

10 YEARS ON

VIOLATIONS REMAIN
WIDESPREAD IN DARFUR

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As the Darfur conflict marks its 10th anniversary, the human rights situation in the region remains dire. Civilians continue to face attacks by government forces, pro-government militias, and armed opposition groups. In the last three months alone, 500 people were reportedly killed and roughly 100,000 displaced in attacks against civilians that have involved members of government forces. The government in recent years has continued to carry out indiscriminate aerial bombardment and deliberate attacks against civilians.

In addition, security services carry out torture and other ill-treatment against detainees and, alongside the police, use excessive force against peaceful protesters.

And impunity reigns. Government officials, including President Bashir and a leader of the '*janjaweed*' pro-government militia Ali Kushayb, indicted by the International Criminal Court on counts of war crimes, crimes against humanity and genocide remain at large and there is little or no accountability for these crimes.

Ten years after the beginning of the conflict in Darfur, this document provides a brief outline of the violations and abuses by government forces and armed groups that remain widespread in the region and calls on the government of Sudan, armed groups, UNAMID, the UN Security Council, African Governments and Regional Bodies to take action to stop human rights violations in Darfur.

STATE INVOLVEMENT IN INTER-COMMUNAL VIOLENCE

Amnesty International has documented the involvement of members of the Border Guards, a force under the authority of the Sudanese Military Intelligence, in multiple large-scale attacks against civilians in the context of inter-communal violence in the region of Jebel 'Amer, Kebkabiya and El Siref, North Darfur.

Border Guards, formally known as Border Intelligence Brigade, comprise of formerly irregular forces that were locally known as '*janjaweed*', and are implicated in a number of serious human rights violations.

On 23 February 2013, hundreds of gunmen attacked the town of El Siref, where 60,000 internally displaced people had taken refuge. The displaced had moved there recently, following attacks on their villages in the areas of Kebkabiya and Jebel 'Amer in January, during which roughly 110 villages had been partially or entirely burnt down.

A number of displaced people in El Siref told Amnesty International that on the 23 February, at 9:45 AM, armed men in more than 40 four-wheel-drive vehicles, 150 camels and 200 horses attacked the town from its western side.

A witness said: "I was in the western part of El Siref when it started. While we were at home we heard shooting outside and came out. There were land cruisers, camels and horses everywhere."

Another witness told Amnesty International: "I was walking on the street when I heard gunshots everywhere. I saw a woman being hit by a bullet in the stomach. I called an ambulance but she died before they arrived. There were armed men on land cruisers everywhere. They would shoot anyone who came out of their homes."

Local sources indicate that 53 residents were killed and 66 injured in the attack. The overwhelming majority of the victims were civilians. Among them were Mohammed al Bishari, a 16-year old boy; Hawa Ahmed Abdallah, a woman who was shot in the chest; and Isra Ramadan Mohammed Ishaq, a five-year old girl. A toddler was also reportedly killed by a bullet while his mother carried him on her back. A witness who was present at the El Siref hospital said that most victims had been hit by bullets, including of the large calibre kind used in heavy machine guns.

Some of the displaced residents fought back, firing at the attackers using light weapons such as Kalashnikovs. Such weapons are carried by many people in rural areas of Darfur as a means of self protection. 17 of the attackers were reportedly killed. Most of them carried government issued identity documents identifying them as members of the Border Guards.

In the aftermath of the attack, Adam Sheikha, a member of parliament for the ruling National Congress Party, was quoted as saying that the attackers "came on government vehicles carrying state-issued weapons and [had received] their salaries from the state".

On 9 January, 53 residents of the Martam Bay village were reportedly killed when civilians were attacked in the Jebel 'Amer area by Rizeigat gunmen. Amnesty International documented the involvement of individual Border Guard officers in the attacks.

In addition to naming Border Guards officers who participated in attacks, civilians described the use by attackers of heavy weapons, such as vehicle-mounted heavy machine-guns, RPGs, and grenade launchers, equipment which is used by government forces in the area but is not usually available to civilians.

The violence broke out on 5 January when an officer of the Border Guards and leader of the Rizeigat (a pastoralist Arab tribe) both laid claim to a gold-rich piece of land located in Jebel 'Amer, on the territory of the neighbouring agro-pastoralist Arab tribe of the Beni Hussein.¹

The local dispute escalated in the first weeks of January, culminating into coordinated attacks from members of the Rizeigat on tens of Beni Hussein villages. Estimates of the death toll indicate that more than 500 residents of the Beni Hussein area might have been killed in the attacks. According to UN figures, since 5 January roughly 100,000 people have fled Beni Hussein territory, in what represents the largest instance of displacement in Darfur in recent years.

¹Representatives of the Beni Hussein have controlled the distribution of artisanal mining licenses since the discovery of gold in the area in 2012, and have reportedly resisted government attempts to levy taxes on gold production.

INDISCRIMINATE AERIAL BOMBARDMENTS

In a context of renewed conflict between government forces and allied militias and armed opposition groups (notably the two factions of the Sudan Liberation Army), the Sudanese Armed Forces (SAF) in recent years has carried out indiscriminate aerial bombardments as well as direct bombings against civilian populations, using Su-25 ground attack aircrafts, Mi-24 attack helicopters, and Antonov-24/26 transport aircrafts converted into bombers.

Among such indiscriminate attacks that Amnesty International documented is the bombing of Khair Wajid by SAF on 26 March 2011, which injured 16 civilians, destroyed houses, killed livestock, and caused the village's population to flee to nearby South Darfur towns.

In 2012, SAF continued to carry out indiscriminate aerial bombardments, as documented by the UN Panel of Experts on Sudan (S/2013/79). These represent clear violations of both international humanitarian law and the UN embargo on offensive military over flights. The areas of Jebel Marra, Hashaba, Wadi Hawar and Shangel Tobaya were reportedly particularly affected.

In one such instance, the town of Trayteer, located in eastern Jebel Marra, was indiscriminately bombed by SAF using Antonov planes on 28 November 2012, which caused civilians to hide and flee. In another instance, SAF bombed the village of Hashaba in North Darfur on 25-27 September 2012 in the context of local clashes between government forces and armed opposition groups, notably the Sudan Liberation Army -- Minni Minawi (SLA-MM). The aerial bombardment was reportedly carried out using Antonovs. These planes fly at high altitude and deliver crude, unguided weapons, which means that their use on areas populated by civilians violates the principle of distinction between civilians and combatants - a cornerstone of international humanitarian law.

Despite the existing UN embargo, arms manufactured in or supplied from Belarus, China and the Russian Federation, or evidence of their use, have been found in Darfur, as well as other conflict areas of Sudan, such as Southern Kordofan. In addition, there is unambiguous evidence that the Sudanese government continues to fail to fully comply with the guarantees and commitments required by exporting countries when licensing arms transfer – a fact which does not seem to have led to a limitation of supply to Sudan by exporting countries.

ETHNICALLY TARGETED ATTACKS

SAF and the Popular Defense Forces (PDF) have carried out ethnically targeted attacks and reprisals. From December 2010 throughout the first half of 2011, displaced ethnic Zaghawas who had found refuge near the Team Site of the Hybrid UN – African Union peacekeeping mission in Shangel Tobaya were subjected to attacks (including killings and sexual violence) by SAF and PDF, apparently in retaliation for renewed attacks on SAF AND PDF by the Sudan Liberation Army -- Minni Minawi (SLA-MM), an armed opposition group whose membership is largely Zaghawa.

On 31 May 2011, PDF forces captured 20 Zaghawa civilians who were attempting to recover stolen cattle and killed 17 of them. An official investigative committee of the North Darfur authorities confirmed that the victims were unarmed and had been tied up, and were killed by heavy machine guns mounted on vehicles.

More recently, following renewed clashes between government forces and SLA-MM, PDF forces on 2 November 2012 reportedly conducted a retaliatory attack against the town of Sigilli, killing 10 civilians. In December 2012, after clashes between SAF and SLA -- Abdelwahid al-Nour (SLA-AW), SAF were seen returning to the SAF-controlled town of Zalingei on 16 February carrying household furniture allegedly looted from people's home in the towns of Golo and Juldo which had been recently retaken from SLA-AW.

SEVERE HUMAN RIGHTS VIOLATIONS IN CAMPS AND TOWNS

Violations and abuses remain commonplace in several cities and camps for internally displaced people in Darfur, where populations found refuge during the conflict. Darfur people remain vulnerable to attacks, abduction, looting and sexual violence by government forces and allied militias. Security services maintain a climate of fear through harassment, detention and torture and other ill-treatment of peaceful civil society activists.

In early 2011, the government deployed forces from the Central Reserve Police (CRP), a combat-trained paramilitary force, in the Zam Zam camp for internally displaced people, to provide security instead of civilian police. But rather than improve security, the CRP was responsible for a surge in shootings of civilians and looting of civilian shops and property, as well as other forms of harassment.

On 1 August 2012, the killing of a local government official in Kutum and the discovery of the vehicle of the alleged perpetrators two kilometres away from the Kassab internally displaced people's camp triggered revenge attacks in the following days on the Kassab and Fatta Borno camps by at least 200 armed members of the Commissioner's tribe. They looted the camps (including offices of international humanitarian organizations) as well as the neighbouring villages of Kassab and Kambout, and parts of Kutum town. 25 internally displaced people were reportedly killed in the attacks, which caused more than 22,000 people to flee.

Sexual violence around the camps and in Darfur's towns remains widespread as women and girls continue to face vulnerability when collecting firewood. Many of the perpetrators are armed and in uniform. While many incidents are reported to the police, perpetrators are occasionally prosecuted but rarely convicted.

Those who work to document these violations and assist the victims face the constant threat of harassment, detention and torture and other ill-treatment at the hands of the National Security Services.

A Darfuri man from the Abu Shouk camp who worked as an activist to denounce sexual violence and living conditions in the camps told Amnesty International how he was detained four times from 2009 to 2012 for his work and reportedly beaten on his back and genitals.

He said: "before 2009 the situation in the camps was bad, but since then it has gone from bad to worse. In the camps you can't have a meeting of more than three people. The government is paying a bit of money to everyone so that they denounce each other".

Another, female activist from the Kalma camp said she was shot twice on the hip and lower back in November 2007, following phone threats from a man who identified himself as a member of the security services. At the hospital, she faced further threats by an armed National Security Service (NSS) agent. Following her recovery, she resumed her work. In February 2012, she was hit by a car in what she believes was an attempt on her life. In April of the same year, she narrowly escaped collision with another car and received calls telling her to stop her activities.

Both are now abroad as refugees.

FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY CURTAILED

Freedom of expression and peaceful assembly is further hampered by repressive laws and the excessive force used by the authorities to put down protests. Demonstrations broke out in Nyala, South Darfur on 30 July 2012, as high school students took to the streets to protest the high cost of fuel, in a town where its supply is reported to be controlled by the NSS. On 31 July, the NSS, accompanied by elements of the CRP, fired directly at the peaceful demonstrators with live bullets, killing and injuring many. In addition, security forces fired warning shots using live, heavy bullets, resulting in the deaths of more Nyala residents in their homes as bullets fell down. At least 8 people were killed that day, the majority of them high school students, and many more injured.

Under the 2010 National Security Act, NSS agents have broad powers of arrest and detention and are immune to prosecution for all acts committed during the course of their work. These provisions contradict the Basic Principles on the Use of Force and Firearms, which state that "governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law".

IMPUNITY FOR THE MOST SERIOUS CRIMES

The International Criminal Court in 2009 indicted President Omar al-Bashir with committing crimes against humanity and war crimes in Darfur. Genocide was added in 2010 to the list of charges against him. Other high-ranking officials have been charged alongside him, notably Ahmed Haroun, now governor of the conflict-affected state of Southern Kordofan, and Abdelrahim Mohammed Hussein, now Minister of Defence. All of these indictees remain at large.

Despite the severity of the charges, the Sudanese government continues to refuse to cooperate with the ICC by not arresting its members who have been indicted. In addition, a number of countries, including Chad and Kenya, which are party to the Rome Statute of the ICC, have failed to arrest President al-Bashir during official visits he has made to those countries.

Amnesty International has repeatedly called on all members of the international community to ensure full accountability for the crimes under international law committed in the context of the Darfur conflict in Sudan.

LACK OF ACCESS FOR HUMAN RIGHTS MONITORING AND RESTRICTIONS ON HUMANITARIAN ASSISTANCE

Ten years after the beginning of the conflict in Darfur, violations and abuses by government forces and armed groups remain widespread in the region. Independent monitoring is hampered by the government's continued refusal to grant Amnesty International and other international human rights monitors access to the region. Foreign journalists based in the capital Khartoum, are also denied access to Darfur.

Following the expulsion of 13 international humanitarian organizations in March 2009, which removed 40 percent of all foreign aid workers in Sudan, humanitarian organisations remaining in the country continue to face multiple restrictions on their work in Darfur, including lack of access to large swathes of conflict-affected parts of Darfur, notably around eastern Jebel Marra.

RECOMMENDATIONS

Amnesty International makes the following calls, some of which were made in past publications:

SUDANESE GOVERNMENT

- Cease all attacks in violation of international humanitarian and human rights law in Darfur, including deliberate and indiscriminate attacks on civilians and aerial bombardments;
- Ensure the full and effective protection of civilians as required by international humanitarian and human rights law.
- Fully cooperate with the ICC, including by surrendering to the court anyone who is the subject of an ICC arrest warrant.
- Ensure that there is a prompt, impartial and effective investigation into the allegations that the Border Guards carried out attacks against civilians in and around Jebel Amer. Any member of the Border Guards who is reasonably suspected of involvement in committing such attacks must be immediately suspended from their posts, pending the outcome of a thorough and transparent investigation, and if there is sufficient evidence, charged and prosecuted in fair proceedings which comply with international standards of fair trial, without resort to the death penalty.
- Take effective measures to make sure there is no repetition of such attacks, including by ensuring effective measures of command and control.
- Implement recommendations of the UN Group of Experts on Darfur, as well as those of the UN Panel of Experts on Darfur, including an immediate end to indiscriminate aerial bombardments.
- Provide UNAMID, humanitarian organisations and human rights monitors with unrestricted access to all parts of Darfur, including by issuing orders to provide UNAMID and other humanitarian or human rights organisations with full freedom of movement in their areas of operation, and full access to any investigations of incidents of human rights violations and abuses
- Repeal the 2010 National Security Act and ensure institutional and legislative reform of the National Security Service (NSS), with a view to bring its powers of arrest and detention in line with international standards, and to establish a judicial oversight mechanism.

ARMED GROUPS

- Take concrete steps to ensure fighters respect international humanitarian law and in particular refrain from all attacks on civilians or civilian objects;
- Remove anyone suspected of violations of international humanitarian law from positions where they can commit abuses.

UNAMID

- Make full use of the mission's capabilities and pro-actively fulfil its mandate to protect civilians including by deploying personnel to areas where civilians need the most protection.
- Dedicate adequate resources to independently monitor and report on ongoing human rights violations, including allegations of involvement of government forces in attacks against civilians.

AFRICAN UNION STATES AND REGIONAL BODIES

- Address continued grave breaches of international humanitarian law and violations of international human rights law in Darfur with the attention that they deserve, including within all relevant bodies of the African Union, notably the Peace and Security Council and the African Commission on Human and Peoples' Rights;
- Make every effort to arrest President al-Bashir and others sought by the ICC and ensure that they are transferred to the ICC.
- Press the Sudanese government to take urgent measures to cease attacks by its forces against civilians, undertake prompt investigations into alleged attacks and human rights violations, and implement pending recommendations of the UN Group of Experts and Panel of Experts on Darfur.

UNITED NATIONS SECURITY COUNCIL

- Broaden the Darfur arms embargo to the whole of Sudan to facilitate its implementation and curb violations of international humanitarian law and human rights law in other parts of the country;
- Ensure UNAMID makes full use of its capabilities and pro-actively fulfils its mandate to protect civilians, and that it adequately monitors and reports on ongoing human rights violations, including allegations of involvement of government forces in attacks against civilians.
- Act on requests by the ICC prosecutor to take measures against state parties to the Rome Statute that do not fulfil their responsibilities.

SELECTED AMNESTY INTERNATIONAL PUBLICATIONS ON DARFUR SINCE 2003

Darfur: Government forces involved in gold mine attacks, January 2013

<http://www.amnesty.org/en/news/darfur-government-forces-involved-gold-mine-attacks-2013-01-30-0>

Security forces must stop using live rounds against demonstrators, August 2012

<https://www.amnesty.org/en/for-media/press-releases/sudan-security-forces-must-stop-using-live-rounds-against-demonstrators-2012-08-01>

No end to violence in Darfur: Arms supplies continue despite ongoing human rights violations, February 2012

<http://www.amnesty.org/en/library/info/AFR54/007/2012/en>

Empty Promises on Darfur. International community fails to deliver, February 2009

<http://www.amnesty.org/en/library/asset/AFR54/001/2009/en/678262f0-e970-11dd-8224-a709898295f2/afr540012009eng.pdf>

Displaced in Darfur: A generation of anger, January 2008

<http://www.amnesty.org/en/library/info/AFR54/001/2008/en>

Obstruction and Delay: Peacekeepers needed in Darfur now, October 2007

<http://www.amnesty.org/en/library/info/AFR54/006/2007/en>

Arms continuing to fuel serious human rights violations in Darfur, May 2007

<http://www.amnesty.org/en/library/info/AFR54/019/2007/en>

Protecting Civilians in Darfur: A Briefing for Effective Peacekeeping, July 2006

<http://www.amnesty.org/en/library/info/AFR54/024/2006/en>

Darfur crisis - Testimonies from Eastern Chad, June 2006

<http://www.amnesty.org/en/library/info/AFR20/007/2006/en>

Sowing the seeds of Darfur: Ethnic targeting in Chad by Janjawid militias from Sudan, June 2006

<http://www.amnesty.org/en/library/info/AFR20/006/2006/en>

What hope for the future? Civilians in need of protection, December 2004

<http://www.amnesty.org/en/library/info/AFR54/164/2004/en>

Arming the perpetrators of grave abuses in Darfur, November 2004

<http://www.amnesty.org/en/library/info/AFR54/139/2004/en>

Intimidation and denial: Attacks on freedom of expression in Darfur, August 2004

<http://www.amnesty.org/en/library/info/AFR54/101/2004/en>

Darfur: Rape as a weapon of war: sexual violence and its consequences, July 2004

<http://www.amnesty.org/en/library/info/AFR54/076/2004/en>

At the mercy of killers – destruction of villages in Darfur, July 2004

<http://www.amnesty.org/en/library/info/AFR54/072/2004/en>

Darfur: Incommunicado detention, torture and special courts: Memorandum to the government of Sudan and the Sudanese Commission of Inquiry, June 2004

<http://www.amnesty.org/en/library/info/AFR54/058/2004/en>

Darfur: "Too many people killed for no reason", February 2004

<http://www.amnesty.org/en/library/info/AFR54/008/2004/en>

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