the rest of West Darfur reached such dire levels in September⁴⁷ that all roads leading south, west and east of the town were declared off-limits to U.N. staff.⁴⁸ The next month, all roads leading out of Geneina were declared open to U.N. staff, but only with an armed escort.⁴⁹ The consequent limited freedom of movement for this staff affected the delivery of assistance, and U.N. helicopters were brought to Geneina to transport personnel and deliver humanitarian assistance.

Although the ICRC is usually able to arrange security guarantees from all relevant parties, one of its field teams was attacked and robbed of cash and valuables by bandits south of Geneina in October.⁵⁰ On November 1, an ICRC field-assessment team in two

⁴⁴ “Clashes displace tens of thousands in Darfur’s Jebel Marra,” IRIN, April 19, 2006, [online] http://www.sudantribune.com/article.php3?id_article=15147.

⁴⁵ Human Rights Watch telephone interview from New York with international humanitarian aid official, March 29, 2006.

⁴⁶ Human Rights Watch telephone interview from New York with international humanitarian aid official, March 23, 2006.

⁴⁷ On September 1, 2005, seven international humanitarian vehicles traveling in a convoy from Beida to Geneina via Kango Haraza and Masteri in West Darfur were attacked by some twenty men in uniform who were described as “bandits” and “suspected of being affiliated with unidentified warring parties.” The attackers looted the vehicles, ordered the humanitarian staff to lie down on the ground, beat them with sticks and rifle butts and threatened that they would be killed if they were to travel that road again. Seventeen people were injured in the incident. Refugees International, “No Power to Protect: The African Union Mission in Sudan,” November 9, 2005, [online] http://www.refugeesinternational.org/section/publications/au_darfur/.

⁴⁸ United Nations Security Council, “Monthly Report of the Secretary-General on Darfur,” January 30, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/225/76/PDF/N0622576.pdf?OpenElement>.

⁴⁹ OCHA, “UN Office of Humanitarian Affairs update,” October 12, 2005.

⁵⁰ ICRC News, “Sudan Bulletin No. 35,” October 27, 2005, [online] <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sudan-news-271005>.

vehicles on its way to provide (among other things) post-operative care to war-wounded civilians was ambushed while traveling to the north of Seleah in West Darfur. Its vehicles were stolen and its staffers were robbed and left stranded on the roadside.⁵¹ The ICRC temporarily suspended its activities in Seleah and continues to limit its movements in certain areas.

Sudanese Government Obstruction of Humanitarian Access

At the heart of the Sudanese government's counterinsurgency strategy against rebels in Darfur has been a policy of crimes against humanity and ethnic cleansing against Darfur's civilian population whom Khartoum considers "the enemy" because they are of the same ethnicity as the rebels. This strategy has included "scorched earth" tactics and a multitude of official restrictions, harassment and intimidation against international relief agencies and their staffers seeking to bring humanitarian aid to those put at risk. By doing so, the Sudanese government has both instigated the humanitarian crisis in Darfur and prevented its resolution.

Khartoum has long been hostile to the presence of international relief agencies in Sudan. Its crackdowns and bureaucratic campaign of attrition are a continuing problem for the independent humanitarian aid agencies operating in Sudan, both international and Sudanese.⁵²

Aid workers trying to provide assistance in southern Sudan are familiar with a wide range of Sudanese government strategies to delay, limit, and deny access by humanitarian agencies to civilians in need of assistance during the civil war in the south. Flight bans, denials or massive delays in the processing of travel permits, limitations on the numbers of staff and unnecessarily bureaucratic or arbitrary procedures for importing and transporting relief materials have all been "classic" Sudanese government tactics to restrict aid to civilian populations. Over the past sixteen years, these policies have contributed to the deaths of tens of thousands of people from famine and diseases.⁵³

Under heavy international pressure and media attention, in mid-2004 the Sudanese government established a new administrative system for Darfur, a system designed to

⁵¹ ICRC News, "Sudan Bulletin No. 36," November 16, 2005, [online] <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/sudan-news-161105>.

⁵² Since the 1989 coup, the Sudanese government has imposed massive bureaucratic obstacles on independent organizations while supporting programs of Islamic organizations.

⁵³ Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes*, (New York: Human Rights Watch: February 1999).

expedite the visa and travel permit process through a moratorium on the usual administrative procedures.⁵⁴ This system included a pledge to permit “freedom of movement for aid workers throughout Darfur.”⁵⁵ To a large extent, this new process heavily contributed to the massive increase in humanitarian personnel and programs in Darfur in 2004 and 2005.

Since early 2005, however, the improvements were balanced by a new policy of increased harassment and intimidation of aid workers in Darfur. In addition, since early 2006, the Sudanese government has reverted to many of its usual practices of administrative delay and harassment, despite its own pledge to extend the moratorium, not just in Darfur but throughout Sudan.

Government Intimidation of Aid Workers

Since the massive relief effort began in Darfur in 2004, the government has tried to intimidate aid workers and organizations with threats and arrests of national and international staff. In a practice that has euphemistically been referred to as “administrative harassment,” international and Sudanese staff working for NGOs have been detained by Sudanese security officials, often on specious grounds.

Many of the incidents appear to be targeted at organizations that provide services to, or publicly advocate on behalf of, civilians displaced by the conflict and by the ethnic cleansing that has taken place. It is difficult to ascertain the precise number of incidents; many organizations fear that if they speak publicly about the incidents they will jeopardize their operational access to the populations in need. Several dozen aid workers at a minimum have been directly affected by the government’s harassment, but the practice has had a broader impact on all of those involved in relief operations in Darfur.

⁵⁴ The moratorium was included in the Joint Communiqué between the Sudanese government and the United Nations, signed on July 3, 2004.

⁵⁵ The text of the Joint Communiqué states that the Sudanese government commits to: Implement a ‘moratorium on restrictions’ for all humanitarian work in Darfur, and remove any other obstacles to humanitarian work, including:

- Suspension of visa restrictions for all humanitarian workers and permitting freedom of movement for aid workers throughout Darfur;
- Permitting immediate temporary NGO registration through a simple notification process that OCHA will offer to manage on behalf of NGOs; permanent registration shall be processed within 90 days; and
- Suspension of all restrictions for the importation and use of all humanitarian assistance materials, transport vehicles, aircraft and communication equipment.

Between December 2004 and April 2005 alone, at least twenty aid workers were arrested or detained, mainly in South Darfur.⁵⁶ In May 2005, local Sudanese government authorities arrested and charged two aid workers from Médecins sans Frontières with publishing false information after the humanitarian medical organization published a report on conflict-related rape in Darfur.⁵⁷ On October 23, 2005, government police and national security officials arrested at gunpoint two national staff members at an international organization's compound in Kalma internally displaced persons camp, South Darfur.⁵⁸ In North Darfur in February 2006, a United Nations staff member was detained and questioned by security personnel after returning from a security meeting with the SLA,⁵⁹ a routine procedure to coordinate and protect relief work in rebel-held areas.

Militias sometimes block relief going to civilians in rebel-controlled areas. For instance, in Jebel Marra, relief workers reported that government-backed Janjaweed militias interdicted relief organizations trying to re-establish services to the displaced in early 2006, because the militias consider the displaced in eastern Jebel Marra to be “rebels” and are resentful of seeing relief going to them.⁶⁰

Arbitrary Government Restrictions on Freedom of Movement

As noted above, in July 2004, the government of Sudan committed to a moratorium on restrictions for humanitarian work in Darfur in the context of its Joint Communiqué with the U.N. and it recently pledged to renew the moratorium until January 30, 2007.⁶¹ The moratorium was intended to remove obstacles to humanitarian work, including: suspension of visa restrictions for all humanitarian workers and permitting freedom of movement for aid workers throughout Darfur.⁶²

⁵⁶ “Darfur: Aid Workers Under Threat,” Human Rights Watch Press Release, April 5, 2005, [online] <http://hrw.org/english/docs/2005/04/05/darfur10417.htm>.

⁵⁷ “Second Sudan Aid Worker Arrested,” BBC News, May 31, 2005, [online] <http://news.bbc.co.uk/2/hi/africa/4595911.stm>; “Darfur: Arrest War Criminals, Not Aid Worker,” Human Rights Watch Press Release, May 31, 2005, [online] http://hrw.org/english/docs/2005/05/31/sudan11043_txt.htm. After considerable international pressure, the charges were eventually dropped.

⁵⁸ United Nations Security Council, “Monthly Report of the Secretary-General on Darfur,” January 30, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/225/76/PDF/N0622576.pdf?OpenElement>.

⁵⁹ United Nations Security Council, “Monthly Report of the Secretary-General on Darfur,” March 9, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6MVMR7?OpenDocument>.

⁶⁰ Human Rights Watch telephone interview with international relief organization, March 23, 2006; confidential communication, Human Rights Watch, March 24, 2006. Attacks on civilians by these pro-government militias have continued in West Darfur and elsewhere throughout the ceasefire period.

⁶¹ U.N. OCHA, “Fact Sheet on Access Restrictions in Darfur and Other Areas of Sudan,” April 20, 2006.

⁶² United Nations Security Council, “Monthly Report of the Secretary-General on Darfur,” March 9, 2006, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N06/262/59/PDF/N0626259.pdf?OpenElement>. Among other unimplemented provisions, the Moratorium also was supposed to permit immediate temporary NGO registration through a simple notification process that OCHA would manage on behalf of NGOs; and permanent registration to be processed within ninety days.

Yet despite giving this and other guarantees of “free access” to Darfur for humanitarian workers, Khartoum and state-level governments frequently place arbitrary constraints on aid workers in Darfur by dubious administrative delays and red tape related to visa extensions, identity documents, and travel permits.⁶³ In a March 2006 statement, Gemmo Lodesani, the OCHA Deputy Humanitarian Coordinator for Sudan, faulted Sudanese authorities for “inconsistency in granting access, delays in visa deliveries, [and] unreasonable reporting requests followed by suspension of access or programmes for lack of compliance.”⁶⁴

In January 2006 a number of international humanitarian agencies were denied access in Darfur and had their travel permits revoked following an ad hoc request by the Sudanese government Humanitarian Aid Commission (HAC, the national relief coordination agency that is the liaison with international NGOs), that agencies submit questionnaires providing detailed financial information pertaining to their operations.⁶⁵ In some locations, the request was extended to U.N. agencies.⁶⁶ While it is legitimate for the Sudanese government to request basic financial and operational information from aid agencies running programs in Sudan, such requests have often been the way for the Sudanese government to target and restrict specific agencies or relief activities in particular areas.

In another example of harassment, the HAC official in Garsila (Wadi Salih locality) insisted on charging fees for the issuance of identification cards to international NGO staff. This was despite an official letter from HAC in Zalingei, dated March 13, requesting that HAC officials in Wadi Salih, Mukjar and Jebel Marra localities not charge any fees.⁶⁷ While this may appear to be an isolated bureaucratic incident, it is part of a much larger pattern of constant problems over visas, travel permits to Darfur, travel permits within Darfur, limitations on items and quantities that can be shipped to Darfur, and a host of other regulations whose purpose seems to be to deny rather than facilitate access, such as the HAC’s March 11 announcement that international nongovernmental

⁶³ International humanitarian law provides for the freedom of movement of humanitarian relief workers and aid—see the final section of this report. But because the parties to the conflict have yet to agree upon Darfur-wide rules for the travel of humanitarian staff, relief workers must depend on ad hoc decisions of local and state officials, as well as by local rebel commanders. This patchwork of rules that are always subject to change adds to the risk faced by relief workers.

⁶⁴ OCHA, “Sudan Humanitarian Overview,” Vol. 2, Issue 1, January 1 – February 1, 2006, [online] <http://unjjobs.org/news/1139923318.49>.

⁶⁵ United Nations Security Council, “Monthly Report of the Secretary-General on Darfur,” March 9, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6MVMR7?OpenDocument>.

⁶⁶ The HAC, part of the Ministry of Humanitarian Affairs, is mandated to partner with international organizations in relief efforts, and works as liaison between international organizations and internally displaced persons camps in Sudan.

⁶⁷ United Nations, “United Nations Situation Report,” March 20, 2006, [online] <http://www.humanitarianinfo.org/darfur/uploads/situation/unsitreps/2006/march/Sit%20Rep%20for%2020%20Mar%202006.doc>.

organizations could only transport three barrels of fuel per trip “to reduce losses in case fuel is looted by the SLA.”⁶⁸ Relief workers frequently comment that Sudan is the hardest “emergency” situation in which to help those in need.

Government officials at the local, state and national levels frequently threaten to prevent agencies from having access to civilians in need in Darfur—and those threats have been carried out, sometimes in a very high-profile fashion. On April 2 the Sudanese government barred the plane of U.N. Emergency Relief Coordinator Jan Egeland from landing in Khartoum or Darfur for a previously agreed upon visit, for patently specious reasons,⁶⁹ and also prohibited the plane from flying over Sudanese airspace to reach the refugee camps for Darfurians in Chad.

The next day, April 3, the Sudanese government expelled the Norwegian Refugee Council (NRC), a key operating agency in Darfur. The NRC managed and coordinated the largest internally displaced camp in Darfur, Kalma camp (outside Nyala, South Darfur), housing 100,000 people. At a meeting in South Darfur, the authorities told the NRC to end all humanitarian operations in Darfur and leave. The government gave no reason for refusing to renew the mandate, and at this writing, has not provided the requested written confirmation.⁷⁰

The Sudanese government appeared to back down on Egeland’s visit, and claimed, after protests from the U.N. Secretary-General and others, that the visit was only “postponed.”⁷¹ Egeland responded, “I cannot go now. This is not a game. This is serious humanitarian work. . . . I had agreed on a time with them and I cannot just come and go when they please.”⁷² The U.N. Security Council, in a presidential statement, later expressed its regret for the decision of the Sudanese government not to renew the

⁶⁸ United Nations, “United Nations Sudan Situation Report,” March 12, 2006.

⁶⁹ The reasons given by a changing cast of spokesmen have varied from a statement presented by Sudan’s state minister for foreign affairs, Al-Samani Al-Wasleea, citing “internal reasons” that required a ten-day postponement (“Sudan says will Allow UN official to visit Darfur,” *Sudan Tribune* (Khartoum)/Associated Press, April 5, 2006, [online] http://www.sudantribune.com/article.php3?id_article=14893), to Foreign Ministry spokesman Jamal Ibrahim saying: “Because of the special circumstances of the birthday of the Prophet Mohammad, the local authorities said it was not advisable to welcome him at this time” (Anna Willard, “After visit blocked, UN’s Egeland mulls Sudan return,” Reuters, April 5, 2006, [online] <http://www.alertnet.org/thenews/newsdesk/L05400922.htm>). Other pretexts given for the postponement of Egeland’s Darfur visit include his Norwegian nationality (following the controversy over cartoons of the Prophet Mohammad printed by a Danish newspaper and reprinted in Norway) and the closure of airports in Darfur for maintenance. See Willard, “After visit blocked, UN’s Egeland mulls Sudan return.”

⁷⁰ “Norwegian NRC must leave Darfur displaced camp,” *Sudan Tribune*, citing Norwegian Refugee Council Press Release, April 3, 2006, [online] http://www.sudantribune.com/article.php3?id_article=14855; Norwegian Refugee Council, “NRC forced out of Darfur,” April 5, 2006, [online] <http://www.nrc.no/forcedoutdarfur.htm>.

⁷¹ United Nations, “Statement of the Spokesman for the Secretary-General on the Planned Visit of USG Jan Egeland to Darfur,” April 4, 2006, [online] <http://www.un.org/apps/sg/sgstats.asp?nid=1975>.

⁷² Anna Willard, “After visit blocked, UN’s Egeland mulls Sudan return,” Reuters, April 5, 2006, [online] <http://www.alertnet.org/thenews/newsdesk/L05400922.htm>.

NRC's contract and to deny Egeland's entry to Darfur; it called on the government to explain its reasons for doing so.⁷³ As of the writing of this report, Egeland was scheduled to visit Sudan, including Darfur, on May 6.

Egeland is far from being the only official or representative of a foreign government to whom the Sudanese authorities has denied access for transparently false reasons. One of many such events was in late March when the foreign minister of Sweden was barred from traveling to Darfur to assess the deteriorating humanitarian situation—although she had been previously cleared for travel there. Notwithstanding the same excuses being offered by the Sudanese government as for refusing Egeland, she said she believed the decision was really linked to Sweden's actions in the U.N. to send U.N. peacekeepers to Darfur.⁷⁴

The prospect of the transfer of civilian protection duties from AMIS forces to a U.N. protection force may be one reason for Khartoum's mounting hostility to international representatives since early 2006.⁷⁵

At the heart of this hostility is the U.N. Security Council's March 2005 referral of the international crimes in Darfur to the International Criminal Court (ICC) for investigation. Underlying Khartoum's opposition to a U.N. protection force in Darfur appears to be apprehension that the U.N. force would enforce ICC arrest warrants. The U.N. Security Council's Commission of Inquiry (January 2005) and the Panel of Experts of the Security Council's Sanctions Committee on Darfur (December 2005) have implicated many Sudanese government officials in crimes against humanity and war crimes. While ICC warrants have not been issued against Sudanese government officials, the government has adamantly refused to cooperate with an ICC investigation—and is no doubt equally adamant about blocking potential process servers—even if that means hindering humanitarian assistance to Darfur's millions in need.

Following the report of the U.N. Independent Commission of Inquiry in January 2005, high-ranking Sudanese government officials made statements threatening the safety of international staff in Darfur in the event of ICC prosecutions of Sudanese officials who

⁷³ U.N. Security Council, "Presidential Statement," SC/8688, April 11, 2006, [online] <http://www.un.org/News/Press/docs//2006/sc8688.doc.htm>.

⁷⁴ The excuses, after her arrival in Khartoum, used to revoke her permission for Darfur travel were the Prophet Mohammad's birthday and the Danish cartoons. "Swedish foreign minister barred from Darfur," *Mail & Guardian Online*, Johannesburg, South Africa, March 29, 2006, [online] http://www.mg.co.za/articlePage.aspx?articleid=268019&area=/breaking_news/breaking_news__africa/.

⁷⁵ Officially, the Sudanese government says it would welcome a U.N. peacekeeping force, but only after a peace agreement. As the government is a party to the peace talks, it is in a position to prevent and delay an agreement indefinitely.

might be accused of war crimes.⁷⁶ Although the humanitarian organizations are not affiliated, directly or indirectly, with the ICC, to Sudanese officials they seem to represent the “international community.” These government threats have placed frontline international relief workers in jeopardy of the most immediate retaliation for any action towards international prosecution of Sudanese government suspects for alleged international crimes in Darfur.

Government’s Restrictive New NGO Law

The Sudanese government erected another considerable structural obstacle to humanitarian and development activities in Darfur and elsewhere in Sudan when on February 21, the legislature passed the Organization of Humanitarian and Voluntary Work Act, 2006, informally known as the “NGO Law.” It requires, among other things, that nongovernmental organizations register with the government’s Humanitarian Aid Commission. This gives HAC a gatekeeper’s role over which organizations are allowed to work in Sudan and which are not.

In itself, registration is not objectionable—every country has some administrative regulations on organizations working there. But the HAC has played an obstructive role in administering and coordinating international relief in Sudan since its inception. It and its predecessor agency constricted relief deliveries during the north-south war and in Khartoum, where many southerners fled during that war. Many HAC personnel have a security, not a relief, background.⁷⁷ Examples of its obstructive approach in Darfur are noted above.

The NGO Law effectively blocks all avenues of appeal against denials of applications for registration by HAC. Because of the lack of an appeal mechanism before an impartial body and hence the potential for unchecked arbitrary action, the law violates the right to freedom of association.⁷⁸

Just before the NGO Law went into effect the Sudan Social Development Organisation (SUDO), a Sudanese nongovernmental organization operating in Darfur, was being harassed by HAC pursuant to a slightly less stringent 1999 law. SUDO’s regional director was summoned by Sudanese security officials in Geneina, West Darfur, on February 20, 2006, for questioning about his background, the alleged political activities

⁷⁶ Human Rights Watch telephone interviews, Khartoum, May and June, 2005.

⁷⁷ Human Rights Watch confidential source, March 30, 2006.

⁷⁸ The law has been criticized by many NGOs in Sudan. See United Nations, “United Nations Sudan Situation Report,” February 23, 2006.

of SUDO and its protection activities and sources of funding.⁷⁹ On March 8, shortly after the NGO Law was passed, HAC informed SUDO's director that SUDO did not have a mandate for "protection" activities. HAC claimed that the executive director of SUDO, Dr. Mudawi Ibrahim Adam, had a criminal record.⁸⁰ On March 9, HAC informed SUDO in writing that all SUDO activities in West Darfur would be shut down.⁸¹ On March 11, HAC ordered the SUDO office in Zalengei, West Darfur, to freeze its activities from March 13 and surrender to HAC its vehicle and two motorbikes, office equipment, and hand over the keys to its clinic and nutrition centers, among other things. After international pressure, on March 28 HAC officials apparently authorized in writing the reopening of the SUDO office in Geneina. Even then, SUDO was informed it must reapply within ninety days under the new NGO Law.⁸²

On April 6, ten donor governments, including the U.K., France, the U.S., Canada and the Netherlands, sent a joint letter to the Sudanese foreign minister, Dr. Lam Akol, reiterating their concern over certain provisions in the NGO law that would "substantially hinder the ability of donors, international and national NGOs to continue providing effective humanitarian assistance and development cooperation in the Sudan."⁸³

Rebel Attacks on Humanitarian Agencies and Workers

Rebel groups have conducted attacks on humanitarian convoys and aid workers that have diverted food assistance and hindered access to the population in need. This interference appears to be increasing. On April 28, the Special Representative of the Secretary-General, Jan Pronk, threatened to suspend U.N. aid to 450,000 people in northern Darfur "unless rebel attacks against United Nations and other relief operations...stop immediately."⁸⁴

⁷⁹ United Nations Country Team in Sudan, "United Nations Sudan Situation Report," February 23, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6MBMGP?OpenDocument>.

⁸⁰ Dr. Mudawi Ibrahim Adam was jailed several times and accused of capital offenses in connection with his activities in Darfur. See Human Rights Watch, "Sudan: Rights Defenders in Darfur Detained," press release, March 9, 2004, [online] <http://hrw.org/english/docs/2004/03/08/sudan8080.htm>. Dr. Mudawi was never tried on these allegations.

⁸¹ United Nations Country Team in Sudan, "United Nations Sudan Situation Report," March 12, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6MWKCS?OpenDocument>.

⁸² Confidential communication, Human Rights Watch, April 8, 2006. See also Amnesty International, "Sudan: Continuing blockade of humanitarian aid," AI Index: AFR 54/010/2006, April 4, 2006, [online] <http://www.amnestyusa.org/news/document.do?id=ENGAFR540102006>.

⁸³ Letter from the embassies of Canada, France, Greece, Italy, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, the United States of America and the Delegation of the European Commission to His Excellency Dr. Lam Akol, Minister of Foreign Affairs, April 6, 2006.

⁸⁴ "The Special Representative of the Secretary General in Sudan Jan Pronk appeals to SLM/A to stop attacks on humanitarian workers in north Darfur," UNMIS Press Release, April 28, 2006, at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-6PDBAD?OpenDocument&rc=1&emid=ACOS-635PJQ>

U.N. OCHA concluded that SLA members were predominantly responsible for targeted attacks against humanitarian convoys throughout the month of March 2006. OCHA reported that the SLA forcibly hijacked three nongovernmental organization vehicles in March, one at an SLA checkpoint and two inside displaced persons camps.⁸⁵

According to several humanitarian sources, the rebels have regularly looted humanitarian convoys, particularly vehicles. Human Rights Watch has received numerous reports of incidents in North and South Darfur in which vehicles, particularly rental cars and trucks used by humanitarian organizations, were stolen by SLA forces.⁸⁶

Rebel movements have also abducted Arab Sudanese working for local NGOs (as well as some international staff), although in most cases these individuals appear to have been released unharmed. According to one humanitarian source, rebel movements have also tried to extort WFP and others to provide vastly inflated amounts of aid. They seek so much aid that it is suspected that the motive is to have enough surplus to sell.⁸⁷

U.N. and other agencies have spent considerable time negotiating the release of humanitarian property that has been seized by rebels. After negotiations, rebels have sometimes returned items. In January 2006, an NGO rental vehicle taken by the SLA in North Darfur was returned to the organization, but without its radio equipment.⁸⁸ In another incident in January, SLA forces near Nyala, South Darfur, abducted three NGO vehicles and their drivers; the men and vehicles were returned unharmed three days later.⁸⁹ On March 22, 2006, a driver of a U.N. fuel tanker and his truck that went missing on March 4 in Shangil Tobayi area of North Darfur were handed over to U.N. Department of Safety and Security (DSS) staff by an SLA commander. On March 22, a U.N.-hired commercial truck that was hijacked on March 16 while traveling from Tawilla to Fashir was also handed over to U.N. DSS by an SLA commander in Dar al Salaam, North Darfur.⁹⁰

On March 23, a Ministry of Health vehicle traveling from Sirba to Abu Suroug in West Darfur was carjacked by armed men whom the United Nations believed to be NMRD insurgents. The vehicle was seized, along with a refrigerator full of medicine; there were

⁸⁵ U.N. OCHA, "Sudan Humanitarian Overview," Vol. 2, Issue 3, March 1 - April 1, 2006, [online] http://www.unsudanig.org/publications/overview/data/Sudan_Humanitarian_Overview_Vol2%20Is3.pdf.

⁸⁶ Confidential e-mail communication to Human Rights Watch, January 26, 2006.

⁸⁷ Human Rights Watch, confidential source, April 6, 2006.

⁸⁸ Confidential e-mail communication, January 26, 2006.

⁸⁹ Ibid.

⁹⁰ United Nations Country Team in Sudan, "United Nations Sudan Situation Report," March 23, 2006. [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6NALCM?OpenDocument>.

no reported injuries.⁹¹ NMRD has also been responsible for other thefts of vehicles in West Darfur.⁹²

Rebel attacks against humanitarian convoys have been a persistent problem for well over a year. A May 2005 U.N. Security Council report on Darfur stated that the frequency with which SLA and JEM fighters hijacked commercial, private and NGO vehicles suggested that the attacks had the approval of rebel leaders. Citing reports that it judged to be reliable, the U.N. concluded that humanitarian vehicles were being taken with the aim of converting them into battlefield platforms.⁹³ It noted that the SLA ambushed several convoys belonging to or engaged by humanitarian organizations along the Kebkabiya-Fashir road in North Darfur in May 2005.⁹⁴

Detention of relief workers

In connection with robbery and for alleged security considerations, rebels have also detained relief workers. In July 2005, the SLA briefly detained ten humanitarian workers in West Darfur.⁹⁵ Also in July, rebels abducted teams from the Sudanese government Ministry of Health who were carrying out polio vaccinations in North and South Darfur. As a result, the vaccination campaign was prevented from reaching people living in some SLA-held areas in those states.⁹⁶

On September 29 three SUDO staff were abducted from Zam Zam camp, North Darfur. SUDO reportedly suspected that an SLA faction carried out the abduction,⁹⁷ in breach of a promise the SLA had made to United Nations officials in a meeting on August 8, 2005, that humanitarian actors would be free to operate in the camp.⁹⁸ SUDO reported the release of its staff on October 6.⁹⁹

⁹¹ United Nations Country Team in Sudan, "United Nations Sudan Situation Report," March 26, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6NCMYN?OpenDocument>.

⁹² Confidential communication to Human Rights Watch, January 2006.

⁹³ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," May 10, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/337/43/PDF/N0533743.pdf?OpenElement>.

⁹⁴ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," June 9, 2005. [online] <http://daccess-ods.un.org/TMP/4844458.html>.

⁹⁵ Confidential communication to Human Rights Watch.

⁹⁶ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," August 11, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/459/53/PDF/N0545953.pdf?OpenElement>.

⁹⁷ USAID, "Sudan: Complex Emergency Situation Report #1 (FY2006), October 14, 2005, [online] http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/sudan/fy2006/sudan_ce_sr01_10-14-2005.pdf.

⁹⁸ E-mail communication to Human Rights Watch, September 2005.

⁹⁹ USAID, "Sudan: Complex Emergency Situation Report #1 (FY2006), October 14, 2005, [online] http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/sudan/fy2006/sudan_ce_sr01_10-14-2005.pdf.

Interference with air access

The NMRD allegedly threatened to shoot down U.N. helicopters on humanitarian missions in areas of West Darfur, including Seleah and Jebel Moon, in November 2005.¹⁰⁰ Seleah, near the border with Chad, was already off-limits by road for security reasons. As a result, humanitarian workers did not visit the town for several months. The U.N. Humanitarian Air Service (UNHAS) also had to suspend flights to other areas north of Geneina, West Darfur (including Sirba and Kulbus) following other credible threats.¹⁰¹

As funding for Darfur emergency relief dwindled, the flights were decreased on financial grounds.

AMIS and Humanitarian Access

As of March 10, 2006, a total of 7,031 personnel had been deployed to Darfur as part of AMIS (4,915 protection force members, 726 unarmed military observers and 1,390 unarmed civilian police officers)¹⁰² to monitor an April 2004 humanitarian ceasefire agreement, and protect civilians and humanitarian operations.

AMIS has been tasked with opening humanitarian corridors, and claims that it covers 50 percent of Darfur's area,¹⁰³ but it is limited in how effectively it covers that area by its lack of mobility, communications, and other equipment—as well as its interpretation of its mandate for civilian protection and its rules of engagement.¹⁰⁴

Although AMIS was charged with protecting civilians and humanitarian workers, AMIS found that they were not the only ones in danger: AMIS itself was attacked, sometimes while guarding humanitarian convoys. AMIS's casualties began to mount in the second

¹⁰⁰ Colonel Djibril was mentioned in the confidential annex to the Panel of Experts report on violations of Security Council resolutions. U.N. Security Council, "Report of Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan," January 30, 2006, S/2006/65, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/632/74/PDF/N0563274.pdf?OpenElement>

¹⁰¹ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," December 23, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/648/57/PDF/N0564857.pdf?OpenElement>; UNHCR, "Sudan/Chad Situation Update 50," March 9, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6MVJHU?OpenDocument>.

¹⁰² African Union, "Report of the Chairperson of the Commission Pursuant to Paragraph 5 of the PSC Communiqué, PSC/PR/COMM (XLV) of 12 January 2006 on the Situation in Darfur," Addis Ababa, March 10, 2006, [online] http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/centorg/PSC/2006/46rpt.pdf.

¹⁰³ Human Rights Watch interview with diplomatic official, Addis Ababa, February 21, 2006.

¹⁰⁴ The revised AMIS mandate of October 2004 included "[p]rotecting civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability." The mandate and the February 2005 rules of engagement are discussed in detail in Human Rights Watch, "Sudan: Imperatives for Immediate Change."

half of 2005 as various armed parties, who were often unidentified, carried out attacks on AMIS forces. For instance, on August 25, 2005, an AMIS soldier was shot and wounded in South Darfur by unknown assailants.¹⁰⁵

The amended November 2005 AMIS rules of engagement make it clear that AMIS soldiers are to use deadly force if necessary in self-defense and to avoid detention. Commanders on the ground have the possibility, under certain circumstances, to use deadly force to protect AMIS troops, international personnel, A.U. facilities, civilians, humanitarian workers, and others.¹⁰⁶

Not all international NGOs seek direct AMIS protection of their convoys. Some on principle refuse armed protection.¹⁰⁷ Others say that an AMIS escort is more of a risk than a deterrent in Darfur.¹⁰⁸ Even when agencies seek AMIS escort, however, there are practical obstacles because of AMIS's limited capacity. One logistics officer with a relief organization in West Darfur had to wait three days for AMIS to reshuffle personnel just to free up enough vehicles to accompany the officer on a short stretch of road.¹⁰⁹

While a stronger and larger protection force could attempt to secure the main roads for humanitarian and civilian traffic, the Sudanese government has vehemently opposed the transfer of AMIS military operations in Darfur to what would be a better-financed, equipped, and larger force under the United Nations.

Lack of Funding for Humanitarian Operations

U.N. OCHA asked for U.S.\$1.5 billion in funding for Sudan for 2006, but as of the end of the first quarter it has received only 8 percent of that amount.¹¹⁰ In 2005, OCHA received 63 percent of its funding requirements for Darfur.¹¹¹

¹⁰⁵ United Nations Security Council, "Monthly Report of the Secretary-General on Darfur," September 19, 2005, [online] <http://daccessdds.un.org/doc/UNDOC/GEN/N05/511/98/PDF/N0551198.pdf?OpenElement>.

¹⁰⁶ "Rules of Engagement (ROE) for the Military Component of the African Union Mission in Sudan (AMIS)," African Union Commission, Addis Ababa, November 2005, A.U. Restricted. These rules of engagement are superior to those of February 2005, which were analyzed in Human Rights Watch, "Sudan: Imperatives for Immediate Change."

¹⁰⁷ The use of armed escorts is considered to be contradictory to the fundamental principles of humanitarian action. These principles are humanity, impartiality, independence and neutrality. For further discussion of this issue see www.icrc.org

¹⁰⁸ Refugees International, "No Power to Protect: The African Union Mission in Sudan," November 9, 2005, [online] http://www.refugeesinternational.org/section/publications/au_outreach/.

¹⁰⁹ Human Rights Watch confidential interview, March 23, 2006.

¹¹⁰ Human Rights Watch telephone interview from New York with international humanitarian aid official, March 27, 2006.

¹¹¹ *Ibid.*

In March 2006, the United Nations High Commissioner for Refugees (UNHCR) announced that it was forced to slash assistance for Darfur by 44 percent. The reason given was that the steady erosion of security in the past months severely limited its operations and access in Darfur (UNHCR is mainly operational in West Darfur). Its revised budget for 2006 was U.S.\$18.5 million, down from the previously planned U.S.\$33 million.¹¹²

On March 16, 2006, the United Nations Children's Fund (UNICEF) announced that it had received only U.S.\$2.6 million in donor money for Darfur, against a target of U.S.\$91.7 million (i.e. less than 3 percent of the needed amount). UNICEF warned that because of lack of funding it was already in the process of planning to hand over life-sustaining and life-saving programs to the Sudanese government.¹¹³ That would be devastating for the internally displaced and other needy people in Darfur, however, because of the government's limited capacity and its consistent claim that the needs are greatly exaggerated by the "international media."¹¹⁴

The World Food Programme announced in March 2006 that cash shortages had forced it to cut food rations to more than 6 million people in Sudan.¹¹⁵ On April 28, WFP made a further statement that it was forced to cut food rations in Darfur in half because it had only received 32 percent of the \$746 million it requires for Sudan. The head of WFP, James Morris, said "We have been pushed into this last resort of ration cuts in Sudan so we can provide the needy with at least some food during the lean season."¹¹⁶

"Donor fatigue" appears to have set in, at a time when increased resources are needed to reach those whose lives are at greater risk because of Sudanese government and rebel policies and practices that have sharply curtailed humanitarian access.

¹¹² "UNHCR issues new appeals for Sudan operations; insecurity forces cut in Darfur budget," UNHCR press release, Geneva, March 9, 2006, [online] <http://www.reliefweb.int/rw/rwb.nsf/db900SID/HMYT-6MQNL9?OpenDocument&rc=1&emid=ACOS-635PJQ>.

¹¹³ UNICEF, "Humanitarian Action: Darfur, Sudan Donor Update," March 16, 2006, [online] <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-6MXNFF?OpenDocument>.

¹¹⁴ Government of Sudan, press statements, 2005.

¹¹⁵ "Sudan's Food Aid Cut by U.N. Due to Cash Shortages and Violence," Bloomberg, March 10, 2006, [online] <http://www.bloomberg.com/apps/news?pid=10000087&sid=aRPRNR3uf5ug>.

¹¹⁶ "Adding insult to injury? Sharp ration cuts leave Darfur on a diet," WFP press release, Khartoum-Geneva, April 28, 2006, [online] at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACIO-6PADML?OpenDocument&rc=1&emid=ACOS-635PJQ>.

Humanitarian Access under International Humanitarian Law

The conflict in Darfur between the government and rebel forces is considered a non-international (internal) armed conflict under international humanitarian law (the laws of war). Serious violations of international humanitarian law constitute war crimes.¹¹⁷

It is widely recognized that a civilian population suffering undue hardship is entitled to receive humanitarian relief essential to its survival.¹¹⁸ In a report on emergency assistance to southern Sudan in 1996, the U.N. Secretary-General stated:

Any attempt to diminish the capacity of the international community to respond to conditions of suffering and hardship among the civilian population in Sudan can only give rise to the most adamant expressions of concern as a violation of recognized humanitarian principles, *most importantly, the right of civilian populations to receive humanitarian assistance in times of war.*¹¹⁹

All parties to an internal armed conflict, government forces, government-backed militias and rebel groups alike, must allow and facilitate rapid and unimpeded passage of impartial humanitarian assistance for civilians in need.¹²⁰ During numerous armed conflicts the U.N. Security Council has called on the parties to provide safe and unimpeded access for humanitarian assistance. The Rome Statute of the International Criminal Court, which is investigating serious international crimes in Darfur, lists the “deprivation of access to food and medicine, calculated to bring about the destruction of part of a population” as a crime against humanity when committed as part of a widespread or systematic attack against a civilian population.¹²¹

Humanitarian relief agencies cannot in practice function without the express or implied consent of the warring factions. International humanitarian law provides that consent

¹¹⁷ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge Univ. Press, 2005), see rule 156 and accompanying text.

¹¹⁸ *Customary International Humanitarian Law*, p. 197, citing Fourth Geneva Convention of 1949, art. 30; Protocol I, article 70(1); and Protocol II, article 18(2). Article 18(2) of Protocol II, applicable in non-international armed conflicts, states: “If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as food-stuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.” Although Sudan is not a party to Protocol II, many of its provisions are considered reflective of customary international law.

¹¹⁹ U.N. Secretary-General, Report on emergency assistance to Sudan (1996) (emphasis added).

¹²⁰ ICRC, *Customary International Humanitarian Law*, rule 55, discussed at pp. 194-96.

¹²¹ Rome Statute of the International Criminal Court (1998), art. 7. During an international armed conflict, “willfully impeding relief supplies” as part of an effort to starve civilians, is also a war crime. *Id.* art. 8(2)(b)(xxv).

cannot be refused on arbitrary grounds.¹²² According to the *Commentary* of the International Committee of the Red Cross, if a civilian population is at risk of starvation, a party is obliged to give consent to an impartial humanitarian relief organization.¹²³ And while international humanitarian law permits parties to a conflict to take certain measures to control the content and delivery of humanitarian assistance, they cannot deliberately or willfully impede its delivery.¹²⁴

Parties to an armed conflict must ensure that humanitarian workers have the freedom of movement to conduct humanitarian operations. Only in the case of “imperative military necessity” may their movements be restricted; these restrictions must be limited and temporary, such as when relief operations interfere with military operations and could endanger humanitarian workers.¹²⁵ The U.N. Security Council adopted a resolution in 2000 on the protection of civilians in armed conflicts in which it called upon governments and opposition armed groups to “ensure the safety, security and freedom of movement” of humanitarian relief workers.¹²⁶

International humanitarian law provides special protection for humanitarian relief workers, which considers their safety and security an indispensable condition for the delivery of humanitarian aid.¹²⁷ On numerous occasions the U.N. Security Council has urged parties to internal armed conflicts to respect and protect humanitarian workers.¹²⁸

Of course, all humanitarian aid workers are entitled to the same protections from direct or indiscriminate attack as are ordinary civilians and from any mistreatment at any time by a party to the conflict.¹²⁹ Prohibited are efforts to harass, intimidate, or arbitrarily detain them.¹³⁰ Likewise, objects used in humanitarian relief operations, such as food and medicines, buildings, materials, and vehicles, are civilian objects and must be respected and protected.¹³¹ Destruction, theft and looting of such objects is prohibited.¹³²

¹²² ICRC, *Customary International Humanitarian Law*, p. 197, citing Protocol I, article 70(1); Protocol II, article 18(2). Refusal to allow relief could be equivalent to using starvation as a method of combat in violation of article 14 of Protocol II (Protection of objects indispensable to the survival of the civilian population).

¹²³ ICRC, *Commentary on the Additional Protocols of 1977 to the Geneva Conventions of 1949* (Nijhoff, Geneva: 1987), p. 1479.

¹²⁴ ICRC, *Customary International Humanitarian Law*, p. 198, citing Protocol I, article 70(3).

¹²⁵ *Ibid.*, rule 56, p. 200 citing Protocol I, article 71(3).

¹²⁶ U.N. Security Council Resolution 1296 (2000).

¹²⁷ *Ibid.*, rule 31, p. 105, citing Protocol I, article 71(2).

¹²⁸ *Ibid.*, rule 31, p. 107, citing U.N. Security Council resolutions.

¹²⁹ See, e.g. common article 3 to the 1949 Geneva Conventions. Sudan is a party to the 1949 Geneva Conventions.

¹³⁰ ICRC, *Customary International Humanitarian Law*, rule 31, p. 108, citing various UN Security Council resolutions and state practice.

¹³¹ *Ibid.*, rule 32, p. 109, citing ICC Statute, article 8(2)(e)(iii) (prohibiting “[i]ntentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance mission . . . , as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict).

¹³² Ibid., rule 32, p. 111, citing U.N. Security Council resolutions and state practice.