



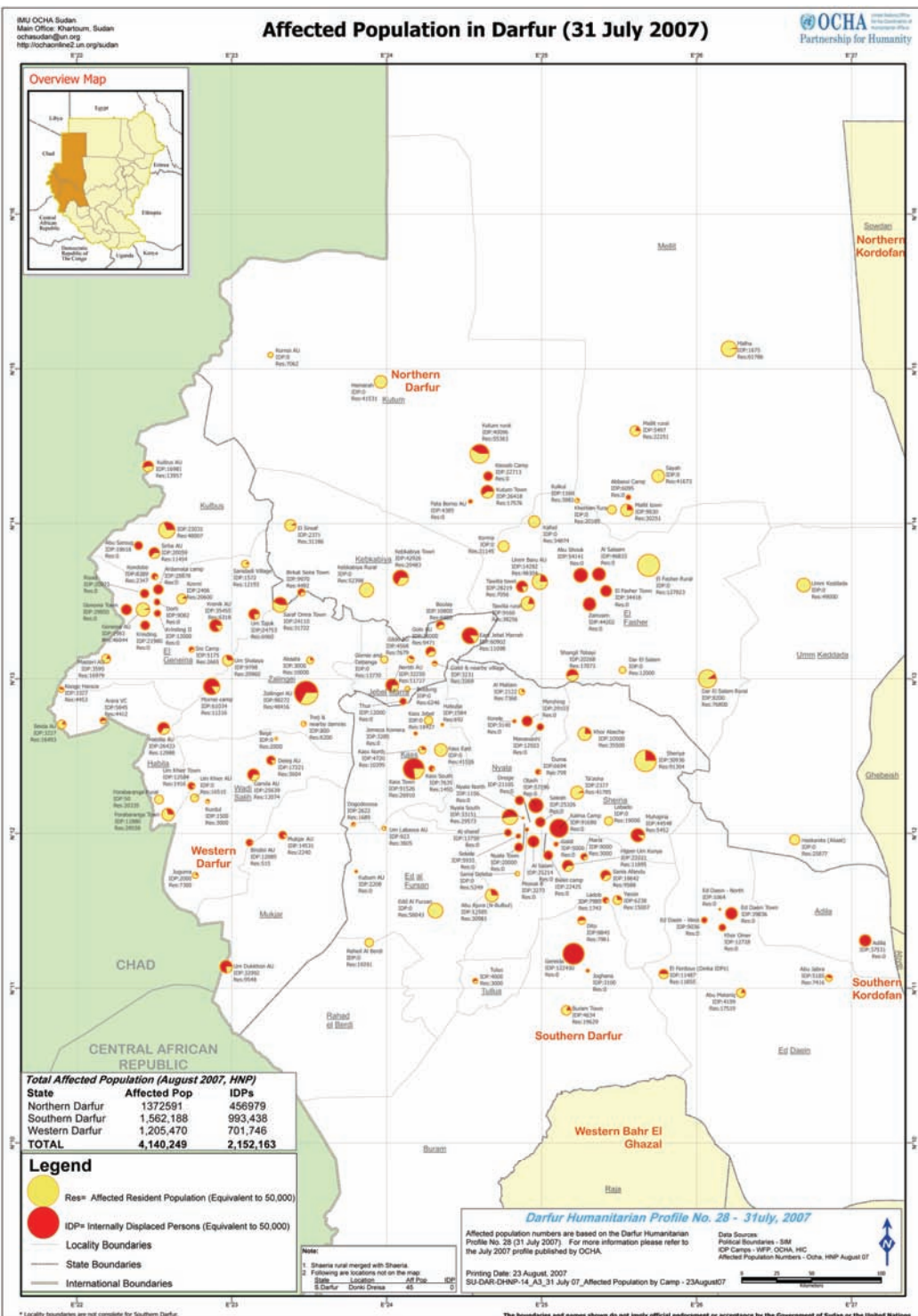
Darfur 2007: Chaos by Design

Peacekeeping Challenges for AMIS and UNAMID

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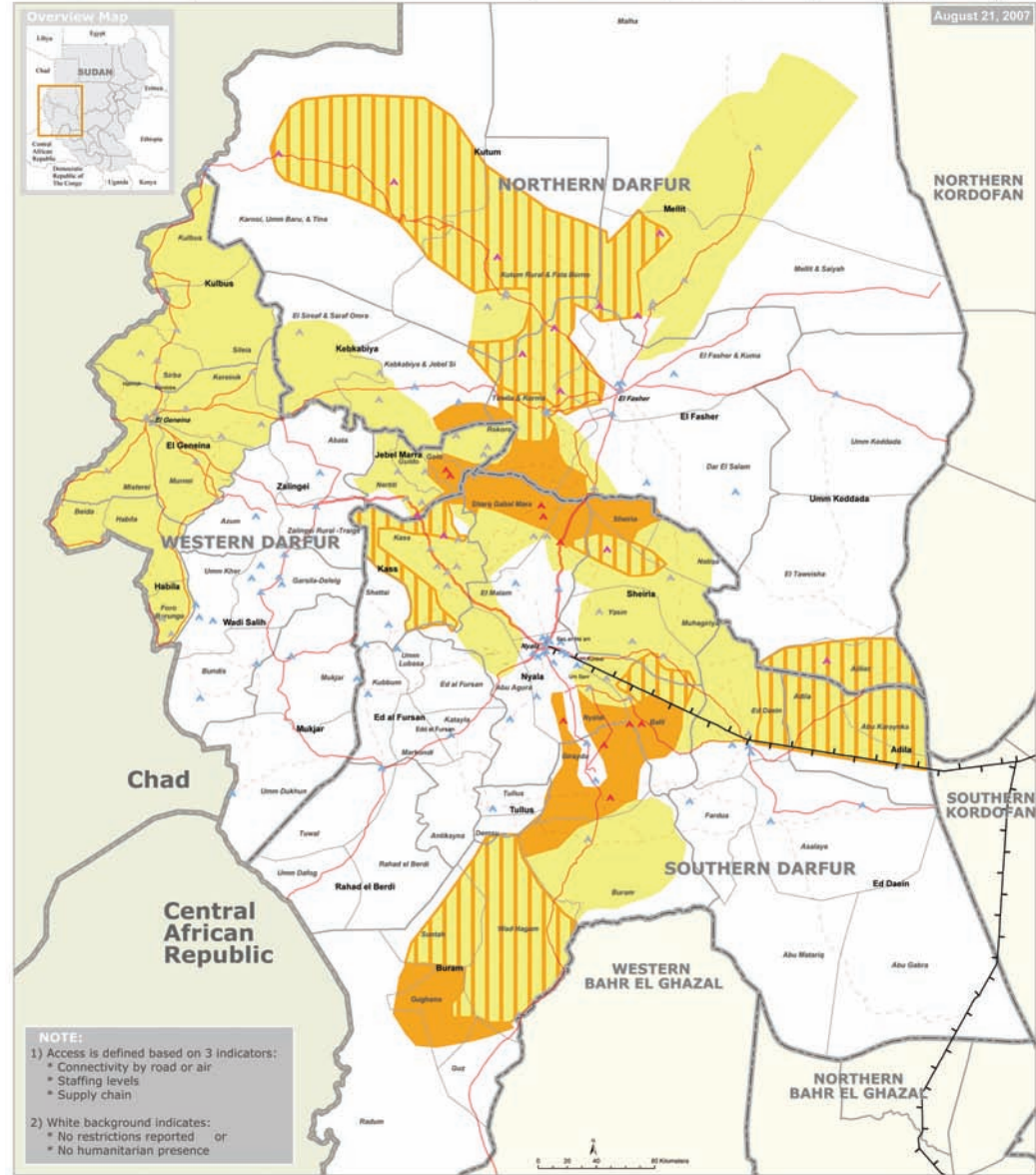
Maps



DARFUR, SUDAN Humanitarian Access Map

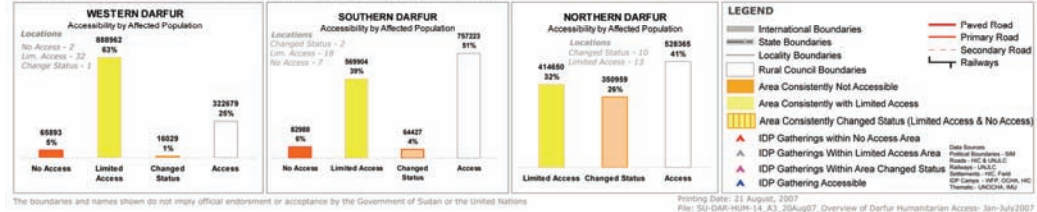
Areas Consistently Limited Access and No Access (From January to July 2007)

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NOTE:
1) Access is defined based on 3 indicators:
* Connectivity by road or air
* Staffing levels
* Supply chain
2) White background indicates:
* No restrictions reported or
* No humanitarian presence

* Affected population figures and IDP Gathering locations used in this map are based on Humanitarian Needs Profile (HNP), Dated April 2007 and July 2007. Approximate humanitarian access data based on discussions with humanitarian agencies operating in Darfur.



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.)

Background

In April 2003 a simmering low-intensity conflict dramatically escalated when rebel groups attacked the airport in El Fashir, the capital of North Darfur, destroying several Sudanese air force planes.² In response to this and subsequent rebel attacks the Sudanese government launched massive military operations against civilian populations primarily of the Fur, Zaghawa, and Masalit ethnic groups—the same ethnicities as the majority of the rebel Sudan Liberation Army/Movement (SLA) and Justice and Equality Movement (JEM). The campaign was carried out by government forces and by militias known as the Janjaweed, whom the government recruited, supported, armed, and coordinated in many of the attacks.³ By mid-2004 tens of thousands of civilians had been killed and more than a million people displaced, and hundreds of villages had been burned and looted.⁴ Rape and sexual violence against women and girls has been a prominent feature of the ethnic cleansing campaign carried out by government forces and militias, both during and following displacement in Darfur.⁵

² Human Rights Watch, *Darfur in Flames: Atrocities in Western Sudan*, vol. 16, no. 5 (A), April 2004, <http://hrw.org/reports/2004/sudano404/>, p. 9.

³ The terms “militia” and “Janjaweed” are used interchangeably throughout this report. Although the term “Janjaweed” is controversial, it and the term “militia” are used to refer to men who were armed by the government and fought, or continue to fight, alongside the government or independently as informal fighters or as formal members of government paramilitary groups such as the Popular Defense Forces and Border Intelligence unit. The terms “militia” and “Janjaweed” are not used to describe members of the regular security services, including police, Sudanese Armed Forces (including Military Intelligence), or National Intelligence and Security Service, nor are these terms used to describe Sudanese rebels.

⁴ See Human Rights Watch, *Darfur in Flames; Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan*, vol. 16, no. 6(A), May 2004, <http://hrw.org/reports/2004/sudano504/>; *Darfur Documents Confirm Government Policy of Militia Support*, July 20, 2004, <http://hrw.org/english/docs/2004/07/19/darfur9096.htm>; *Empty Promises: Continuing Abuses in Darfur, Sudan*, August 11, 2004, <http://hrw.org/backgrounder/africa/sudan/2004/index.htm>; *If We Return We Will Be Killed*, November 2004, <http://hrw.org/backgrounder/africa/darfur1104/>; *Targeting the Fur: Mass Killings in Darfur*, January 24, 2005, <http://hrw.org/backgrounder/africa/darfuro105/>; *Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad*, April 12, 2005, <http://hrw.org/backgrounder/africa/darfuro505/darfuro405.pdf>; and *Entrenching Impunity: Government Responsibility for International Crimes in Darfur*, vol. 17, no.17(A), December 2005, <http://hrw.org/reports/2005/darfur1205/index.htm>.

⁵ Human Rights Watch, *Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad*, p. 2.

Ethnic distinctions in Darfur are highly politicized and complex. The region is home to numerous groups who generally identify themselves as either “Arab” or “non-Arab,” and tensions between people belonging to these broad categories have existed for decades. In the 1960s Darfur was used as a base by largely “Arab” Chadian rebel groups fighting to overthrow their country’s government. In the 1970s Libyan leader Col. Mu`ammar al-Qadhafi, bent on “Arabizing” Chad and Sudan, created and supported militant “Arab” groups in Darfur whose aim was to overthrow the governments of both countries. Neither plan succeeded, but the population of Darfur continued to become polarized into opposed “Arab” and “non-Arab” groups.⁶

In the 1980s climate change, famine, and the intensifying conflict in southern Sudan brought further political instability to Darfur. During the dry season nomads from the northern Sahel have long migrated south into the fertile belt of central Darfur mainly occupied by non-Arab farmers. Disputes over trampled crops and grazing land have been common, but in the past were usually settled through traditional reconciliation methods. In the mid-1980s the government of Sudan began arming Arab militia groups to aid its campaign against southern Sudanese rebels and the communities perceived to be supporting them. The introduction of modern weaponry, along with a severe drought, further polarized ethnic relations in the Darfur region. Clashes over land, grazing, and water resources intensified in the 1990s, and the underfunded and under-resourced Sudanese police rarely responded appropriately; nor did the central government invest in the type of development activity that might have calmed and prevented further conflict. Some non-Arab communities, particularly the Fur, Masalit, and Zaghawa, perceived the federal government as biased in favor of Darfur’s Arab communities for both racial and political reasons.⁷ It was these non-Arab grievances that culminated in the attacks on the El Fashir airport.

⁶ Julie Flint and Alex de Waal, *Darfur: A Short History of a Long War* (London and New York: Zed Books, 2005), p. 23; and Gerard Prunier, *Darfur: The Ambiguous Genocide* (New York: Cornell University Press, 2007), p. 45.

⁷ Human Rights Watch, *Darfur in Flames*, pp. 7-8.

In 2003 the Sudanese government exploited tensions in the region further by mobilizing thousands of desperately poor men, most of whom identify themselves as Arabs, from land severely scarred by desertification and water shortages, into Janjaweed militias. The Janjaweed went on to commit widespread atrocities against the largely non-Arab African communities of settled farmers throughout the region, reaping the war booty and causing mass flight into internally displaced person (IDP) camps and over the border into Chad. The ongoing terror prevents displaced people from returning home.

International attention in Darfur often focuses on aerial bombardments and the burning of villages in violation of international humanitarian law. While such attacks continue to drive people into camps, it is constant harassment and abuses primarily by the government, Janjaweed, and former rebels that keeps them there. Police, who are responsible for protecting people inside and outside camps, lack the political will and resources to prevent these abuses, and on numerous occasions have themselves committed abuses. The climate of fear, along with the land occupations and almost total lack of accountability for war-related crimes, is essentially consolidating the ethnic cleansing campaign and allowing it to continue.

During the past three years, Darfur has experienced changes in the dynamics of the conflict, but there has been no dramatic or sustained improvement in security for civilians. Attacks may subside during the dry season, when farms are idle and nomads and farmers are in less contact with each other, and people have also learned to avoid provoking attacks by remaining indoors or traveling to and from markets at night. While this temporarily lowers the number of reported abuses, it does not indicate that the situation is improving.

In April 2004 the Sudanese government and the two rebel movements signed a humanitarian ceasefire agreement mediated by the Chadian government with support from the African Union. This led to the establishment of an AU peacekeeping mission, the African Union Mission in Sudan (AMIS), which was at first mandated to provide military observers to monitor and report on the

ceasefire; an armed force to protect civilians and humanitarian aid workers; and an unarmed civilian police force and support teams were added later.⁸ Since that time, AMIS has increased its forces to over 7,000 personnel (including 612 military observers, 5,202 force protection personnel, and 1,425 civilian police).⁹ This is now being supplemented by a “Light Support Package” (LSP) and a “Heavy Support Package” (HSP) that will provide additional personnel and resources as a build up to the eventual transition of AMIS to UNAMID.

Most of the LSP has been deployed, which included small numbers of military, police, and civilian personnel, as well as medical and public information equipment, and armored personnel carriers (APCs). The HSP includes 2,250 military personnel to focus their efforts on transport, engineering, logistics, surveillance, aviation, and medical service, as well as 301 police and three police units. Civil affairs, humanitarian liaison, public information, mine action, and political support officers are also included, as well as military, police, and civilian support staff. The HSP also includes attack helicopters. As of September 2007 at least 35 percent of the HSP civilian personnel were deployed and countries had pledged to provide nearly all the additional resources, with the exception of the helicopters.¹⁰

⁸ Human Rights Watch, *Sudan: Imperatives for Immediate Change: The African Union Mission in Sudan*, vol. 18 no.1(A), January 2006, <http://hrw.org/reports/2006/sudano106/>. AMIS has the protection mandate to:

- Protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan.
- Protect both static and mobile humanitarian operations under imminent threat, and in the immediate vicinity, within capabilities.
- Provide visible military presence by patrolling and by the establishment of temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population.

For the complete text of the AMIS mandate, see the African Union Peace and Security Council communiqué of October 20, 2004, http://www.africa-union.org/News_Events/Communiqués/Communiqué%20_Eng%2020%20oct%202004.pdf (accessed September 11, 2007).

⁹ Internal AMIS military figures for August 9, 2007, provided to Human Rights Watch from confidential source (for reasons of security the names and other identifying details of many sources of information to Human Rights Watch have been withheld in this report). The police figure is from AMIS as of January 2007, <http://www.amis-sudan.org/AMIS%20Strength.html> (accessed August 29, 2007).

¹⁰ “Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur,” S/2007/517, August 30, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/493/10/PDF/N0749310.pdf?OpenElement> (accessed September 8,

In an effort to strengthen the international response to the crisis, the UN Security Council has passed various resolutions imposing an arms embargo and calling for an end to offensive military flights and for the disarmament of the Janjaweed.¹¹ Resolution 1593, passed in March 2005, referred the situation in Darfur to the prosecutor of the International Criminal Court (ICC) and imposed an obligation on Sudan to fully cooperate with the court's investigations. On April 27, 2007, the ICC's Pre-Trial Chamber issued arrest warrants for Sudan's state minister for humanitarian affairs, Ahmed Haroun, and the Janjaweed militia leader, Ali Kosheib, for a series of attacks in West Darfur in 2003 and 2004 (see also below).¹²

A second Security Council resolution established a sanctions committee that has imposed travel bans and asset freezes on four individuals from different sides of the conflict (see also below).¹³ The US government has also placed unilateral sanctions on three Sudanese individuals and 30 companies owned or controlled by the Government of Sudan, and one other Sudanese air transport company that violated the arms embargo.¹⁴

2007); and Human Rights Watch telephone interview with UN Department of Peacekeeping Operations official, September 7, 2007.

¹¹ See United Nations Security Council Resolution 1591 (2005), S/RES/1591 (2005), <http://daccessdds.un.org/doc/UNDOC/GEN/No5/287/89/PDF/No528789.pdf?OpenElement> (accessed August 19, 2007); and United Nations Security Council, Resolution 1556 (2004), S/RES/1556 (2004), <http://daccessdds.un.org/doc/UNDOC/GEN/No4/446/02/PDF/No444602.pdf?OpenElement> (accessed August 28, 2007).

¹² There are spelling variations for the names of each suspect. The International Criminal Court uses the spellings "Ahmad Harun" and "Ali Kushayb." See International Criminal Court, "Warrant of Arrest for Ahmad Harun," ICC-02/05-01/07, April 27, 2007, http://www.icc-cpi.int/library/cases/ICC-02-05-01-07-2-Corr_English.pdf, and International Criminal Court, "Warrant of Arrest for Ali Kushayb," ICC-02/05-01/07, April 27, 2007, http://www.icc-cpi.int/library/cases/ICC-02-05-01-07-3_English.pdf (both accessed August 30, 2007); and "Warrants of Arrest for the Minister of State for Humanitarian Affairs of Sudan, and a leader of the Militia/Janjaweed," International Criminal Court press release, May 2, 2007, http://www.icc-cpi.int/pressrelease_details?id=241.html (accessed August 19, 2007).

¹³ United Nations Security Council, Resolution 1591 (2005), S/RES/1591 (2005). The sanctions were imposed on the four individuals by the Security Council in resolution 1672 on April 25, 2006. United Nations Security Council, Resolution 1672 (2006), S/RES/1672 (2006), <http://daccessdds.un.org/doc/UNDOC/GEN/No6/326/77/PDF/No632677.pdf?OpenElement> (access August 28, 2007).

¹⁴ "U.S. imposes new sanctions against Sudan," CNN, May 29, 2007, <http://www.cnn.com/2007/POLITICS/05/29/bush.sudan/index.html> (accessed August 27, 2007). The three individuals are Ahmed Haroun, Sudan's state minister for humanitarian affairs (wanted by the ICC); Awad Ibn Auf,

A third Security Council resolution established the UN Mission in Sudan (UNMIS) and provided additional UN non-military resources to the Darfur region. At first it was envisaged that UNMIS would only facilitate the implementation of the Comprehensive Peace Agreement, which brought an end to the 21-year civil war between north and south Sudan, but it was also mandated to provide non-military resources to Darfur as well.¹⁵

At the same time, the situation on the ground in Darfur has grown increasingly complicated as the number of actors has proliferated. From the start, AMIS has been understaffed, under-resourced, and beset with command and control problems, and the fighting, displacement, and abuses continued. Then, in October and November 2005, the SLA rebel movement, which constituted the main military rebel force on the ground, began to splinter significantly at a conference in the eastern Darfur village of Haskanita that was supposed to unify the movement—instead, it did the opposite. Abdul Wahid Mohamed al Nour, a prominent rebel leader with support from the Fur ethnic group, refused to attend and Minni Arku Minawi, who drew support mainly from the Zaghawa, was elected leader. Three months later, the resulting rift culminated in heavy fighting in North Darfur between SLA fighters loyal to these two leaders.¹⁶ Many civilians were killed in the fighting and others were forced to flee, as each group targeted not only fighters but also civilians from the opposing tribes.¹⁷

The SLA fractured further in the run up to, and aftermath of, the signing of the Darfur Peace Agreement (DPA) between the government and Mini Minawi's SLA faction (SLA/Minawi) in Abuja, Nigeria in May 2006. Thereafter, Minawi was appointed special assistant to the president of Sudan and moved to

Sudan's head of military intelligence and security; and Khalil Ibrahim, leader of the Justice and Equality Movement (JEM).

¹⁵ United Nations Security Council Resolution 1590 (2005), S/RES/1590 (2005) <http://daccessdds.un.org/doc/UNDOC/GEN/No5/284/08/PDF/No528408.pdf?OpenElement> (accessed August 19, 2007).

¹⁶ UN Office of the High Commissioner for Human Rights (OHCHR), "Third Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan," Geneva, May 2006, pp. 13-14.

¹⁷ Ibid.

Khartoum. The DPA further inflamed relations among rival “signatory” and “non-signatory” rebel groups, and the government also escalated attacks against non-signatories. Since then a small number of other rebel leaders and their followers have entered into agreements with the government, including Abul Gassim Imam Elhag Adam, who was subsequently appointed governor of West Darfur.

Meanwhile, Chadian rebels bent on deposing Chadian President Idriss Déby have been operating out of West Darfur, and Sudanese rebels have been operating out of Chad. In 2006 and 2007 Libya and Saudi Arabia brokered peace agreements committing the governments of Sudan and Chad to cease providing support to the other country’s rebel groups.¹⁸ The February 2006 Tripoli Agreement proposed a mechanism to enforce these commitments in the form of joint patrols that would be deployed to both sides of the Chad-Sudan border.¹⁹ Libya also hosted peace talks between Déby’s government and the Chadian rebels, but on July 2, 2007, after having dropped their demands that Chad’s political parties be included in the negotiations and that President Déby step down, the rebels threatened to return to all-out hostilities due to lack of progress.²⁰ With peace in Chad far from secure, United Nations and European Union (EU) personnel traveled to Chad in August 2007 to assess the prospects for deploying a proposed joint UN-EU civilian protection force to eastern Chad (the force is also designed to have a presence in the northeastern region of the Central African Republic). The EU is making preparations for sending the force and President Déby has agreed to the force in principal.

An often overlooked aspect of the Darfur conflict is the political and social dynamics of the Arab communities in the region. While some Arab militia are

¹⁸ On February 8, 2006 the Tripoli Agreement was signed. On May 3, 2007, Chad and Sudan signed a reconciliation agreement in Saudi Arabia that committed them to improving relations and adhering to the Tripoli Agreement.

“TEXT: Sudan and Chad reconciliation agreement,” Sudan Tribune, May 4, 2007, <http://www.sudantribune.com/spip.php?article21717> (accessed August 19, 2007).

¹⁹ “Sudan, Chad reportedly agree to deploy joint patrols,” Sudan Tribune, June 10, 2007, <http://www.sudantribune.com/spip.php?article22304> (accessed August 19, 2007).

²⁰ “Chad rebels warn of return to war if Libya talks fail,” Reuters, July 2, 2007, <http://www.alertnet.org/thenews/newsdesk/Lo2113583.htm> (accessed August 19, 2007).

still being organized, armed, and supported by the government and often do its “dirty work,” some Arab communities have remained neutral. Some individuals have spoken out against government and militia abuses and some joined the rebels. Groups with a predominantly Arab base have also taken up arms against the government independently, in protest against underdevelopment and the exploitation of their grievances for political ends. On August 14, 2007, the secretary-general of one of these rebel groups, the Democratic Popular Front Army (DPFA), informed Reuters they had kidnapped 12 Sudanese soldiers.²¹ “The government took advantage of our sons and paid them and gave them arms and used them to fight against others,” he said, “We want them to stop, [we want the Popular Defense Force] to leave people to live their lives and be able to farm and feed their cattle and eat and live in peace.”²² The government denied the kidnapping allegations.²³ Since January 2007 Darfur has also been the site of intense inter-tribal fighting amongst members of various Arab groups, many of whom belong to Sudan’s security forces.

It would be impossible to list every human rights abuse and violation of international humanitarian law that has taken place so far in Darfur in 2007.²⁴ The accounts in this report sketch the broad contours of the conflict in Darfur’s three main states and in the especially volatile Jebel Marra region. The final sections of the report attempt to convey the everyday experience of millions of Darfurians caught up in the conflict, the obstacles faced by

²¹ One Reuters article reported that the group responsible for the kidnappings was the DPFA. Another Reuters article reported that the responsible group was the United Revolutionary Force Front (URFF). The secretary-general of the DPFA informed the journalist of this second article that the URFF are a sub-group with a different name “because there are small differences within the group which we hope will be resolved in a general conference we will hold soon.” See “Darfur Arab rebels capture 12 Sudan soldiers,” Reuters, August 14, 2007, <http://www.sudantribune.com/spip.php?article23261> (accessed August 28, 2007); and “Interview: Arab-led Darfur rebels say are victimised too,” Reuters, August 20, 2007, <http://www.alertnet.org/thenews/newsdesk/L20729795.htm> (accessed August 28, 2007).

²² “Darfur Arab rebels capture 12 Sudan soldiers,” Reuters.

²³ *Ibid.*

²⁴ The armed conflict in Sudan is governed by international humanitarian law for a non-international (internal) armed conflict. This law is found in Common Article 3 to the four Geneva Conventions of 1949, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts of 1977 (Protocol II), which Sudan ratified in July 2006, and customary international humanitarian law.

humanitarian groups and peacekeepers trying to assist them, and the steps UNAMID and the international community should take to improve the human rights situation in Darfur. This report is based on information not only about the situation of the 2.2 million people in Darfur who fled their homes, but also about the approximately 4 million people who have not been displaced from their towns and villages, around half of whom also have humanitarian needs resulting from the conflict (see “Everyday Life for Civilians in Darfur,” below). UNAMID will face huge challenges in trying to fulfill its mandate to provide civilian protection, create a safe environment for humanitarian workers, and support the implementation of a fragile peace agreement, but for Darfur’s civilians successful implementation of these tasks could be the difference between life and death.

North Darfur

In 2007 most of the fighting in North Darfur involved government forces, SLA/Minawi fighters, and various rebel splinter groups. In March 2006 a predominantly Zaghawa-based SLA splinter group known as the Group of 19 (G-19) came into existence. Another rebel group known as the National Redemption Front (NRF), a coalition of members from other rebel groups (including G-19 and the Justice and Equality Movement), emerged in June 2006 but later disintegrated. Both had strongholds in North Darfur and carried out attacks on the government.

The government launched an offensive against the NRF in late August conducting aerial bombing and land attacks with blatant disregard for civilian lives. The government also launched indiscriminate air and ground attacks on Birmaza in November and Abu Sakin in December 2006, with reports of dozens of fatalities.²⁵ Government aircraft indiscriminately using unguided “dumb” bombs from medium and high altitudes caused civilian casualties and mass displacement—20 civilians were killed and over 1,000 displaced in the late August offensive noted above, for example²⁶—and obstructed the work of humanitarian groups.²⁷ Those whose villages were not attacked often fled in fear that they might be. A confidential correspondence by a munitions expert, seen by Human Rights Watch, states that bombs were typically rolled

²⁵ “Darfur: Indiscriminate Bombing Warrants U.N. Sanctions: Khartoum Drops Bombs in Ongoing Offensive, Stymies Peacekeeping Efforts,” Human Rights Watch news release, September 6, 2006, <http://hrw.org/english/docs/2006/09/06/sudan14138.htm> (accessed August 30, 2007); “Stop bombing North Darfur villages - SLM-Minawi,” IRIN news, September 10, 2007, <http://www.sudantribune.com/spip.php?article17515> (accessed August 28, 2007); and email communication from confidential source, North Darfur, Sudan, to Human Rights Watch, August 26, 2007. During this time the government suffered heavy losses in two battles against rebels in northern Darfur—one in Um Sidir in late September and another in Karakaya in October. When UN Special Representative of the Secretary-General Jan Pronk said publicly that army morale was low, the government expelled him from the country. Jan Pronk Weblog, Weblog nr 35, October 14, 2006, <http://www.janpronk.nl/index275.html> (accessed August 28, 2007).

²⁶ “Stop bombing North Darfur villages - SLM-Minawi,” IRIN news.

²⁷ UN Panel of Experts, “Interim report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, submitted pursuant to resolution 1713 (2006),” unpublished, but provided to the New York Times, April 2007, and reproduced at <http://www.nytimes.com/packages/html/world/20070417SUDAN.doc> (accessed August 19, 2007), para. 105.

out of the back of an aircraft, endangering everyone within a 150-meter radius of the detonation.²⁸ Such imprecise bombings of populated areas violate the prohibition under international humanitarian law of attacks that do not discriminate between military targets and civilians.²⁹ Persons knowingly or recklessly conducting or ordering such attacks are responsible for war crimes.³⁰

One of the most notorious bombing campaigns of 2007 occurred in and around the village of Um Rai between April 19 and 29. Government helicopter gunships and Antonov aircraft attacked the village and killed and wounded civilians and destroyed property and livestock. A school filled with some 170 children was hit, injuring several of them. Two civilian adults were also killed in the attack.³¹ Both the UN secretary-general and the high commissioner for human rights condemned these bombings as indiscriminate because they failed to distinguish between military targets and civilians.³²

Government forces have used military aircraft painted white—the color used by UN and AMIS forces—for reconnaissance, supply operations, and attacks.³³ At a distance, the aircraft resemble United Nations and AMIS planes and Mi-8 helicopters; sometimes they even have UN markings.³⁴ Use of these white aircraft for military purposes is a violation of international humanitarian law, specifically the improper use of the United Nations emblem, and, when simulating the protected status of peacekeeping forces and humanitarian

²⁸ Confidential document provided to Human Rights Watch, April 2007.

²⁹ See Protocol II, article 13(2). See also International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law*, (Cambridge, UK: Cambridge University Press, 2005), rule 11.

³⁰ See ICRC, *Customary International Humanitarian Law*, rules 151, 152, and 156.

³¹ “UN rights unit calls Darfur bombardments ‘indiscriminate and inappropriate,’” UN News Centre, May 11, 2007, <http://www.un.org/apps/news/story.asp?NewsID=22526&Cr=sudan&Cr1> (accessed August 19, 2007).

³² “Secretary-General urges Sudan to end attacks following Darfur bombardments,” SG/SM/10985 AFR/1531, Secretary-General press release, May 9, 2007, <http://www.un.org/News/Press/docs/2007/sgsm10985.doc.htm> (accessed August 19, 2007); and “UN rights unit calls Darfur bombardments ‘indiscriminate and inappropriate,’” UN News Centre.

³³ UN Panel of Experts, “Interim report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, submitted pursuant to resolution 1713 (2006),” unpublished, paras. 93-98 and 136.

³⁴ *Ibid.*, para. 95.

operations to conduct attacks, the prohibition against perfidy.³⁵ Use of these planes puts genuine UN, humanitarian, and AMIS flights at risk because rebels might mistake them for legitimate military targets. People in desperate need of aid may flee from humanitarian flights if they cannot distinguish them from government military aircraft.³⁶

Residents of North Darfur have increasingly complained to the international community about abuses carried out by forces aligned with former rebel leader Mini Minawi.³⁷ The abuses stem primarily from the split between Minawi and Abdul Wahid after the Haskanita conference in late 2005 (see Background, above). Mini Minawi's mainly Zaghawa forces soon began battling Abdul Wahid's mainly Fur forces and many civilians were attacked by fighters from both sides simply for their ethnicity. In April 2006 many civilians fled rebel fighting in the especially fertile area around Korma, where each group was trying to gain a stronghold.³⁸

In 2007 Minawi's men have been responsible for numerous attacks on civilians. After concluding a July 2007 visit to Sudan, UN Special Rapporteur on Human Rights in Sudan Sima Samar stated, "I have recently received allegations of serious violations of human rights in areas under SLA/MM [SLA/Minawi] control. In particular harassment, extortion, torture, and sexual violence in Tawila and Shangil Tobayi, North Darfur.... I also received information about forced disappearances and killings in Gerida, South Darfur [caused by SLA/MM in September 2006]."³⁹ Abdel Aziz Salim, legal advisor to

³⁵ ICRC, Customary International Humanitarian Law, rule 60, citing Protocol I, article 38(2), and rule 65, citing Protocol I, article 37(1).

³⁶ UN Panel of Experts, "Interim report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, submitted pursuant to resolution 1713 (2006)," unpublished. It is not a violation of the laws of war for non-state armed groups to attack legitimate military targets, though such attacks are likely to be crimes prosecutable under national legislation.

³⁷ Confidential source seen by Human Rights Watch.

³⁸ OHCHR, "Third Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan," pp. 13-14. Korma is also desirable because it is a center for commerce located along the road from El Fashir to Kutum.

³⁹ "UN Human Rights Expert Concludes Visit to Sudan," UN press release, August 6, 2007, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/FE394DB53CF3140FC125732Foo499F83?opendocument> (accessed August 19, 2007). See also OHCHR "Enforced disappearance of Massalit men arrested in South Darfur,"

SLA/Minawi, told journalists that these were “nonsensical accusations,”⁴⁰ but Human Rights Watch has received confidential information from knowledgeable sources corroborating Sima Simar’s allegations.⁴¹ These abuses against civilians, as well as clashes between SLA/Minawi fighters and rebel groups, have also caused substantial displacement, especially of people from Korma and Tawila, to various displaced persons camps in the area.⁴²

The people of North Darfur have also had to contend with ongoing militia attacks, including in the context of the government attacks on Birmaza and Abu Sakin, described above.⁴³ In April 2007 there was a militia attack (with government officials participating) on Abu Jokha market and other villages inhabited by the Dorok ethnic group. The conflict within which these attacks occurred was unusual in that the militia mainly comprised Gimir men who, like the Dorok, are commonly regarded as non-Arab. As has often been the case, the most brutal acts were carried out by the side most closely allied to the government—in this case the Gimir, many of whom are also members of official government forces.⁴⁴

The conflict was sparked when some Gimir men accused some Dorok men of livestock theft at the Abu Jokha market, but the roots of it seem to lie in deeper disputes over land.⁴⁵ The Dorok and Gimir both live in the area and the attacks may have been an attempt by the Gimir to evict the Dorok. The Gimir militia may also have suspected the Dorok of providing support to rebels.⁴⁶

Geneva, April 6, 2007, <http://reliefweb.int/rw/RWB.NSF/db900SID/RMOI-6ZZM6U?OpenDocument> (accessed August 19, 2007).

⁴⁰ “Sudan: Darfur’s people need more protection – Special Rapporteur,” IRINnews, August 7, 2007, <http://www.irinnews.org/Report.aspx?ReportId=73609> (accessed August 19, 2007).

⁴¹ Confidential sources seen by Human Rights Watch.

⁴² Human Rights Watch telephone interview, name withheld, North Darfur, Sudan, September 7, 2007.

⁴³ Email communication from confidential source, North Darfur, Sudan, to Human Rights Watch, August 26, 2007.

⁴⁴ Members of the Dorok community have also joined government forces, but are not generally perceived to have participated in the government’s ethnic cleansing campaign.

⁴⁵ Confidential source seen by Human Rights Watch.

⁴⁶ Email communication from confidential source, North Darfur, Sudan, to Human Rights Watch, August 24, 2007.

As a result of the livestock theft accusation a Dorok man was shot and killed.⁴⁷ Intense violence ensued. At first there were casualties on both sides, but on the second day Gimir militia brutally attacked the market and outlying Dorok villages. Hundreds of armed men in vehicles with mounted guns and on horse- and camel-back looted houses and killed civilians. Some 10,000 people fled.⁴⁸

According to eyewitnesses, the officer in charge of police in the town of Saraf Umra participated in the attack and distributed weapons while the attack was taking place.⁴⁹ Other members of Sudan's security forces were also involved.⁵⁰ UNMIS reported that in addition to the market, "seven other villages were also attacked and 40 civilians were killed and 25 others were wounded."⁵¹ Confidential sources suggest the number of villages attacked was much higher, but the number killed may have been slightly lower.⁵²

Conflicts such as this one, which appear to revolve around land and livestock, enable the government to claim the fighting is "inter-tribal" and not their responsibility. However, as in so many cases, the facts show that government agents were involved in the attack. The government's failure to protect civilians and bring perpetrators to justice is not a passive failing, it is systematic policy.

⁴⁷ Confidential source seen by Human Rights Watch.

⁴⁸ Confidential source seen by Human Rights Watch.

⁴⁹ Email communication from confidential source, North Darfur, Sudan, to Human Rights Watch, August 24, 2007.

⁵⁰ *Ibid.*

⁵¹ UNMIS Office of the Spokesperson, "UNMIS News Bulletin," April 16, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-apr16.pdf> (accessed August 19, 2007).

⁵² Confidential sources seen by Human Rights Watch.

South Darfur

In February 2005 Darfurian children drew for Human Rights Watch researchers scenes of armed men on horses and camels attacking their villages.⁵³ The drawings included images of people fleeing attack helicopters and falling bombs. Large-scale air and ground attacks are less frequent today, but they are not unknown. Buram locality in South Darfur has been the site of two recent campaigns that recall images from the height of the conflict in late 2003 and 2004.

In 2006, as various rebel groups were negotiating with the government and others were splintering off into increasingly numerous factions, a former SLA/Minawi rebel fighter named “Siddiq” founded a new group and settled in Buram locality. The presence of his group further destabilized an area where many Arab and African groups had been living together in relative harmony prior to the conflict. Siddiq’s group and other rebels launched small-scale attacks against government targets in the locality. Arab tribal leaders felt threatened and blamed non-Arab groups for allowing the rebels into the area.

Before long, Arab militias comprising mostly men from the Habbania ethnic group launched what one observer described as a “ridiculously brutal” attack on dozens of villages, in which the militia “went out of their way to torture people—tying men to horses and letting the horses run; throwing people into burning houses; killing many young children.”⁵⁴ The Office of the UN High Commissioner for Human Rights reported that militia claiming to have material support from government authorities burned and looted villages, displacing thousands of people primarily from the Zaghawa, Masalit, and Misseriya-Jebel tribes, and killing possibly hundreds of civilians.⁵⁵ Some

⁵³ Darfur Drawn: The Conflict in Darfur through Children’s Eyes, Human Rights Watch multimedia presentation, 2005, <http://www.hrw.org/photos/2005/darfur/drawings/introduction.htm>.

⁵⁴ Human Rights Watch telephone interview, name and location withheld, August 24, 2007.

⁵⁵ OHCHR, “Fifth periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Killings of civilians by militia in Buram locality, South Darfur,” Geneva, October 6, 2007, pp. 4-5.

people from the area believed the real motivation behind the attack was to “change the demography of the region before the arrival of international troops.”⁵⁶

Fighting started up again on May 12, 2007, this time with far more direct government involvement, after rebels ambushed a large convoy of police and Popular Defense Force vehicles that was heading to Buram locality to confront Siddiq’s group about its alleged involvement in marijuana trade.⁵⁷ In retaliation the government launched an air attack on several villages, claiming they were aiming at rebels. Meanwhile, Gimir members of the Popular Defense Force went on a rampage, looting property, raping several women, and beating and shooting others.⁵⁸ Entire villages including Um Bereida and Sessaban, which had already received people fleeing the 2006 attacks, were targeted for their support or perceived support of the rebels.⁵⁹ An international observer told Human Rights Watch, “The second attack was a carbon copy of the first, but without the high casualty figures. This time people fled from what they remembered in 2006.”⁶⁰

An emerging feature of the conflict in South Darfur is the rising intensity of inter-Arab fighting. Small skirmishes over political power and land rights as well as accusations of murder and abduction are common among various Arab groups in Darfur.⁶¹ But the level of violence dramatically increased after many Arab men were recruited into government security forces, primarily the

⁵⁶ *Ibid.*, p. 4. The report also notes, “This area was not the traditional homeland for tribes of African origin.”

⁵⁷ Human Rights Watch telephone interview, name and location withheld, August 24, 2007.

⁵⁸ Confidential source seen by Human Rights Watch.

⁵⁹ Human Rights Watch telephone interview, name and location withheld, August 24, 2007.

⁶⁰ Human Rights Watch telephone interview, name and location withheld, August 24, 2007.

⁶¹ OHCHR, “Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007,” Geneva, May 18, 2007; and confidential sources seen by Human Rights Watch. The Popular Defense Force is a paramilitary reserve component of Sudan’s armed forces. It is codified by the Popular Defense Force Act of 1989. The Border Intelligence forces are known to be under the control of Military Intelligence.

Popular Defense Force and Border Intelligence force, each of which are notorious for carrying out attacks against civilians.⁶²

The governor of South Darfur downplayed the violence, describing to a journalist how the clashes were “just a natural part of the life of the tribes,” and said the fighting was predictable.⁶³ But this “natural” fighting exploded to new levels in 2007 and the government was unwilling to protect civilians and prevent members of its Popular Defense Force and Border Intelligence from engaging in predictable attacks that resulted in death, beatings, looting, and mass displacement.

While Arab communities bore the brunt of these internecine conflicts, the hostilities have broader repercussions because they contribute to the general climate of insecurity that is preventing Darfur’s 2.2 million internally displaced persons from leaving their camps or returning home. As one humanitarian worker told Human Rights Watch, “This is happening at a seasonal time when displaced people want to be farming.”⁶⁴

In January 2007 the intense inter-tribal fighting broke out between the Tarjum and Rizeigat Abbala groups in the Bulbul area of South Darfur. Both have members in Sudan’s security forces. A number of Tarjum men are enlisted in, and were armed by, the Popular Defense Force, and many Rizeigat Abbala are enlisted in, and were armed by, the Border Intelligence force.⁶⁵ By March over 100 people had been killed or injured, thousands of civilians had been displaced, their property stolen and houses burned.⁶⁶ The immediate

⁶² OHCHR, “Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007,” p. 4.

⁶³ Jeffrey Gettleman, “Chaos in Darfur Rises as Arabs Fight With Arabs,” *New York Times*, August 28, 2007, http://www.nytimes.com/2007/09/03/world/africa/03darfur.html?_r=1&ref=africa&oref=slogin (accessed September 5, 2007).

⁶⁴ Human Rights Watch telephone interview, name withheld, West Darfur, August 14, 2007.

⁶⁵ OHCHR, “Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007.”

⁶⁶ *Ibid.*, p. 1.

tensions of the conflict can be traced to the Rizeigat Abbala accusing the Tarjum of murders and the Tarjum accusing the Rizeigat Abbala of abductions.⁶⁷ But political maneuvering, land competition, and government favoritism towards the Rizeigat Abbala probably lies at the root of this conflict.

In 1995 the Tarjum, a traditional farming and cattle-herding Arab group, had been granted stewardship over part of the traditional land of the non-Arab Fur tribe. The Rizeigat Abbala are pastoralists and camel herders, and Bulbul is on their traditional migratory route. Small Rizeigat Abbala settlements have proliferated on the land over the years, creating tensions with the Tarjum. The Rizeigat Abbala have no land of their own, and, according to OHCHR, this may be why they entered the Darfur conflict on the government side.⁶⁸ Indeed, some Rizeigat Abbala have even settled on land from which the Tarjum have been displaced.⁶⁹

In early 2007 the government tried to calm tensions by facilitating a reconciliation agreement between the Tarjum and Rizeigat Abbala and sending security forces to the area, but the agreement was soon broken and fighting resumed.⁷⁰ The intense fighting finally subsided in March, but started again three months later and has now spread to West Darfur, with reports of scores of casualties on both sides, including the killing of Tarjum civilians at a funeral procession on July 31, 2007.⁷¹ A Tarjum tribal leader told journalists that a temporary ceasefire agreement was signed in mid-August,⁷² but history

⁶⁷ Confidential government document seen by Human Rights Watch.

⁶⁸ OHCHR, "Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007," p. 4.

⁶⁹ Human Rights Watch telephone interview, name and location withheld, August 24, 2007.

⁷⁰ Confidential government document seen by Human Rights Watch.

⁷¹ UNMIS Office of the Spokesperson, "UNMIS News Bulletin," July 26, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-jul26.pdf>; "UNMIS News Bulletin," July 31, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-jul31.pdf>; "UNMIS News Bulletin," August 1, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-augo1.pdf>; "UNMIS News Bulletin," August 9, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-augo9.pdf> (all accessed August 19, 2007); and confidential sources provided to Human Rights Watch.

⁷² "Darfur Arab tribes sign truce after clashes kill 140," Reuters, August 13, 2007, <http://www.sudantribune.com/spip.php?article23249> (accessed August 19, 2007).

has shown that these agreements are very fragile, and the looting of a few cattle or the murder of one person may spark a return to all-out conflict.

In early 2007 fighting also erupted between the Salamat and Fallata on one side and the Habbania on the other—all Arab groups—in South Darfur and then broke out again in late August.⁷³ A South Darfur observer explained to Human Rights Watch, “The government is totally unable to deal with these tribal conflicts because the government supported the Habbania and Fallata with guns and helped build their militias. Just like the Tarjum and Rizeigat Abbala fighting, the government doesn’t want to take concrete actions to stop the violence.”⁷⁴ As long as the Sudanese government continues to selectively recruit, arm, or otherwise support militia on an ethnic basis, Darfur’s communities will continue to be divided and destroyed.

⁷³ Human Rights Watch telephone interview, name withheld, South Darfur, August 29, 2007.

⁷⁴ Human Rights Watch telephone interview, name withheld, South Darfur, August 29, 2007.

West Darfur

West Darfur has less of a rebel presence than other states and its militias are considered to be more community based rather than government-controlled. The political situation in West Darfur is heavily influenced by its border with Chad. For years, rebel movements from each country have used the other as a base for attacks. Thousands of Darfurians have fled into Chad since the current conflict began and in 2007 Darfur saw an influx of approximately 30,000 Chadians, mostly Arabs, crossing the same border into West Darfur.⁷⁵ In January 2006, due to the fragile border situation, the UN temporarily raised the security level in much of the western part of West Darfur to “Phase IV,” meaning its agencies were permitted only to carry out emergency life-saving operations. Some humanitarian NGOs also reduced their staff and activities.⁷⁶

The northern corridor from the capital city of El Geneina to Jebel Moon is frequently attacked by government and militia forces. It is home primarily to the Messeriya Jebel and Erenga people—both regarded as non-Arab tribes. Rebels are based in the Jebel Moon area and they do visit and communicate with the civilian populations in the area. But when the government and militia attack, they often deliberately target civilians or launch attacks against rebels that result in looting of properties and cause disproportionate civilian casualties in violation of humanitarian law.

Lately, this northern corridor has been plagued by militia attacks on civilians and civilian abductions to which police and government forces seldom respond, attributing the violence to “inter-tribal” tensions. A spike in incidents of harassment, beatings, sexual violence, and extortion in the small village of Bir Dagig from April to July 2007 corresponded to a police withdrawal that left the town with no government presence. In April 2007

⁷⁵ UNMIS Office of the Spokesperson, “UNMIS News Bulletin,” August 8, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-augo8.pdf> (accessed August 20, 2007).

⁷⁶ OHCHR, “Third Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan,” pp. 12-13.

several women and girls from the village of Seleia were abducted by militia. The kidnapers claimed the community had stolen their camels, and demanded compensation. All the hostages were eventually released or escaped, although one girl was held for two months. Even though government officials in El Geneina knew the perpetrators, they chose to enter into “dialogue” with them, instead of arresting them and rescuing the girl.⁷⁷

From late October to December 2006 militia and government forces attacked villages and IDP camps north of El Geneina. Some 50 civilians were killed in one attack in October alone.⁷⁸ Then on November 11, Sudan Armed Forces attacked civilians in the town of Sirba, burning over 100 houses. Eight civilians were killed in the attack, including one woman who burned to death in her house, and at least eight others received gunshot wounds, according to reports citing UN sources.⁷⁹ In December militia on horseback ambushed a truck transporting medicine and passengers, killing some 30 civilians.⁸⁰

⁷⁷ Confidential source seen by Human Rights Watch.

⁷⁸ OHCHR, “Fifth Periodic Report of the UN High Commissioner for Human Rights on the situation of human rights in Sudan: 29 October 2006: Attack on Villages around the Jebel Moon area,” Geneva, November 3, 2006.

⁷⁹ “Sudanese army deliberately attacked Darfur civilians – UN,” Agence France-Press, November 24, 2006, <http://www.sudantribune.com/spip.php?article18881> (accessed August 28, 2007). The African Union publicly reported that 30 people were killed and 40 injured.

⁸⁰ “Darfur civilians burned alive after horsemen attack aid truck,” Guardian, December 11, 2007, <http://www.sudantribune.com/spip.php?article19189> (accessed August 27, 2007). The African Union put the death toll at 22 and said 10 others were wounded.

Jebel Marra

Jebel Marra, a mountainous area at the junction of North, South, and West Darfur, has been a rebel stronghold since the conflict began. At first, the rebels had such tight control over parts of the area that some areas were largely free of government and militia attacks. Now the area has been carved up by the fracturing rebel groups and former rebel groups, making the groups more susceptible to government and militia attacks.⁸¹ Both civilians and rebels face beatings, rapes, and robbery from government forces and militia.⁸² In the past year, many people from eastern Jebel Marra, especially around the village of Dobo, have fled to camps such as Abu Shouk and Shangil Tobaya in North Darfur while others have gone into hiding in the mountains.⁸³ The UN estimated that in July 2007 alone at least 12,000 people fled Jebel Marra due to insecurity.⁸⁴

An exhaustive understanding of the abuses taking place in Jebel Marra is difficult to obtain, however: access to the region by observers has been severely limited at times due to ongoing insecurity. Some reports received by Human Rights Watch suggest that there have been serious crimes by both government and rebel forces that have not been adequately investigated.

⁸¹ According to an August 2007 report by the OHCHR, "There are currently three SLA factions controlling Jebel Marra: SLA/Abdul Shafi (non-DPA signatory) controls mainly areas north of Jebel Marra, including Deribat Town and the villages north of Deribat. SLA/Abdul Wahid (non-DPA signatory) controls mainly south-western Jebel Marra, including Feina, Lieba, Gobo, Saboon-AlFagur, Gorlanj-banj, Torontonga, Golol, Kutorum, Baldong, and Golol; SLA/Abu Gasim (Government ally) controls mainly the eastern Jebel Marra area." OHCHR, "Eighth Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan; Women abducted, raped and kept as sex slaves following the December 2006 attacks on Deribat," Geneva, August 2007, p. 4.

⁸² Confidential sources seen by Human Rights Watch.

⁸³ Confidential sources seen by Human Rights Watch; Human Rights Watch telephone interview with rebel with rank of general, Sudan, August 15, 2007; Human Rights Watch telephone interview with rebel with rank of general, Jebel Marra, Sudan, August 18, 2007; UNMIS Office of the Spokesperson, "UNMIS News Bulletin," April 30, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-apr30.pdf> (accessed August 19, 2007); "UNMIS News Bulletin," June 14, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-jun14.pdf> (accessed August 19, 2007); and UNMIS News Bulletin," July 23, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-jul23.pdf> (accessed August 19, 2007).

⁸⁴ UN OCHA, "Sudan Humanitarian Overview, Issue 3. Vol 5."

Information about rebel abuses in Jebel Marra, as well as other locations in Darfur, is likely to be further limited by the fact that victims, witnesses, and other informants are often reluctant to report abuses either out of a sense of loyalty or for fear of reprisals in rebel-held territories.

Although many attacks remain uninvestigated, a particularly vicious attack occurred in the Deribat area of eastern Jebel Marra in December 2006. Large numbers of militia and government forces killed civilians and abducted and raped dozens of women and girls. One survivor told OHCHR, “Three of the attackers came to my house. They forced me on the ground. One of them held my legs, while the other two raped me.”⁸⁵ The rebel commander with whom Human Rights Watch spoke claimed that the attackers were members of government and militia forces, as well as members of Abdul Gassim’s forces, the former rebel leader who sided with the government in late 2006 and was appointed governor of West Darfur in 2007.⁸⁶ A public report issued by the Office of the UN High Commissioner for Human Rights confirmed this allegation. The report also attributed the attack to the fact that the Fur community in Jebel Marra is perceived to sympathize with the SLA/Abdul Wahid or SLA/Abdul Shafi factions, both of which opposed the Darfur Peace Agreement.⁸⁷

⁸⁵ OHCHR, “Sexual violence during attacks on villages in East Jebel Marra, Darfur,” Geneva, April 6, 2007, <http://reliefweb.int/rw/rwb.nsf/db900sid/RMOI-6ZZM57?OpenDocument> (accessed August 19, 2007).

⁸⁶ Human Rights Watch telephone interview with rebel with the rank of general in Jebel Marra, Sudan, August 18, 2007; OHCHR, “Eighth Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan; Women abducted, raped and kept as sex slaves following the December 2006 attacks on Deribat,” p. 3.

⁸⁷ OHCHR, “Eighth Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan; Women abducted, raped and kept as sex slaves following the December 2006 attacks on Deribat,” p. 4.

Everyday Life for Civilians in Darfur

Consolidation of Ethnic Cleansing

In July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that 160,000 people had been newly displaced since January 2007,⁸⁸ putting the total number of displaced at 2.2 million and the total number of people receiving relief assistance at 4.2 million, nearly two-thirds of Darfur's population. OCHA reported that many of Darfur's IDP camps can no longer absorb new arrivals.⁸⁹

Beyond direct attacks on civilians, the confused nature of the recent hostilities—with inter-tribal fighting and groups switching sides—has contributed to the displacement of civilians. Yet in July and August 2007 government officials told international agency staffers based in Darfur that Darfur's 2.2 million internally displaced persons were beginning to return home and the international community should cooperate.⁹⁰ But what the government described as “voluntary returns” were in fact only brief excursions out of the camps on market days or during the farming season. Few displaced persons left the camps for more than a few days and even fewer returned permanently to their villages.⁹¹ One person working with displaced people in Darfur described the government's discussion of voluntary return as “smoke and mirrors.”⁹² Another noted that last year the government tried to convince the relief community that its assistance to the camps was not needed because people were ready to go home. “Women

⁸⁸ “The Humanitarian Community in Darfur Under Increasing Pressure,” UN OCHA press release, July 10, 2007.

⁸⁹ UN OCHA, “Sudan Humanitarian Overview, Issue 3. Vol 4,” July 24, 2007, http://www.unsudanig.org/docs/Sudan%20Humanitarian%20Overview%20_Vol3%20Iss4.pdf (accessed August 19, 2007): “Nearly all camps in and around El Fasher (North Darfur) and Nyala (South Darfur) are now at full capacity, while Zam Zam Camp, which can still accommodate more IDPs, could soon be full.”

⁹⁰ Human Rights Watch telephone interview, name withheld, North Darfur, Sudan, August 6, 2007; Human Rights Watch telephone interview, name withheld, West Darfur, Sudan, August 10, 2007; Human Rights Watch telephone interview, name withheld, West Darfur, Sudan, August 14, 2007; and email communication from confidential source, South Darfur, Sudan, to Human Rights Watch, August 18, 2007.

⁹¹ Human Rights Watch telephone interview, name withheld, West Darfur, Sudan, August 14, 2007.

⁹² Human Rights Watch telephone interview, name withheld, West Darfur, Sudan, August 10, 2007.

want to go home, but can't," she told Human Rights Watch. "They sit in the camps and sing songs about their villages and draw pictures of their crops and flowers."⁹³

Sexual Violence and Other Violence

Members of militia forces regularly perpetrate crimes of sexual violence against women and girls engaged in income generating activities, such as farming or collecting firewood, grass, and water. Market days are especially dangerous: armed men will intercept people coming to or from their homes to buy or sell goods.⁹⁴ Attackers are often dressed in a variety of military uniforms and travel in small groups of men on horses and camels. They demean women and girls because of their African ethnicity, calling them "slaves" and "*Tora Bora*," meaning "rebel," as they beat them with whips, gun butts, or fists. Victims of these abuses have been told to get off the land and stop collecting wood. Fighters from the SLA/Minawi former rebel group are also implicated in sexual violence, especially in the area of Tawila and Korma in North Darfur in 2007.⁹⁵ Women and girls are often targeted because of their ethnicity and accused of supporting the SLA/Abdul Wahid rebel faction.⁹⁶ Government soldiers and other state actors have also committed acts of sexual violence both in large attacks against entire populations, as was the case in Dereibat, and in small attacks against women and girls inside and outside camps and villages.

The issue of sexual violence remains shrouded in silence. Social stigmatization prevents many victims from telling relatives, doctors, or police what has happened to them. Some government officials deny that rape is a

⁹³ Human Rights Watch telephone interview, name withheld, West Darfur, Sudan, August 14, 2007. Other people to whom Human Rights Watch spoke reiterated that displaced persons are not prepared to return home. Human Rights Watch telephone interview, name withheld, West Darfur, August 10, 2007; and Email communication from confidential source, South Darfur, Sudan, to Human Rights Watch, August 18, 2007.

⁹⁴ The OHCHR has consistently reported publicly on sexual violence in Darfur in periodic reports. Full access to all reports, see http://www.ohchr.org/english/countries/sd/periodic_report.htm (access August 27, 2007). See, in particular, OHCHR, *Access to Justice for Victims of Sexual Violence: Report of the UN High Commissioner for Human Rights* (Geneva: OHCHR, July 29, 2005).

⁹⁵ Human Rights Watch telephone interview, name withheld, North Darfur, Sudan, September 7, 2007.

⁹⁶ Confidential source seen by Human Rights Watch.

serious problem in Darfur, and humanitarian aid workers are afraid of jeopardizing their work if they speak out about the issue.⁹⁷ This allows the police to ignore victims or seek to punish them by countering their claims with charges of adultery.

Other government officials, however, have openly recognized the problem of sexual violence in the conflict. When a group of human rights experts appointed by the UN Human Rights Council requested information about exactly what steps the government had taken to address it, they were given a list of public events and workshops that had taken place, and told of the enactment of Criminal Circular No. 2 in 2004 that allowed, among other things, victims of sexual violence to receive medical treatment without first reporting to the police.⁹⁸ The government also provided information on the number of female police in Darfur and indicated that it would be increasing their numbers.⁹⁹ But these measures have yet to improve the situation for women and girls in Darfur. Perpetrators are rarely brought to justice and many of the mechanisms the state has established to combat sexual violence, such as the State Committees on Combating Gender-based Violence, function poorly and have had little impact.¹⁰⁰

Although women and girls are the ones primarily collecting firewood and hay, militiamen also target men and boys who farm, travel to markets, or leave their villages or camps for other reasons. In these incidents the victims are often accused of being rebels and have been shot, robbed, harassed and beaten. Men and boys from non-Arab communities have also come to fear being subjected to extortion, beatings, and arbitrary arrests when they have

⁹⁷ "AlertNet Darfur Poll: Full Coverage," Reuters, May 22, 2007, <http://www.alertnet.org/thefacts/reliefresources/11794931502.htm> (accessed August 19, 2007).

⁹⁸ Darfur Group of Experts, Report on the situation of human rights in Darfur prepared by the group of experts mandated by Human Rights Council resolution 4/8, A/HRC/56, June 8, 2007, pp. 36-51.

⁹⁹ The government also requested financial and technical assistance to deal with the problem. *Ibid.*

¹⁰⁰ Human Rights Watch knows of a small number of cases held before regularly constituted courts when government officials were convicted of rape in 2006. However, these and other cases prosecuted reflect only a fraction of the crimes committed in the Darfur conflict. See also UNDP, "Progress Report: Addressing Sexual and Gender Based Violence (SGBV) in Darfur," November 2006.

to pass through formal and informal checkpoints manned by government security forces that are located outside villages and camps.¹⁰¹

Many Darfurians face violence inside camps and villages as part of everyday life as well. Each camp has its own dynamics, some being relatively calm while in others there is a considerable rebel or Janjaweed presence. Nighttime gunfire is regularly heard in many camps, and even when no casualties result it instills fear among the populace. Armed Janjaweed come and go from many of the camps, especially on market days. There have been numerous cases of robbery, murder, sexual violence, and harassment inside the camps, often perpetrated by Janjaweed, but also by rebels and former rebels, and displaced persons themselves. Government soldiers often act as thugs and harass and beat people in towns and at markets, as illustrated by the cases of two shopkeepers who were attacked by Border Intelligence in separate incidents in North Darfur in late July 2007.¹⁰²

Land Use and Occupation

Far from the camps, back in the villages where displaced persons used to farm and graze their cattle, there is nothing to prevent the expropriation of land from its legal owners. Displaced persons regularly speak about how nomads and settlers are destroying their crops, dismantling thatched roofs and stick fences, and taking over their land.¹⁰³ This greatly threatens the prospect for sustainable peace.

Land use and occupation gained heightened international attention when approximately 30,000 mainly Chadian Arabs crossed the border into West Darfur in 2007. Many Chadians told an assessment team commissioned by the UN High Commissioner for Refugees (UNHCR) and the Sudan government's Commissioner for Refugees (COR) that they were fleeing attacks and abuses, actual or feared, by Chadian non-Arab militias and Chadian

¹⁰¹ Confidential sources seen by Human Rights Watch.

¹⁰² Confidential source seen by Human Rights Watch.

¹⁰³ Human Rights Watch telephone interview, name and location withheld, August 24, 2007; and confidential sources seen by Human Rights Watch.

government forces. UNHCR recommended that Sudan grant the new arrivals refugee status, excluding those who were active or former combatants.¹⁰⁴

But UNHCR was also concerned that many Chadian Arabs were settling on land abandoned by internally displaced Darfurians and refugees. According to the UNHCR/COR report, some families occupied fertile land “in areas that used to be predominantly Masalit villages before the Darfur conflict broke out in 2003.”¹⁰⁵ Many settlers along West Darfur’s Wadi Azoum riverbed informed the UNHCR/COR team that they intend to settle there permanently and would not be returning to Chad. They said that Sudanese nationals gave them specific directions as to where to settle. UNHCR has urged the Sudanese government to clarify land ownership issues, and ensure that those who own the land—mainly displaced persons in Darfur and refugees in Chad—will eventually be able to return home.¹⁰⁶

It should not be assumed that this influx is mere opportunism on the part of the Chadian Arabs, who have given testimony to UNHCR of persecution in Chad. However, many people in West Darfur are suspicious of the Sudan government’s motives, which further erodes the tenuous relationship between the government and many Darfurians. Some assume the male Chadian arrivals will be recruited into armed groups, that the influx ensures displaced people cannot return home, and that this new Chadian presence will result in tens of thousands of extra votes for the ruling National Congress Party in the Sudanese national elections scheduled for 2009.

Policing Darfur

Darfur is a vast territory that provides many hiding places for armed groups and ordinary bandits. There are few roads, most of which are unpaved. In the rainy season they are all but impassible. Communication is extremely limited,

¹⁰⁴ UN High Commissioner for Refugees/Sudanese Commissioner of Refugees, Consolidated Report: Population Influx from Eastern Chad to West Darfur, Sudan (El Geneina, West Darfur: UNHCR/COR, July 30, 2007), p. 5.

¹⁰⁵ Ibid., p. 7; see also UNMIS Office of the Spokesperson, “UNMIS News Bulletin,” August 8, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-augo8.pdf> (accessed August 20, 2007).

¹⁰⁶ Ibid.

primarily to mobile phones, which have weak or no signals outside major towns. All this makes policing difficult even with a motivated, adequately staffed, and resourced force. The problem is especially severe in rural areas, where police lack vehicles or staff to patrol or respond to criminal activity, whether inside or near villages and IDP camps.

The Ministry of Interior and Darfur state officials have done little to ensure that Darfur's regular police—as opposed to auxiliary police forces such as the Central Reserve Police—have even minimal capabilities. This is a longstanding problem that predates the Darfur conflict. The many weaknesses of the police, in and of itself, are indicative of the government's lack of commitment to ameliorating the dire human rights situation in Darfur. In fact, one of the reasons the government relied on Janjaweed militia to fight rebels and attack civilians was because Darfur's police force was comprised heavily of local non-Arab men who would have likely opposed the government's political agenda and war tactics, and the government simply did not trust them. As a result, the regular police continues to be severely outmatched by all armed groups, including the pro-government militia. In one incident on March 7, 2007, over 20 Janjaweed in a vehicle and on horses entered Ardamata IDP camp in West Darfur and abducted at least two men in connection with the killing of one of their relatives. They confronted and threatened police who tried to intervene, and eventually handed the captives over to the military in the camp.¹⁰⁷

In July 2007 OHCHR appealed to the Sudanese government to send police to the small village of Bir Dagig, approximately 30 kilometers north of the West Darfur state capital El Geneina, after a spike in violence was reported there, most of it committed by men in military uniform.¹⁰⁸ The police had been absent since April 2007, but in late July the government sent a group of

¹⁰⁷ UNMIS Office of the Spokesperson, "UNMIS News Bulletin," March 8, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-maro8.pdf> (accessed August 19, 2007); and confidential source provided to Human Rights Watch.

¹⁰⁸ UN Office at Geneva, Regular Press Briefing by the Information Service, July 20, 2007, [http://www.unog.ch/unog/website/news_media.nsf/\(httpBriefingsLatest_en\)/ACDC60B2AF8E91C7C125731E003EA7EB?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpBriefingsLatest_en)/ACDC60B2AF8E91C7C125731E003EA7EB?OpenDocument) (accessed August 19, 2007).

officers to the village, as well as a police vehicle to conduct patrols along the road to the village of Kondobe, which was especially dangerous on market days.¹⁰⁹ But this small force, as well as the police in Kondobe, has as yet been unable to stop the abuses.¹¹⁰

The police lack staff, resources, political will, and basic competence to effectively protect civilians from armed groups or bandits. They often fail to register cases, visit crime scenes, or interview victims and witnesses. Even when cases are registered, most remain unsolved and leads are not followed up. When perpetrators are unidentified, police often expect victims or witnesses to follow up the leads themselves, but even when community members have tracked the footprints of suspected perpetrators, the police have ignored their findings.

In some areas, refusal to follow up investigations or even outright involvement by police officers in human rights violations has led local communities to regard the police as the agents of state abuses rather than the protectors of their security. (The same is true in some SLA/Minawi areas where the former rebels carry out policing activities and have subjected people to ill-treatment and have detained people in squalid conditions.¹¹¹) Some communities have even banned government police from entering the camps, preferring to rely on untrained community members to provide security. In May 2005 displaced persons threw the police out of Kalma camp, one of Darfur's largest displaced persons camps, located close to Nyala, the capital of South Darfur. The following year, the police returned to the outskirts of the camp, but were still banned from entering.¹¹²

¹⁰⁹ UNMIS Office of the Spokesperson, "UNMIS News Bulletin," July 30, 2007, <http://www.unmis.org/english/2007Docs/PIO-UNMISbulletin-jul30.pdf> (accessed August 19, 2007); and confidential source provided to Human Rights Watch.

¹¹⁰ Email communication from confidential source, West Darfur, Sudan, to Human Rights Watch, August 24, 2007.

¹¹¹ Confidential source seen by Human Rights Watch.

¹¹² In mid-2006 police were allowed to be stationed in the outskirts of Kalma. Email communication from confidential source, South Darfur, Sudan, to Human Rights Watch, August 18, 2007. See also OHCHR, "Second Periodic Report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan," Geneva, January 2006, p. 17.

Many people are afraid to report crimes committed by state agents for fear of retribution, and others despair of reporting cases that they assume will not be properly investigated. Therefore, the number of cases reported to police provides little sense of the true scale of criminal and armed group activity. Cases of sexual violence are especially likely to go unreported because of fear of ostracism and stigmatization. Under-reporting in turn permits police to claim, disingenuously, that they cannot investigate crimes of which they are not aware.

There are many criminal complaints that do, however, make it into Darfur's justice system. The system, like law enforcement, is unfortunately fraught with a lack of resources and political will. In the first quarter of 2006 there was one prosecutor for the whole state of West Darfur, and for extended periods of time the state had no more than two or three prosecutors. In July 2007 more prosecutors reportedly arrived to relieve the burden. However, most prosecutors are based in large towns. Therefore detainees and complainants in remote towns and villages throughout Darfur are effectively cut off from a fair and functional justice system.

Numerous committees have been established to investigate specific incidents and special courts have been introduced to deal with conflict related crimes.¹¹³ Regular courts are also operational in some areas. But very few footsoldiers and no high-level commanders have been convicted.¹¹⁴ In numerous cases, police have refused to intervene or investigate members of Sudan's security forces committing human rights abuses because they were protected by domestic immunity provisions. On June 11, 2006, the president

¹¹³ OHCHR, "Seventh periodic report of the United Nations High Commissioner for Human Rights on the human rights situation in the Sudan: Involvement of Sudanese security personnel in attacks on the Bulbul area of South Darfur from January to March 2007," p. 15.

¹¹⁴ Human Rights Watch knows of a small number of cases held before regularly constituted courts when government officials were convicted of rape in 2006. Additionally, two low-ranking members of Military Intelligence who had been convicted of murder in the court in El Fashir in 2005 for their role in the death in custody of a 60-year-old rebel suspect were hanged on April 22, 2007. However, these and other cases prosecuted reflect only a fraction of the crimes committed in the Darfur conflict. See also, "Sudan: National Courts Have Done Nothing on Darfur: ICC Prosecution Needed; Government Must Hand Over Suspects," Human Rights Watch news release, June 11, 2007, <http://hrw.org/english/docs/2007/06/11/sudan16110.htm>.

issued General Amnesty Decree No. 114 of 2006, which provided immunity from domestic criminal prosecution for various groups of people who had been involved in the conflict.

Humanitarian Access

Humanitarian groups are providing food, medical care, education, water, sanitation, and other assistance to some 4.2 million Darfurians in need of humanitarian relief. But these humanitarian workers have themselves increasingly come under attack. In June 2007 one in every six relief convoys that left provincial capitals in Darfur was hijacked or ambushed.¹¹⁵ Between January and July 2007, 64 relief vehicles were hijacked and 132 staff members were temporarily abducted at gunpoint, 35 relief vehicles were ambushed and looted, and aid agencies were forced to suspend operations and relocate staff due to security concerns 15 times.¹¹⁶ Attacks on the relief community have increased 150 percent in the past year.¹¹⁷ Despite these problems, humanitarian groups are struggling to reach more people mainly by resorting to more air transport and other means.¹¹⁸ According to UN estimates, in February 2007 some 900,000 people were inaccessible. That number apparently fell to 560,000 during May and June 2007, but the number remains staggering.¹¹⁹

While it is not always known who is responsible for particular attacks on humanitarian workers and hijackings of their vehicles, Sudanese government forces, rebel groups, former rebel groups as well as militia and/or bandits have all on various occasions been responsible.¹²⁰ Looting and hijacking of convoys appear to be aimed primarily at gaining resources such as vehicles and goods. But some of the worst attacks have targeted humanitarian

¹¹⁵ "The Humanitarian Community in Darfur Under Increasing Pressure," UN OCHA press release, 10 July 2007.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ UN OCHA, "Sudan Humanitarian Overview, Issue 3. Vol 4."

¹²⁰ Human Rights Watch, *Darfur: Humanitarian Aid under Siege*, no. 1, May 2006, <http://hrw.org/backgrounders/africa/sudano5o6/darfuro5o6.pdf>; and confidential sources seen by Human Rights Watch.

personnel directly. In Nyala, the capital of South Darfur, Sudanese police and security officials raided a social gathering at an international nongovernmental organization (NGO) compound on January 19, 2007, and arrested some 20 NGO, United Nations agency and AMIS staff, severely assaulting several of them and sexually abusing one woman.¹²¹ The authorities released them the next day, but charged them with consuming alcohol and creating a public disturbance. Some of the defendants were ordered to pay a fine and one remained under investigation for indecent and immoral acts. Others were acquitted for lack of evidence or had the charges dropped. Several NGO staff left the country and their case was temporarily closed.

In Gereida, an SLA/Minawi stronghold with some 130,000 displaced persons, SLA/Minawi forces attacked six humanitarian compounds on December 18, 2006.¹²² The NGO Action Contre La Faim working in Gereida reported that one employee was raped, others were sexually assaulted, and a mock execution was performed.¹²³ The NGO staff was subsequently forced to withdraw, leaving the largest IDP camp in Darfur with only limited assistance.¹²⁴

All the parties to the conflict in Darfur have delayed or denied humanitarian assistance to populations in need in violation of their obligations under international humanitarian law.¹²⁵ Humanitarian groups also face numerous

¹²¹ USAID, Sudan: Complex Emergency Situation Report #9 (FY) 2007, January 26, 2007, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/MCON-6Z98DE?OpenDocument> (accessed August 19, 2007); and monthly report of the Secretary-General on Darfur, S/2007/104, February 23, 2007, <http://www.unmis.org/english/2007Docs/SG-Rpt-darfur-104.pdf> (accessed August 19, 2007), para. 11.

¹²² "Joint statement on Darfur," United Nations Country Team in Sudan public statement, January 17, 2007, <http://www.alertnet.org/thenews/newsdesk/UNHCR/d8c26ddde30adba631b9d64f3d6b47e7.htm> (accessed August 19, 2007); Francois Murphy and Opheera McDoom, "Sudan: International Aid Worker Raped in Darfur," Reuters, January 24, 2007, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YSAR-6XRMFM?OpenDocument> (accessed August 19, 2007); and US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices - 2006: Sudan," March 6, 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78759.htm> (accessed September 8, 2007).

¹²³ "Joint statement on Darfur," United Nations Country Team in Sudan public statement, January 17, 2007; Murphy and McDoom, "Sudan: International Aid Worker Raped in Darfur," Reuters.

¹²⁴ "Joint statement on Darfur," United Nations Country Team in Sudan public statement, January 17, 2007.

¹²⁵ Protocol II, article 18(2) provides that "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

government-imposed procedural hurdles. Some relief convoys have been denied access to camps and villages by military personnel, rebels, and former rebels. It was only on June 11, 2007, that SLA/Minawi soldiers in the Haskanita area of North Darfur agreed to provide safe access to humanitarian workers after services were halted at the end of 2006.¹²⁶

In March 2007 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes tried to visit the Kassab IDP camp in North Darfur, but government military forces blocked him at a checkpoint.¹²⁷ The government later apologized and signed a communiqué pledging to reduce the administrative burdens on humanitarian agencies.¹²⁸ However, relief groups continue to contend with arbitrary limitations on personnel recruitment, delays at customs, denial of access to IDP camps and other areas, and other bureaucratic obstacles.¹²⁹

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.” As a matter of customary law, states must allow and facilitate humanitarian assistance and may not withhold consent for arbitrary reasons. See ICRC, *Customary International Humanitarian Law*, pp. 193-200.

¹²⁶ UN OCHA, “Sudan Humanitarian Overview, Issue 3. Vol 4.”

¹²⁷ Security Council, 5655th meeting, S/PV.5655, April 4, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/No6/326/77/PDF/No632677.pdf?OpenElement> (accessed August 28, 2007).

¹²⁸ *Ibid.*

¹²⁹ Office of UN Deputy Special Representative of the UN Secretary-General for Sudan, UN Resident and Humanitarian Co-ordinator, “Darfur Humanitarian profile 27,” May 28, 2007, [http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/9F195407A9628CA5492572E9000D04D-B-Full_Report.pdf/\\$File/Full_Report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/9F195407A9628CA5492572E9000D04D-B-Full_Report.pdf/$File/Full_Report.pdf) (accessed August 19, 2007).

Lessons Learned from Darfur's Peacekeepers

The success of UNAMID, the new UN-AU hybrid peacekeeping force, hinges crucially on its ability to overcome the limitations of AMIS, which has been criticized both by analysts and by displaced persons themselves.¹³⁰ Some residents of IDP camps have even held demonstrations against it and barred AMIS troops from entering.¹³¹ Currently, much of this hostility is due to the view of many people in Darfur that AMIS is a key implementer of the Darfur Peace Agreement (DPA), which they see as flawed. However, criticism began even before the DPA and was largely due to AMIS's inadequate resources to carry out a civilian protection mandate that was given a less-than-robust interpretation.

AMIS troops are deployed in permanent camps in all three Darfur states. They have a mandate to patrol the region and protect civilians and humanitarian operations from imminent danger. AMIS also provides armed escorts to humanitarian agencies on request. However, AMIS is a small force of some 7,000 peacekeepers that is not properly equipped with adequate material and human resources to carry out its protection mandate in such a vast, rugged, and hostile region. It has had no attack helicopters, which are necessary for rapid response activities, such as conducting real-time surveillance, immediate ceasefire violation investigations, and search and rescue missions. Armored personnel carriers provided by Canada were blocked from entering the country for months by the Government of Sudan. Equipment for nighttime activities has largely been absent. There has also been a persistent lack of interpreters and experienced female staff to address issues of sexual and gender-based violence. AMIS's various elements—military observers, protection force, and police—do not always share information and lack intelligence gathering technology and analysis

¹³⁰ For a discussion on AMIS's inability to provide protection to civilians in Darfur, see OHCHR, "Fourth Periodic Reports of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Sudan: Deepening Crisis in Darfur Two Months after the Darfur Peace Agreement: An Assessment," Geneva, August 9, 2006, p. 15-17.

¹³¹ *Ibid.*

techniques. These inadequacies have also left AMIS unable to defend itself. Between January and July 2007, AMIS lost 11 personnel to armed attacks and several of its vehicles were ambushed and hijacked.¹³²

The African force's mandate states that AMIS should protect civilians "under imminent threat and in the immediate vicinity" and within its "resources and capability." While resources appear to have been the critical factor in AMIS's response to civilian protection needs, the loose language may have also camouflaged a lack of political will to undertake robust operations that might result in peacekeeping casualties. Additionally, AMIS's Rules of Engagement and Standard Operating Procedures—which provide commanders and troops guidance on how and when to use force—were unclear. In May 2006 the DPA outlined more detailed responsibilities for AMIS to undertake, which caused additional confusion.

In 2005 NGOs lobbied AMIS to conduct "firewood" patrols to reduce sexual violence against women and girls traveling outside camps to collect wood, hay, and water, and to farm. In some areas women welcomed the troops and believed they did help reduce sexual violence. However, in many instances, these and other patrols were cancelled because AMIS had too few armed soldiers, or gaps existed between the time when one group of soldiers left their duty station and their replacements were operational. In other instances the patrols have failed since people distrust AMIS because its patrols are accompanied by the much-distrusted Sudanese police, and because they believe that the patrols merely displace, rather than prevent, violence.

The civilian police component of AMIS was given the crucial role of monitoring Sudan's police force, investigating conflict related crimes, and conducting capacity building activities to help strengthen the police. AMIS police have no powers of arrest and are not mandated to serve as a domestic policing force. It too was plagued by insufficient personnel, including a limited number of

¹³² Report of the Secretary-General on Darfur, S/2007/462, July 27, 2007, [http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/57BF36639A274FD38525732F0060BAE5-Full_Report.pdf/\\$File/Full_Report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/57BF36639A274FD38525732F0060BAE5-Full_Report.pdf/$File/Full_Report.pdf) (accessed September 7, 2007).

female staff with expertise in sexual and gender-based violence and too few interpreters. AMIS police also failed to communicate effectively with the people they were mandated to serve. According to analysts, displaced persons, and international workers AMIS police are often inexperienced and ill-prepared, not trained in the laws of Sudan and international policing standards, suffered from an inability to work with international humanitarian and human rights groups, and failed to report on police misconduct. People living in camps also accuse AMIS police of commingling too closely with the Sudanese police and not exerting enough pressure on the government to improve their practices.

Along with a protection force and police, AMIS also has military observers to monitor the ceasefire agreements. The 2004 N'Djamena ceasefire commission that the observers fed into was active at first, but made little progress in the run up to the signing of the Darfur Peace Agreement, which established a new ceasefire commission. The new commission has not yet addressed many substantive issues, but became bogged down in debates over the government's refusal to allow non-signatories to join the commission and the insistence by non-signatory rebels that the commission judges them only on commitments of the 2004 ceasefire agreement that they signed.

Given the task before it and the limited resources available, AMIS was handicapped from the beginning in its efforts to meet the expectations of the population of Darfur. AMIS, however, also contributed to the distrust and in some cases hostility of Darfurians through its own actions. Consequently, many displaced persons have been altogether dismissive of AMIS even when it offers services that could improve the security situation. The fact that AMIS was tasked with helping to implement the DPA worsened its already tarnished image with the large number of Darfurians who did not support the DPA.

The Future of UNAMID

UNAMID may have up to 26,000 military and police peacekeepers, which should improve matters, but the challenges will remain enormous. The lessons learned from AMIS demonstrate that boots alone will not be enough

to ensure UNAMID's ability to carry out its civilian protection mandate.¹³³ UNAMID will need to be widely and strategically dispersed throughout Darfur, have strong rapid response capabilities, carry out regular daytime and nighttime patrols—including firewood and market day patrols—employ well trained and well resourced policing units, and contain human rights officers who can publicly report on their findings. UNAMID should have a large number of staff who are experts in sexual and gender-based violence, as well as children's rights. UNAMID should also be equipped to provide a safe environment for humanitarians to work in.

Geographic coverage

Similar to AMIS, UNAMID should be widely and strategically dispersed in stations throughout Darfur, so that its forces have access to the civilian population and to especially volatile areas. Wide deployment to remote rural areas also acts as a deterrent for attacks and is necessary for increasing the potential for people to move more freely and for displaced persons to return home. It will take considerable time to complete permanent bases for the large force and even then there will be a number of areas with no permanent base. Peacekeepers should therefore be equipped and authorized to deploy to temporary bases for short- and medium-length stays. These peacekeepers, which will include military observers, armed soldiers, and police, will need to be mobile, with the ability to travel outside these temporary or permanent bases. A sufficient number of land vehicles and aircraft, including helicopters, will be needed since traveling through Darfur by road is always difficult and can be all but impossible in the rainy season.

Rapid response capabilities

UNAMID must have strong rapid response capabilities—much stronger than ever achieved by AMIS—that could include carrying out reconnaissance missions, placing peacekeepers in positions to protect civilians prior to

¹³³ Letter from Human Rights Watch to African Union Chairman and the Under-Secretary-General for UN Peacekeeping Operations, "Darfur Needs Most Efficient, Trained Troops Immediately," August 17, 2007, <http://hrw.org/english/docs/2007/08/15/darfur16694.htm>.

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. This will require sufficient personnel, attack helicopters and APCs, and real-time and accurate information gathering and analysis technology. They must also have the capacity and equipment to carry out rapid response activities after dark and in the early morning. UNAMID's police, military observers, protection forces, and other relevant actors will need to establish effective lines of communication and share information for all these resources to be utilized effectively.

Day and night patrols

UNAMID peacekeepers should carry out 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. One of the main lessons from AMIS's experiences with "firewood" patrols is that units must meet regularly with the local community to build confidence and gather information about when and where these patrols are needed and under what conditions they will take place. UNAMID should contact nomadic communities, rebels, and other armed groups in advance, and on the day of patrols. Throughout the patrols UNAMID should provide visible deterrence and be close enough on the ground to hear or see probable attackers, but not so close as to interfere with people's normal routines. If government security forces join patrols, their roles should be clarified in advance and written into patrol guidelines.¹³⁴

Civilian police

Because of the abovementioned deficiencies in Sudan's own police system, investigating police abuses, visiting detention facilities, and carrying out training activities should be top priorities for UNAMID police. Along with monitoring government police, they may also have to monitor rebel policing

¹³⁴ These recommendations are heavily based on proposals made by operational nongovernmental organizations in coordination with displaced persons and AMIS, March 2007.

activities in rebel-held areas of control. UNAMID's police must therefore have experience with protection issues relevant to Darfur, such as sexual violence. Female officers who are able to secure people's trust and ensure the security of information provided by victims, witnesses, and others, will be crucial to the success of their mission. These officers should also be supported by female interpreters. Police versed in children's rights issues will also be needed. All UNAMID police should be trained on the laws of Sudan; international police standards, especially as they relate to human rights; working with international humanitarian and human rights communities; reporting on police misconduct; and their own police powers and mandate.

Sexual and gender-based violence

Personnel qualified to handle issues concerning sexual and gender-based violence should be employed at all levels of UNAMID. UNAMID should defer to local community members, local and international NGOs, and other UN workers on the best ways to coordinate this work at the local and national levels. As a general rule, UNAMID should ensure that the identities of victims, witnesses, and other informants, who provide information about sexual violence, as well as other rights abuses, are kept confidential unless permission is otherwise granted by the source.

Human rights monitoring

The number of human rights officers in Darfur and the language assistance staff they work with should be increased and dispersed into permanent satellite offices under the supervision of their regional offices. Currently the vast majority of UN human rights officers deployed in Darfur work under the auspices of UNMIS and not AMIS. They operate out of four regional offices (El Fashir, Nyala, El Geneina, and Zalingei) and travel by land and air to conduct fact-finding missions. Their work is complemented by protection officers, some of whom focus on issues relating specifically to children. Human rights officers and protection officers in Darfur have been instrumental in collecting and reporting on human rights and international humanitarian law violations to the UN, the government, and the public. They also monitor trials, visit detention facilities if permitted by authorities, and enter into constructive

dialogue with government officials such as police, military, National Security, prosecutors, and judges. The Office of the High Commissioner for Human Rights has issued several public reports and press statements based on the work of human rights officers. However, these reports have focused primarily on South Darfur and West Darfur to the exclusion of North Darfur. In addition to more regional coverage, the reports could also benefit from better publicity and stronger follow-up advocacy.

UNAMID police and military observers should efficiently coordinate their work with human rights officers and utilize their expertise in documenting human rights abuses and violations of international humanitarian law. Given the fact that human rights officers place a high premium on protecting the sources of their information, it will be especially important for UNAMID peacekeepers to consult with human rights officers on how the information human rights officers collect can be used for the ceasefire commission or other UNAMID purposes. UN human rights officers should also have the responsibility of providing internal capacity building initiatives such as training peacekeepers in international law enforcement standards and human rights investigation techniques.

It is critical that human rights officers retain a dual reporting line to UNAMID and OHCHR, and that OHCHR is free to issue public reports in coordination with UNAMID. This is the model currently used in UNMIS. Not doing so runs the risk of UNAMID being allowed to block from the public record one of the main sources of human rights information and analysis in Darfur.

Humanitarian access

Finally, UNAMID must create a safe environment for humanitarian workers. Regular patrols inside and outside towns and camps should, in themselves, improve security for local and international humanitarian workers. As noted above, UNAMID must also have at its disposal the capacity for rapid search and rescue missions if humanitarian convoys are hijacked, or if workers are abducted or simply stranded in a remote location. UNAMID should also liaise with NGO and UN agency security officers to help map out where armed

patrols are needed the most to provide a secure environment for humanitarian road access.

UNAMID should, however, ensure that there is a clear distinction between the work of UNAMID peacekeepers and the work of humanitarian groups, including UN agencies. Unlike peacekeepers, humanitarian groups often insist on carrying out their operations at a distance from any armed forces so that their neutrality and safety is maintained. UNAMID must balance the humanitarian groups' need for protection with the latter's desire to remain independent from those perceived to be militarily involved in the conflict.

Sudan's Compliance with Security Council Resolution 1769, Other Obligations, and Benchmarks for International Response

International support for UN Security Council Resolution 1769 authorizing UNAMID and for the rapid deployment of a well-resourced UNAMID force in the coming months will be vital, but this alone will not be sufficient to bring an end to the continuing human rights abuses in Darfur. The Sudanese government's abusive policies are likely to continue prior to and after UNAMID becomes operational, and until concerned states and members of the UN Security Council implement and enforce effective sanctions on key individuals responsible for abusive policies and activities.

In July 2007, Sudan consented to Resolution 1769, but only after protracted resistance.¹³⁵ In the past, Sudan had obstructed other peacekeeping initiatives to the detriment of civilians in Darfur. In 2005 it prevented the delivery of 105 Canadian APCs to Darfur intended to help AMIS protect civilians, humanitarian workers, and its own troops. The APCs were eventually allowed in, but only after an attack on AMIS left four troops dead.¹³⁶ In 2007 Sudan blocked entry of six AMIS attack helicopters, agreeing to allow them in only after receiving assurances that they would not be used for "offensive"

¹³⁵ "Sudan endorses UN resolution on Darfur force," Agence France-Press/Associated Press, August 2, 2007, http://www.sudantribune.com/spip.php?article23093&var_recherche=1769 (accessed August 19, 2007).

¹³⁶ "Canadian armoured vehicles start arriving in Darfur," CBC News, November 20, 2005, <http://www.cbc.ca/world/story/2005/11/20/grizzlies051120.html> (accessed August 22, 2007).

purposes.¹³⁷ The government has also prevented AMIS police from visiting people in detention facilities, even though this is a provision of the Darfur Peace Agreement.¹³⁸ Rebels and former rebels have also attacked AMIS forces on several occasions and prevented it from entering their areas of control.¹³⁹

Resolution 1769 also places responsibilities on Sudan, as well as other parties to the conflict, that they have defied in the past, such as to cooperate with humanitarian agencies and relief convoys, cease aerial bombings and remove UN markings from government aircraft, and abide by the arms embargo. The Government of Sudan must also bring violators of international human rights and humanitarian law to justice. All parties to the conflict must work with the UN secretary-general to end the use of children as soldiers, a problem documented by Human Rights Watch and other organizations.¹⁴⁰ More generally, Resolution 1769 demands “that the parties to the conflict in Darfur fulfill their international obligations and their commitments under relevant agreements, this resolution and other relevant Council resolutions.”¹⁴¹ These resolutions, which are also being flouted, include Sudan’s obligation to cooperate with the International Criminal Court, disarm

¹³⁷ “Sudan agrees to accept UN attack helicopters,” Reuters, April 16, 2007, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/JFRN-72BN9C?OpenDocument> (accessed August 22, 2007).

¹³⁸ Darfur Peace Agreement, http://www.unmis.org/english/2006Docs/DPA_ABUJA-5-05-06-withSignatures.pdf (accessed August 20, 2007), para. 237.

¹³⁹ UN Panel of Experts, “Interim report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, submitted pursuant to resolution 1713 (2006),” unpublished, paras. 80-91; UN Panel of Experts, “Report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan,” S/2006/65, January 30, 2006, <http://daccessdds.un.org/doc/UNDOC/GEN/No5/632/74/PDF/No563274.pdf?OpenElement> (accessed August 22, 2007), paras. 156-161.

¹⁴⁰ United Nations Security Council, Resolution 1769 (2007), S/RES/1769 (2007), <http://daccessdds.un.org/doc/UNDOC/GEN/No7/445/52/PDF/No744552.pdf?OpenElement> (accessed August 19, 2007), preamble and paras. 14 and 17. See Human Rights Watch, “If We Return, We Will Be Killed,” and “They Came Here to Kill Us:” Militia Attacks and Ethnic Targeting of Civilians in Eastern Chad, January 2007, vol. 19, no. 1(A), <http://hrw.org/reports/2007/chado107/>. See also Watchlist on Children and Armed Conflict, “Sudan’s Children at a Crossroads: An Urgent Need for Protection,” April 2007, p. 42, http://www.watchlist.org/reports/pdf/sudan_07_final.pdf (accessed September 9, 2007).

¹⁴¹ United Nations Security Council, Resolution 1769 (2007), S/RES/1769 (2007), para. 22.

the militia, and protect women and girls from rape in situations of armed conflict.¹⁴²

International response

The war crimes and crimes against humanity committed in Darfur have gained global attention over the past four years, generating repeated condemnations from key international officials and institutions. International awareness of the crisis has also coincided with the development, and adoption by the UN General Assembly, of the doctrine of the “Responsibility to Protect.” Under this doctrine, the international community is obliged to protect people throughout the world from serious international crimes such as “genocide, ethnic cleansing, war crimes and crimes against humanity” when their own governments fail to do so.¹⁴³ Key sectors of the international community have failed, however, to take effective punitive and preventative action against the Sudanese government in the face of widespread knowledge of the crimes and evidence of the Sudanese government’s primary responsibility for the violence against civilians.

The UN Security Council established a sanctions committee for Sudan under Resolution 1591 (2005), but to date the Security Council has imposed sanctions on only four individuals. Two individuals—Sudanese Armed Forces Major-General Gaffar Mohammed Elhassan and Paramount Chief of the Jalul tribe of North Darfur Musa Hilal—were sanctioned for their involvement in human rights abuses and violations of international humanitarian law, and the other two individuals—SLA Commander Adam Yacub Shant and National Movement for Reform and Development Field Commander Gabriel Abdul Kareem Badri—were sanctioned for violating a ceasefire agreement and

¹⁴² See, United Nations Security Council, Resolution 1593 (2005), S/RES/1593 (2005), <http://daccessdds.un.org/doc/UNDOC/GEN/No5/292/73/PDF/No529273.pdf?OpenElement> (accessed August 28, 2007); United Nations Security Council, Resolution 1556 (2004), S/RES/1556 (2004), <http://daccessdds.un.org/doc/UNDOC/GEN/No4/446/02/PDF/No444602.pdf?OpenElement> (accessed August 28, 2007); and United Nations Security Council, Resolution 1325 (2000), S/RES/1325 (2000), http://www.un.org/events/res_1325e.pdf (accessed August 28, 2007).

¹⁴³ Under the “Responsibility to Protect” doctrine, states are not permitted to undertake unilateral action, such as armed humanitarian intervention, against another state in contravention of the UN Charter. The doctrine envisages the UN Security Council as being the only authority for allowing armed humanitarian intervention.

impeding the peace process.¹⁴⁴ None of the four individuals is a senior Sudanese government official, although several ministers alleged to be responsible for war crimes under the principle of command responsibility have been among the several dozen people recommended for individual sanctions by the UN Panel of Experts which investigates, among other things, human rights abuses and violations of humanitarian law.¹⁴⁵

Divisions among Security Council members have made it nearly impossible to impose additional targeted sanctions. In the most recent example of the lack of political unity, draft language that would have threatened sanctions in the event of Sudanese government obstruction of UNAMID was deleted from resolution 1769 prior to its adoption, apparently at the insistence of China and others.¹⁴⁶

In March 2005 the Security Council took the unprecedented step of referring the situation in Darfur to the International Criminal Court. On April 27, 2007, the ICC's Pre-Trial Chamber issued warrants of arrest for a government official, Ahmed Haroun, and a Janjaweed leader, Ali Kosheib, who are being charged with war crimes and crimes against humanity (see Background, above). Sudan has explicitly refused to cooperate with the court and recognize its jurisdiction. In September 2007, the government even nominated Ahmed Haroun to co-chair a human rights investigation committee on Darfur. Ultimately the Security Council need to act to ensure that Sudan lives up to its legal obligations.

Although the European Union and individual EU leaders have on a number of occasions indicated willingness or even threatened to adopt targeted

¹⁴⁴ Such sanctions were authorized in 2005 under S/Res/1591, which also appointed the Panel of Experts to identify individuals on whom such sanctions should be imposed. Sanctions have only been imposed on four individuals under S/Res/1672(2006).

¹⁴⁵ A confidential annex to the Panel of Experts report of January 30, 2006, includes 17 names to be considered for sanctions. Presumably additional people were recommended for sanctions in later reports issued by the Panel of Experts. On file with Human Rights Watch.

¹⁴⁶ Refugees International, "UN Resolution for Darfur: An Important But Insufficient First Step Towards Protecting Civilians," August 2, 2007, <http://www.refugeesinternational.org/content/article/detail/10139/> (accessed September 10, 2007).

sanctions, none have been imposed. As noted above, on May 29, 2007, the United States unilaterally placed targeted economic sanctions on two Sudanese government officials, a rebel leader, 30 companies owned or controlled by the Sudanese government, and one company alleged to have violated the arms embargo.¹⁴⁷

Concerned governments and international institutions should be prepared to strengthen the less-than-robust track record on maintaining pressure on the Government of Sudan and other parties to the conflict to meet their obligations under international law. When parties to the conflict continually fail to do so, governments and international institutions should take multilateral and if necessary unilateral measures, such as implementing targeted individual sanctions on people identified by the UN Panel of Experts, and on other entities, such as companies, that are contributing to rights abuses in Darfur.

The following benchmarks provide a preliminary set of monitoring criteria for the international community to act upon if parties to the conflict fail to comply with some of the key obligations they have under international humanitarian and human rights law.

Cease attacks on civilians

All parties must immediately cease violations of international humanitarian law and human rights law, including deliberate and indiscriminate attacks against civilians. The government must refrain from using airplanes and helicopters painted white or otherwise mimicking UN or AMIS colors or markings in violation of the prohibition against perfidious attacks and misusing internationally recognized emblems.

¹⁴⁷ "US Sanctions on Sudan," US Department of State Fact Sheet, May 29, 2007, <http://www.state.gov/r/pa/prs/ps/2007/may/85597.htm> (accessed September 9, 2007).

End support to abusive militia/Janjaweed and initiate militia/Janjaweed disarmament programs

Cease military, financial, and political support to, and recruitment of, abusive militia/Janjaweed. Immediately implement militia/Janjaweed disarmament programs in accordance with relevant international standards.

Facilitate the expeditious deployment of AMIS and UNAMID

All parties must proactively facilitate the expeditious deployment of remaining personnel and resources for AMIS and the full deployment of UNAMID and ensure AMIS and UNAMID can carry out their mandates unhindered. This includes facilitating delivery of the Heavy Support Package, expediting visas and delivery of equipment both for deployment and pre-deployment reconnaissance missions, and allowing the peacekeepers freedom of movement throughout Darfur.

End impunity and promote accountability

The Government of Sudan must take concrete steps towards prosecuting or assisting in the prosecution of individuals implicated in war crimes, crimes against humanity, and other serious human rights abuses, including by members of the government and militia. To accomplish this, the Sudanese government should take the following measures:

- a. Promptly comply with the ICC arrest warrants and its other obligations under Security Council Resolution 1593 to fully cooperate with the ICC, including providing the ICC access to all documents, interviews, and other sources of information requested.
- b. Amend relevant legislation and revoke the presidential General Amnesty Decree No. 114 of 2006 that confers immunity upon perpetrators of abuses, and amend legislation in accordance with international standards that restricts victims of sexual violence from seeking judicial remedies.

- c. 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.
- d. Establish credible national justice mechanisms that investigate and lead to the prosecution of individuals responsible for war crimes, crimes against humanity, and other serious violations of human rights law in Darfur. These mechanisms should be in accordance with relevant international standards and open to international monitors who can report publicly on the conduct of their activities. To be credible, these mechanisms should be mandated to overcome (1) the shortcomings that may result from a lack of clarity in domestic law to prosecute crimes against humanity and war crimes, (2) provisions granting immunity to Sudan's police and security forces, and (3) the unnecessarily high standard of proof that makes it difficult for rape victims to pursue legal recourse.
- e. Establish an effective system for vetting appointees to police, security forces, and other official posts to ensure that individuals accused of war crimes, crimes against humanity, or other serious human rights abuses are not appointed. The government should not incorporate former members of Janjaweed militia responsible for abuses into government security forces or police.

Humanitarian Access

All parties should actively facilitate humanitarian assistance to reach civilians in need, immediately cease attacks on humanitarian operations, staff, and assets, and issue clear public orders to their forces and allied militia to this effect. The Government of Sudan should 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.

Consolidation of ethnic cleansing

The Government of Sudan should publicly announce that official or unofficial occupation or settlement of land belonging to displaced persons will not be permitted.

Peacekeeping in the Interim

UNAMID is scheduled to assume full authority over AMIS no later than December 31, 2007, and to have initial operational capabilities no later than October 2007. Focus should not be lost, however, in the interim period—while AMIS is transitioning into UNAMID. It is not expected that UNAMID will have a strong presence in Darfur until January 2008, and even from that point it will likely strengthen itself incrementally. Meanwhile, civilians remain under threat of attack. AMIS, as well as donor countries, should not stop seeking to improve the AMIS protection and monitoring initiatives. AMIS should use the resources from the “Light Support Package” and “Heavy Support Package” to strengthen its peacekeeping and civilian protection operations. Initiatives that have ceased in certain areas, including daytime, nighttime, and firewood patrols, should resume immediately. To support this, there is an imperative need for any remaining resources allocated to AMIS to be deployed or made operational without obstruction from the Government of Sudan.