

Summary

The Sudan government's campaign of "ethnic cleansing" in the Darfur region has gained widespread international attention since it began four years ago. Today, the situation is transforming from a highly destructive armed conflict between rebels and the government into a violent scramble for power and resources involving government forces, pro-government militias known as "Janjaweed," various rebel and former rebel factions, and bandits. Despite its complexities, this chaotic situation must not deflect attention from the Sudan government's primary responsibility for massive civilian deaths and for the displacement of some 2.4 million people since 2003, including 200,000 refugees.¹

While the Darfur conflict is often characterized as a clash between "Arab" and "non-Arab" African people, this radically oversimplifies and mischaracterizes the conflict. Rather, the ways in which both the rebel movements and primarily the Sudanese government have manipulated ethnic tensions have served to polarize much of the Darfur population along ethnic lines. These tensions create shifting alliances among the government, Arab and non-Arab tribes, and rebel groups as well as internecine conflicts among competing Arab groups and among rebel factions. Rebels and former rebels have directly targeted civilians from other non-Arab groups and attacked African Union (AU) peacekeepers and humanitarian workers trying to provide assistance to Darfurians. These subsidiary conflicts themselves contribute to the mass displacement and deaths of people. The government continues to stoke the chaos and, in some areas, exploit intercommunal tensions that escalate into open hostilities, apparently in an effort to "divide and rule" and maintain military and political dominance over the region.

¹ As of July 2007 the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) estimates that there are 2.2 million internally displaced persons (IDPs) in Darfur. There are also approximately 200,000 Darfuri refugees in Chad. UN OCHA, "Sudan Humanitarian Overview, Issue 3, Vol 5," July 31, 2007, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-768EVJ?OpenDocument> (accessed August 28, 2007).

On July 31, 2007, the United Nations (UN) Security Council, with the consent of Sudan, agreed to deploy a peacekeeping force of up to 26,000 military and police personnel in Darfur. This combined African Union and UN “hybrid” force (UNAMID) is mandated to take over from the beleaguered AU peacekeeping mission, AMIS, which has been operating in Darfur since 2004. The new mission will be equipped with greater resources to protect civilians and humanitarian workers, and to oversee implementation of a tenuous peace agreement.

Expectations are high for what UNAMID could accomplish, but it will face many challenges. It is therefore imperative that alongside the peacekeeping operation, the international community maintains continual pressure on the Government of Sudan, as well as other parties to the conflict, to reverse abusive policies and practices that contribute to civilian insecurity. These policies include deliberate and indiscriminate attacks on civilians, continuing support for abusive militia/Janjaweed and the failure to disarm them, obstructing the deployment and work of AMIS peacekeepers and humanitarian workers, failing to address the culture of impunity (including by failing to abolish laws providing immunity or otherwise strengthen the justice system) and refusing to cooperate with the International Criminal Court, and allowing the consolidation of ethnic cleansing through land use and occupation.

The most important task for the international peacekeepers will be to improve security for the civilian population and make freedom of movement possible for the 2.2 million displaced persons inside Darfur and the millions of others who remain in their towns and villages. It is unlikely that the mere presence of international peacekeepers will be enough to deter attacks on the civilian population from government forces, Janjaweed, rebels, and others. In order to contribute to the protection of civilians, Darfur will require a proactive and mobile peacekeeping operation.

The peacekeeping force will also have to create a secure enough environment so that humanitarian groups can reach the estimated 4.2 million people in

desperate need. Finally, the force must support the government's law enforcement and justice systems through monitoring, constructive criticism, and capacity building initiatives to enable state institutions to provide protection to Darfur's beleaguered populations rather than serving as an element of their oppression.

Moreover, Darfur's civilians need protection now, and cannot wait for UNAMID to become fully operational. Currently, AMIS is not an effective protection force. Recent efforts to strengthen it with additional resources (such as additional police and logistical capabilities and two additional battalions) have the potential to improve security, as well as ease the transition from AMIS to UNAMID. In this interim period, AMIS protection initiatives that have ceased in certain areas, including daytime, nighttime and firewood patrols, should resume immediately.

The situation in Darfur remains grave. The violations of international human rights and humanitarian law that Darfurians suffered in recent years have continued into 2007. Government air and ground forces have repeatedly conducted indiscriminate attacks in areas of rebel activity, causing numerous civilian deaths and injuries. Looting, beatings, murder, and rape perpetrated primarily (but not exclusively) by government forces, Janjaweed, and former rebels have created a climate of fear that impinges on everyday life for millions of people in towns, villages, and displaced persons camps.

People forced to flee their homes who make it into the camps invariably find themselves trapped there. If they venture outside to collect firewood, farm, or attempt to return to their villages they risk being harassed, robbed, beaten, or murdered by Janjaweed or other armed men. Women and girls attempting to carry out the routine activities of daily life are often sexually harassed and raped by these armed men, who include government forces or even former rebels who once claimed to be fighting on behalf of their victims. Insufficient security in the camps has exacerbated problems of domestic violence and sexual exploitation.

Humanitarian assistance for populations at risk remains precarious. Rebels, former rebels, government forces, and the Janjaweed have hijacked, robbed, harassed, or physically abused humanitarian workers, hindering the delivery of aid. The government also continues to threaten and place unnecessary bureaucratic obstacles in the way of humanitarian organizations.

The Government of Sudan's systematic failure to address these abuses is reflected in its reluctance to take genuine steps to protect civilians, end the impunity of perpetrators, or undertake other meaningful measures to ensure accountability for the crimes committed in Darfur. The government has failed to invest in its own police force, which is far too weak to disarm the Janjaweed, let alone protect people from rape and robbery and other crimes. Some police themselves commit such abuses with impunity. Thus, the militia forces that rain violence on Darfur remain strong, active, and unchallenged. Some former militiamen have been incorporated into civil defense forces, such as the Central Reserve Police, whose duty is to protect displaced persons and other civilians.

Although the intense government military operations that caused massive death and displacement in 2003 and 2004 have declined, the government's abusive policies continue through many of the same mechanisms as before, both in overt and more subtle ways. The current conflict with its many actors and agendas may be more complex and opaque than the crisis of 2003-2004, but it is no less threatening to the lives, security, and livelihoods of millions of Darfurian civilians who remain vulnerable to violence.

This ongoing violence prevents hundreds of thousands of displaced people from returning home. Meanwhile, the land on which displaced persons and refugees once lived has become free for the taking, open to use and occupation by the ethnic groups comprising the Janjaweed, by new arrivals fleeing a linked conflict in neighboring Chad, and by others. Land occupation serves to consolidate the ethnic cleansing campaign, and greatly threatens the prospects for long-term peace in the region.

Much depends on the success of the transition from AMIS to the new peacekeeping mission. However, an enhanced peacekeeping presence alone will not end the abuses described in this report. The government and other parties to the conflict are ultimately responsible for bringing an end to widespread rights abuses and violations of international humanitarian law. Structural changes leading to disarmament, accountability, and improved law enforcement are all needed, along with long-term economic and social development programs. Unless these issues are addressed together the future of the people of Darfur will remain in peril.

Recommendations

To the Government of Sudan

- Government forces and government-sponsored and supplied militia/Janjaweed must immediately (1) cease their campaign of ethnic cleansing and (2) stop all deliberate or indiscriminate ground and aerial attacks against civilians and civilian property in Darfur.
- Do not obstruct, and cooperate fully with, AMIS and UNAMID (1) to expedite the arrival and full deployment of the AMIS “Light Support Package” (LSP) and “Heavy Support Package” (HSP) and the UNAMID peacekeeping force and (2) to ensure that AMIS and UNAMID can carry out their mandates unhindered, including having freedom of movement throughout Darfur.
- 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 permits for all humanitarian aid organizations and workers, and fully cooperate with such organizations so that they can perform their humanitarian functions. Immediately cease jeopardizing the security of humanitarian personnel by using white aircraft and vehicles that may be mistaken for humanitarian transport.
- Enable the voluntary return of refugees and displaced persons to their homes in safety and dignity, including by ensuring security and freedom of movement in and out of camps and along key roads, and the urgent distribution of adequate grain and other food items, such as seeds and tools, and basic reconstruction materials to all populations in need. Publicly announce that official or unofficial occupation or settlement of land belonging to displaced persons will not be permitted.

- Seek international expertise to strengthen Darfur's law enforcement system by implementing professional training and providing adequate resources so that (1) victims of criminal offenses, especially victims of sexual violence, have access to justice and (2) law enforcement officials implicated in abuses are disciplined or prosecuted in accordance with international legal standards.
- Cease military, financial, and political support to, and recruitment of, abusive militia/Janjaweed and immediately implement militia/Janjaweed disarmament programs in accordance with relevant international standards.
- Investigate crimes against humanity, war crimes, and other violations of international law committed in Darfur since 2003, including those committed by the Sudanese armed forces and militia/Janjaweed, try alleged perpetrators in accordance with international fair trial standards, and confiscate all property unlawfully obtained and return it to the owners.
- Investigate, prosecute, and suspend from official duties pending investigation Sudanese officials alleged to be involved in the planning, recruitment, and command of abusive militia/Janjaweed.
- Fully cooperate with the International Criminal Court, as per UN Security Council Resolution 1593, including handing over Ahmed Haroun and Ali Kosheib in accordance with the arrest warrants issued by the Pre-Trial Chamber on April 27, 2007. Undertake legal reforms and other steps to strengthen Sudan's justice system, such as amending legislation and revoking the presidential General Amnesty Decree No. 114 of 2006 that confers immunity upon perpetrators of abuses.

- Take significant steps, including by engaging in substantial development projects, to help halt resource competition and conflict in Darfur.

To the “non-signatory” rebel groups and former rebel groups

- Cease all indiscriminate or targeted attacks against civilians, regardless of their ethnicity or political affiliation.
- Facilitate the full, safe, and unimpeded access of humanitarian personnel and the urgent delivery of humanitarian assistance to all populations in need in Darfur.
- Cease all attacks against AMIS peacekeepers and allow AMIS and UNAMID to carry out their mandate unhindered, including freedom of movement throughout Darfur.
- Immediately communicate the abovementioned orders to field commanders.

To the African Union Mission in Sudan

- Bolster civilian protection and freedom of movement including by actively patrolling along the main roads and in key areas such as markets, and reengage with the communities to build support and trust for reinstating “firewood” patrols and other short- and long-distance patrols inside and outside camps and towns.

To the UN Department of Peacekeeping Operations and the AU Peace and Security Directorate’s Darfur Integrated Task Force (DITF)

- UNAMID should be widely and strategically dispersed in stations throughout Darfur, so that it has access to the civilian population and to especially volatile areas. Peacekeepers should also be equipped and authorized to construct and deploy to temporary bases for short-

and medium-length stays while permanent bases are being constructed.

- Ensure that UNAMID has strong rapid response capabilities, including sufficient personnel, attack helicopters, and armored personnel carriers (APCs), and real-time and accurate information gathering and analysis technology to carry out daytime and nighttime activities that could include reconnaissance missions, placing peacekeepers in positions to protect civilians prior to expected attacks, providing armed protection to civilians who come under attack, conducting search and rescue missions if humanitarian or other convoys are hijacked, or investigating ceasefire violations immediately after they occur.
- Ensure that UNAMID carries out, in coordination with the local community, regular “firewood” patrols, market day patrols, foot patrols inside camps, as well as other day and night patrols inside and outside camps and towns, especially in volatile areas.
- Ensure that UNAMID puts a particular focus on its civilian police component, and deploys well trained and well resourced police to monitor government and rebel policing activities and to engage in capacity building activities aimed at strengthening Sudanese police. Ensure the police are trained to investigate human rights abuses (in particular sexual violence) and that adequate numbers of female civilian police officers and interpreters are deployed. Police versed in children’s rights issues should also be deployed.
- Increase the number of human rights officers in Darfur, disperse them in satellite offices, provide them with sufficient interpreters and other necessary resources, and ensure that adequate numbers of female human rights officers are deployed. Ensure that human rights officers have a dual reporting line to the Office of the UN High Commission for

Human Rights (OHCHR) and UNAMID and continue to allow OHCHR to publicly report their findings.

- Ensure that UNAMID maintains ongoing contact with humanitarian agencies to understand where UNAMID assistance is needed to secure humanitarian relief, and respects the space that humanitarian agencies require to carry out their activities in a neutral fashion.
- In accordance with Security Council Resolution 1325 (2000), ensure that UNAMID has a strong gender component at all levels, and that peacekeepers are held accountable for any acts of sexual harassment, exploitation, or violence.

To UN member states and AU member states

- Establish and closely monitor benchmarks for all parties to the conflict for compliance with their obligations under international humanitarian and human rights law, and impose unilateral or multilateral sanctions for non-compliance. These benchmarks should include (1) ending attacks on civilians and the unlawful use on aircraft of UN and AMIS colors or markings, (2) ending support to abusive militia/Janjaweed and initiating militia/Janjaweed disarmament programs, (3) facilitating the expeditious deployment of AMIS and UNAMID and ensuring they can carry out their mandate unhindered, including having freedom of movement throughout Darfur, (4) ending impunity and promoting accountability through full cooperation with the International Criminal Court, and undertaking legal reforms and other steps to strengthen Sudan's justice system, (5) increasing humanitarian access, and (6) ending the consolidation of ethnic cleansing through land use and occupation. (For a more detailed list of these benchmarks see "International response" below).
- Ensure that AMIS and UNAMID have adequate personnel, equipment, technical expertise, and other resources, noting that improved security

in Darfur will be contingent upon their rapid response capabilities, patrolling activities, and police mandate.

- Provide assistance and support to the voluntary return and effective reintegration of Dafurian refugees and displaced persons into their home communities.
- Support international humanitarian assistance and human rights monitoring and investigations in Darfur.
- Contribute to the economic and social reconstruction of Darfur.

To the United Nations Security Council

- Establish and closely monitor benchmarks for all parties to the conflict for compliance with their obligations under international humanitarian and human rights law and impose sanctions for non-compliance. (For a detailed list of these benchmarks see recommendations to UN member states and AU member states above.)