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Sudan Crisis Q&A - External

What are the origins of conflict in Darfur?

Low-level conflict has simmered in Darfur for years, characterised primarily by disputes between nomadic and sedentary groups, because of increased competition for resources.

Nomads were accustomed to move south during the dry season after the harvest to graze their herds on the fields of sedentary farmers; this provided food for the animals of the nomads and manured the fields of the farmers. This system, which was always delicately balanced, began to break down as a result of increased population, desertification and changes in lifestyle. Farming groups began to herd their own animals and wanted to stop nomads from grazing on their lands. At the same time, nomads tended to leave part of their group farming during the rainy season and increasingly wanted land to farm on.

Clashes between farming groups and nomads were regular, as was the use of traditional reconciliation mechanisms. If someone was killed, for example, it was customary for the group or family which had caused the killing to pay *díya* (blood money) to the group or family of the person killed.

When two armed groups, from ethnic groups of the farming population, started fighting the government security forces in February 2003, complaining about the marginalisation of Darfur and lack of protection for the sedentary population, the government of Sudan exploited the existing tensions in the region. It supported militias from Arabic-speaking nomadic groups that carried out attacks on the villages of the sedentary, largely African, farming groups. This repressive response resulted in a breakdown of traditional reconciliation mechanisms and a strengthening of tensions along ethnic lines.

What was the situation in Darfur before February 2003?

The rising tensions led to clashes between ethnic groups and attacks by armed nomad groups on sedentary villages. Sedentary groups also formed armed militias. Unrest, the proliferation of small arms in the country and the region and socio-economic problems also led to an increase in banditry throughout the province.

The government responded to the problems of Darfur in a heavy-handed way, instituting a state of emergency in the region in 2001 and resorting to arbitrary arrests of leaders of both sedentary groups and nomads and holding them in detention without trial. State authorities set up special courts, which held summary trials, under mainly military judges. Defendants had no access to a lawyer and little opportunity to defend themselves in court. Confessions made under torture were accepted as evidence. A number of people were arrested and sentenced to death for murders, including killings during attacks on villages or inter-ethnic clashes; however, the trial process under the special courts is so unfair that it is impossible to say if those convicted were the real perpetrators. In addition, the number of persons arrested on suspicion of having committed murder or "armed robbery" did not match the scale of the attacks.

When Amnesty International visited Darfur in January 2003, one month before an armed political group emerged, sedentary groups complained that the government did not protect them against nomad groups who attacked villages, killing people, looting and burning homes. The local government authorities said that they had not enough police forces to protect villages and pointed out that many members of the police had also been killed, including by banditry.

How did the present crisis start?

People from sedentary groups declared that they had formed a force called the Sudan Liberation Army (SLA) in February 2003 and attacked government security forces, including the police and army. They also attacked towns, but only military casualties were reported. They said that this was in protest at what they perceived as their marginalisation and the failure of the security forces to protect them from nomad groups. They claimed that they were attacking the government rather than the nomad groups as they thought the government was to blame, not inter-ethnic tensions.

The government at first seemed to seek reconciliation with the SLA, but, by the end of March 2003, it decided that it was going to solve the revolt by force. In April 2003, the SLA attacked the airport of al-Fasher, capital of North Darfur state, destroying planes and reportedly killing some 70 military officials. The government gave free rein to nomad militias, later known as the *Janjawid*, to attack, burn and loot villages in rural areas and to kill people in the villages to drive them away from their homes.

Another armed political group, calling itself the Justice and Equality Movement (JEM) emerged shortly after, with demands broadly similar to the SLA.

What is the ethnic dimension of the conflict?

In the context of Darfur, an Arab group is one that defines itself as Arab. Some Arab groups may actually have African origins, but have become arabised. Some African Muslim groups may actually claim an Arab origin (in order to link themselves more closely to Islam). All groups are Sunni Muslims. There has been much intermarriage over the centuries between different groups. Most nomads define themselves as Arabs and use Arabic as their first language. Most of the farming groups have an African language as their first language, though most also speak Arabic. Some African groups have a nomadic or semi-nomadic lifestyle, such as the Zaghawa.

The ethnic dimension of the conflict cannot be denied. Victims from sedentary groups report that the attackers often use racial terms during the attacks, such as "blacks" (zuruq) and "slaves" (abid). The SLA and the JEM have said that "Arabs" are eliminating "Africans". The conflict has taken on a more racial note as differences between groups have become more manipulated and entrenched.

However, the ethnic dimension of the conflict is complex. Many "Arab" groups, such as the Beni Hussein, have refused to join the *Janjawid*. Some Arabs living alongside sedentary groups and Arab groups who refused to join the *Janjawid* have also been attacked and expelled by the *Janjawid*, such as the Dorok; others, such as the Tama, are found both as victims and among the ranks of the aggressors. While the attacks have been carried out on the villages of the sedentary "African" ethnic groups, Arabs and "African" ethnic groups have continued to live together in towns like al-Jeneina, al-Fasher and Nyala. Within the main towns members of "African" ethnic groups have not been targeted for killing (though displaced persons have been killed outside towns) and there have not been inter-ethnic riots or killings.

Who are the *Janjawid*?

Janjawid means "guns/armed men on horses" and it is the name given by the sedentary people to the groups that attack them. The nomad militias prefer to call themselves *Fursan*, meaning horsemen or "knights". They are drawn mostly from Arab-speaking nomad or pastoralist groups from Darfur, but not all "Arab" groups have joined the *Janjawid*. It is said that people from "Arab" groups in other parts of West Africa, e.g. Chad, Mauritania, Libya, have also joined the *Janjawid*, but the majority of the fighters appear still to be from the region.

Who are the Sudan Liberation Army?

The Sudan Liberation Army (SLA) is an armed group formed in February 2003 (formerly Darfur Liberation Army). Members of the SLA appear to come mostly from Fur, Masalit and Zaghawa ethnic groups, though the SLA leaders claim to have support of some members of Arab groups as well. The SLA claims it has taken up arms because of the underdevelopment and marginalisation of Darfur and the government's perceived failure to protect people from human rights abuses in the region. Its leaders are Abdel Wahed Mohamad Nur and Mini Arkoi Minawi.

Who are the Justice and Equality Movement?

The Justice and Equality Movement (JEM), another armed group opposing the government of Sudan in Darfur, was founded soon after the SLA. Its aims are said to be the same as the SLA and the two groups operate together. However, the JEM is said to be close to the Popular Congress (PC), an Islamist opposition party to the Sudanese Government led by Dr Hassan al-Turabi, the leading ideologue of the government from 1989 until he was ousted from power in 1999. More than 70 members of the PC, including many of its leaders, have been detained by the Sudanese authorities since December 2003.

All groups in Darfur feel that the region is marginalised and call for more resources and development for the region.

What is the government's involvement?

According to hundreds of victims interviewed by Amnesty International, most attacks against civilians are carried out by *Janjawid* accompanied by the Sudanese army. The *Janjawid* nomad militias appear to have gradually become assimilated into a government paramilitary force called the Popular Defence Force (PDF). The *Janjawid* who have carried out the attacks have been wearing uniforms, they have received pay from the government and they have frequently operated out of former army or PDF camps. They have often apparently coordinated attacks with the Sudanese air force, which has directly or indiscriminately bombed villages, killing civilians before or after a militia attack. Often members of the *Janjawid*, during their attacks, have stated that they are attacking on government orders.

Has the government lost control of the militia?

Recently, the government has described the militias as "outlaws" and said that they are bandits who are not part of government forces. However, there is still strong evidence to suggest that the government does control the militias. The statement that they are "outlaws" is an attempt by the government to deny responsibility for the gross human rights violations it has caused. The *Janjawid* are still often based in former PDF camps and normally wear uniforms when they attack villages. They continue to attack villages and people with total impunity and the government makes no attempt to stop them. They enter internally displaced camps and kill, rape or harass displaced people in the camps. The government has made promises and in July 2004, claimed that it had arrested some members of the *Janjawid*. These promises have not materialised on the ground and no attempt to disarm the *Janjawid* or bring any member of the *Janjawid* to justice seems to have been made.

What is the condition of the refugees?

There are at least 170,000 refugees in Chad, nearly all from Western Darfur state, from Fur, Masalit and Zaghawa areas close to the border. They started coming in April 2003, but most have come since July 2003. At first, they were scattered along the border living in rough shelters or sometimes lodged with Chadians from the same ethnic group. Close to the border, they were in danger of attack from the *Janjawid* who have conducted frequent cross border attacks against refugees and cattle raids against Chadians. There have also been clashes between *Janjawid* and the Chadian army. Over the past six months, the UN High Commission for Refugees has been moving the refugees into camps further from the border. In early July 2004, it had moved over 100,000 refugees, but more than 50,000 still remain at the border, in locations not accessible by road during the rainy season, between the months of June and August.

Who are the Internally Displaced Persons?

The internally displaced persons (IDPs) are those who have had to leave their homes and have taken

refuge within Darfur. There are now an estimated 1.2 million IDPs, most of them in camps or settlements that have grown up among population centres, some staying with relatives in towns, some still hiding in mountains or remote areas. Many IDPs at the beginning were terrified, refusing to accept humanitarian aid because it would encourage attacks by the *Janjawid*.

The camps of IDPs are often far bigger than the towns -- for instance Mornay in West Darfur, which has a population of about 5,000, has a camp housing some 75,000. In most camps, the acute severe malnutrition rate is well above the emergency threshold, according to humanitarian organisations. Many IDPs are in a miserable condition without access to humanitarian aid. The *Janjawid* have entered camps and raped women and girls with impunity. But most attacks are on those IDPs, mostly women, who have to travel outside camps or along roads to look for wood, food or water. Sometimes the *Janjawid* surround the camp or there are government or militia roadblocks outside the camps preventing people from leaving.

Why can't the Internally Displaced return home?

The IDPs are unwilling to return home as the *Janjawid* still control the countryside and they are afraid of being attacked and killed. There is evidence that the government is trying to make IDPs return home by force, threats or bribes in order to show that the crisis is being solved. However, many homes and villages have been burnt and crops and cattle looted. For instance, satellite imagery commissioned by Amnesty International shows that in the area of Mornay, 44% of the villages have been burnt between 30 March 2003 and 1 May 2004. See *Sudan: At the mercy of killers -- destruction of villages in Darfur*, Amnesty International, July 2004 (AI index: AFR 54/072/2004)

Other IDPs have been moved out of camps almost without warning -- for instance, Meshtel Camp, with 4,000 IDPs near Nyala, was emptied almost over night before the visit of the UN Secretary General, Kofi Annan on 2 July and IDPs moved to Kalma camp; another 1,500 IDPs were evicted around the same time from a makeshift camp on private land near Nyala airport and some were reportedly just left on the road between Nyala and Kalma after eviction. Some villages have been occupied by members of nomad groups.

What about attacks on women?

The *Janjawid* militias have raped thousands of women and girls from sedentary groups. Sometimes women have been systematically raped: for instance during attacks on villages around and, in Tawila between 27 and 29 February 2004, some 100 women were raped, six in front of their fathers who were later killed, according to the UN. Most women have been raped during attacks on villages, or when they were outside villages fleeing the militias or outside IDP camps, collecting wood or water. Women have also been abducted by members of the *Janjawid* militias and held in sexual slavery.

Some survivors of rape have fled to Chad, but most are in Darfur. After their rape, they are also in danger of being cast out by their own society that regards rape as a taboo. The stigma and ostracism towards survivors of rape brings harsh social and economic, medical, mental, health and other long-term consequences.

Rape is not just a consequence of the behaviour of undisciplined troops; in Darfur, it is being used as a weapon of war. Many women have been raped in public, in front of their husbands or relatives; others have been repeatedly raped, or gang-raped. Sexual violence is in this context used to humiliate, punish, inflict fear and displace women and their communities. Men are also humiliated and punished because they have been unable to "protect" women. The long-term consequences of sexual violence bring a horrific collective trauma on communities and can break down the society. See *Sudan, Darfur: Rape as a weapon of war -- sexual violence and its consequences*, Amnesty International, 19 July 2004 (AFR 54/076/2004)

Is there humanitarian access now in Darfur?

Until the end of May, the Sudan government blocked or delayed access to humanitarian organizations. As a result of heavy pressure from the UN and the international community, it now gives visas immediately in response to requests from humanitarian organizations. Humanitarian workers say they now have access to

all of Darfur in government hands, but access to areas held by the SLA is limited (the SLA say that Jebel Marra, the mountain that dominates Darfur and which is in their hands, has no roads making access difficult). The government has also frequently held up deliveries of vehicles, radios, and medicine; since the visit of Kofi Annan, it has agreed to allow all these in freely. However, journalists say that their access around Darfur is still severely restricted and they are watched carefully as they move about and talk to people.

Will there be a famine?

There is still not enough food in Darfur to feed the people until the end of the rainy season in October. The World Food Program said it was providing assistance to 72 of the 137 IDP camps in Darfur and had received only 42% of the funds needed to meet its targets. During the rainy season access becomes difficult, and often impossible for wheeled traffic. Most of the camps without access are in the SLA and JEM-controlled areas. Food is now being dropped from helicopters or aeroplanes, but it is still likely that thousands will die from hunger or from diseases encouraged by lowered physical resistance. Moreover, food distributed in such a way will not necessarily reach the most vulnerable, such as the sick, the elderly or female-headed households. Since there has been hardly any planting during this rainy season, even if they can return to their villages and rebuild their lives in the next months, the 1.2 million IDPs and refugees will then have to subsist on food aid until the end of the next rainy season in October 2005.

What about the ceasefire?

On 8 April 2004, the government of Sudan and the armed political groups the SLA and the JEM signed a ceasefire agreement in Chad (the third of its kind). It ran for 45 days and was renewed. The parties committed to stop military actions, ensure humanitarian access and free persons detained in connection with the conflict. Article 6 of the agreement stated: "The Sudanese Government shall commit itself to neutralize the armed militias".

The ceasefire has been repeatedly breached. Villages continue to be attacked by the *Janjawid* or bombed by the Sudan air force. The SLA and the JEM have taken hostages and there have been continued clashes between them and the army. Many persons detained in connection with Darfur, including prisoners of conscience and political prisoners, remained jailed. Humanitarian access improved, but faced continued obstacles.

What about the ceasefire monitors?

The humanitarian ceasefire signed on 8 April 2004 between the government of Sudan, the SLA and the JEM set up a Ceasefire Commission. However, only on 8 May did the African Union (AU) and the European Union (EU) send officials to Darfur for a reconnaissance mission to assess the situation. On 9 June, the first ceasefire observers arrived in al-Fasher; it was announced that they were to number around 120, mostly military, but about one-third civilians, and including eight EU observers, US observers, representatives of the government of Sudan, the SLA and the JEM. They were to have also a military force to protect them. On 6 July, the Director of Peace and Security in the African Commission announced that 300 military from AU countries were to go to Darfur to protect IDPs and the ceasefire monitors.

If there is monitoring of the ceasefire, it is not visible to the Sudanese people or the international community. According to information received by people in Darfur, the monitors find their task hampered by logistical difficulties, delays on the part of the government of Sudan and were once reportedly taken to the wrong place. Amnesty International has recommended that the ceasefire monitors are deployed in sufficient quantity and with adequate resources, are trained in human rights and report publicly on all ceasefire violations by any party, including on attacks on civilians and IDPs.

The office of the UN High Commissioner for Human Rights (UNHCHR) also announced that it would send eight human rights monitors to Darfur, but, as of 15 July 2004, these were still not deployed.

Protection of civilians, including IDPs in the camps, remains the most important and unresolved issue.

Have war crimes or crimes against humanity been committed in Darfur?

The Rome Statute of the International Criminal Court includes a list of war crimes (when committed in internal armed conflict) in its jurisdiction. These war crimes include inter alia: murder of all kinds, mutilation, cruel treatment, rape, torture and hostage taking, committed against civilians, intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities. The international community, through the Rome Statute and other mechanisms, has affirmed that individuals can be held criminally responsible for war crimes. Amnesty International considers that war crimes have been committed in Darfur. They include murder, torture, rape, and intentional attacks against civilians and civilian objects.

When murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture or rape is committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, it is, as confirmed by article 7 of the Rome Statute, a crime against humanity. The definition of genocide, as given in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 differs from crimes against humanity. Acts of genocide must be "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group"; whereas crimes against humanity do not require such intent. They must, however, be "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack". Amnesty International considers that crimes against humanity have been committed in Darfur. They include killings, forcible displacement and rape committed as part of a widespread or systematic attack against the civilian population.

Is there a policy of "ethnic cleansing" in Darfur?

The term "ethnic cleansing" has no standard definition or legal status under international law.

Amnesty International has documented a widespread and systematic pattern of attacks on villages in Darfur, including the burning of homes and the looting, the killing of civilians and the raping of women and girls. According to the testimonies of the survivors of attacks, racial verbal abuse has been a consistent pattern of such attacks. The attacks appeared to be aimed at forcibly displace people from their homes and land. Most of the attacks took place between the second half of 2003 and April 2004; countless of civilians have been killed and more than a million forcibly displaced. The government of Sudan may have ordered the attacks on villages; members of the government armed forces have participated in the attacks and the *Janjawid* have been allowed total impunity. Government planes and helicopters have indiscriminately and deliberately bombed civilians, often in coordination with *Janjawid* attacks.

Amnesty International considers that there was indeed a purposeful policy designed by the Sudan government and the *Janjawid* to forcibly displace, by violent and terror-inspiring means, the civilian population of another ethnic group from certain geographic areas.

Is there a policy of genocide in Darfur?

Acts of genocide include killing members of a group; causing serious bodily or mental harm to members of a group; deliberately inflicting on a group conditions of life calculated to bring about its physical destruction; imposing measures intended to prevent births within a group; and forcibly transferring children of a group to another group, where such acts are committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Although some of the human rights abuses committed could be interpreted as acts aimed at destroying ethnical groups the evidence remains inconclusive. The widespread destruction of houses and villages in combination with the looting and forced displacement appear to have as an objective to destroy livelihoods. On at least two locations, Mukjar (April 2003) and Deleij (5-7 March 2004), mass summary executions took place. Rape has been widespread and in a few locations systematic (see for instance during *Janjawid* attacks in Tawila area on 27-29 February 2004) with possibly an intention to destroy the social structures and community of specific ethnical groups.

Amnesty International believes that there was certainly intent to collectively "punish" the civilian populations, perceived of being associated or linked with the armed political groups. However, the organization is not in a position to confirm or prove that the punishment had as an objective (or intent) to destroy specific ethnical groups.

Amnesty International supports the UN High Commissioner on Human Rights call for an International Commission of Inquiry, which should determine the question of intent and rule on the question of whether what has happened falls under the definition of genocide under international law.

What about impunity?

Responsibility for ensuring justice in Sudan rests primarily with the Sudanese government. However, the international community as a whole has a duty to fight impunity by bringing to justice those suspected of being perpetrators of crimes under international law through the exercise of universal jurisdiction. Ensuring justice means: investigating allegations of war crimes and crimes against humanity; bringing perpetrators, commanders and accomplices to justice in fair trials without the possibility of the death penalty; and ensuring reparations for the victims.

Have the Sudan Liberation Army and the Justice and Equality Movement also been responsible for abuses of international humanitarian law?

The armed political groups, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), have also breached international humanitarian law, for instance, by sometimes sheltering among the civilian population and by reportedly unlawfully killing unarmed civilians. There have also been reports of torture by the JEM, in particular of a group of detainees who were said to have been bound with chains and beaten in September 2003; two of them allegedly had a mixture of chilli, acid and petrol forced into their mouths. They have also reportedly abducted members of Arab groups and there have been reported cases of rape by members of the armed groups against women in Arab villages. The armed political groups have also taken humanitarian workers as hostages for brief periods.

What are Amnesty International's recommendations on Darfur?

The Sudanese government should:

- immediately disarm and disband the *Janjawid* and ensure that they are no longer in a position to commit human rights abuses;
- ensure the safety of the IDP population is guaranteed by preventing the *Janjawid* from operating inside and on the peripheries of the IDP camps;
- acknowledge the severity of the humanitarian situation in Darfur and take all necessary measures to allow full and free access to Darfur to ensure that the IDP population is provided with humanitarian relief;
- to ensure that IDPs are not returned to any place where their life, safety and / or health is at risk;
- to accept the full and unhindered deployment of international human rights monitors who should investigate all allegations of human rights abuses by all parties to the conflict in Darfur and report publicly.

The international community should:

- insist that the government of Sudan disarm and disband the *Janjawid* and ensure that any member of the *Janjawid* who has committed human rights abuses is arrested and tried in accordance with international law;
- insist that the government of Sudan allow all humanitarian organisations have unimpeded access to all areas of Darfur to provide humanitarian aid in the region;
- provide support for the deployment of human rights monitors in sufficient numbers and adequately resourced, and urge the government of Sudan to accept such monitors, ensuring unimpeded access to all areas of Darfur;
- urge the government of Sudan to allow national and international human rights organisations unimpeded access to all areas of Darfur to monitor the human rights situation in Darfur.

The members of the United Nations Security Council should adopt a resolution on Sudan that:

- condemns the war crimes and crimes against humanity committed in Darfur;
- creates, without delay, an independent international Commission of Inquiry to determine the extent of the war crimes, crimes against humanity and other violations of international humanitarian law as well as allegations of genocide. The Commission of Inquiry should recommend ways to establish legal accountability of individuals responsible for violations of human rights and humanitarian law. The Commission of Inquiry should also suggest mechanisms for the sustainable return, in conditions of safety and dignity, of the displaced to their villages and make its findings and recommendations public;
- ensures that civilians, including internally displaced persons, are protected in Darfur;
- supports measures to ensure that all those responsible for the human rights abuses are brought to justice;
- imposes a suspension on transfers of military, security and police (MSP) equipment, weaponry, personnel or training to the Sudanese government and all parties to the conflict likely to be used to commit human rights violations in Darfur. This measure must include a strong monitoring mechanism to investigate possible violations of the suspension of arms transfers and report periodically on its findings;
- deploys human rights monitors in sufficient quantity and which are adequately resourced, with a clear mandate to investigate human rights violations in Darfur and monitor the protection of civilians, including those in the internally displaced persons sites and to make their findings and recommendations public.

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