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# Sudan

## Darfur: What hope for the future?

### Civilians in urgent need of protection

#### Introduction

Notwithstanding the widespread international attention on Darfur, the displaced and those still living in rural areas of Darfur remain unprotected. The cycle of displacement is seemingly endless; displaced persons who have already fled several times are attacked where they have sought refuge and need to flee again in search of safety. Those in camps are under threat of the government and police who should be protecting them, but who instead are bulldozing their shelters and forcibly expelling them. The few who do dare to go home often feel compelled to return to the camps for the displaced, feeling vulnerable and unprotected from the militias. Even in the camps there are daily reports of attacks on civilians and rapes of women continue.

Darfur is still a zone of armed conflict. During September and October the nature of the fighting appeared to change; the attacks appeared to be more related to inter-ethnic disputes. Banditry is rife. Each time there has been an attack on an area or on a humanitarian convoy, the roads have been declared no go areas by the UN, and food convoys cannot reach vulnerable groups outside the main towns.

In November and December 2004, just after the signing of humanitarian and security protocols, there was a worrying and dangerous escalation of the conflict - the revival of the attacks by *Janjawid*, government-supported militias, against villages, killing people, burning homes and forcibly displacing the people and more reports of bombings on civilians by the Sudanese Air Force. Other ceasefire violations, including breaches of international humanitarian law, were the responsibility of armed opposition groups.

On 9 November the government of Sudan, and the two major armed groups, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) signed a humanitarian protocol and a security protocol in Abuja, Nigeria, under the aegis of the African Union (AU). The humanitarian protocol has many clauses underlining the parties' commitment to a ceasefire and to "*take all steps required to prevent all attacks, threats, intimidation and any other form of violence against civilians by any Party or group, including the Janjaweed and other militias*" (Humanitarian Protocol).

Yet the night after the signing of the protocols, Sudanese police beat up displaced persons and used tear gas and bullets to expel them from a camp near Nyala. Less than two weeks later the SLA attacked the town of Tawila. Although the SLA appeared to be targeting the police station at Tawila, the effects of the attack and the counter attack by the Sudanese

forces were the displacement of around 40,000 people, who fled from the town and were further attacked and bombed in their places of refuge. Two weeks after that, *Janjawid* militias attacked villages in South Darfur.

This report considers five examples of attacks against civilians, in camps, villages or towns, during or since the signing of the Abuja protocols on 9 November 2004. Attacks of such type are occurring every day. The recommendations to protect civilians should be taken immediately.

### ***Adwa, Tuwal and Salakol: Army and Janjawid attacks on villages from 28 November until 5 December***

The government-supported nomad militias or *Janjawid*, as they are called by the farming groups who have been attacked, are described as wearing uniforms or jallabiyas. Most of them now are said to be incorporated into government paramilitary forces such as the Popular Defence Force (PDF, *quwwat al-difa' al-sha'bi*). The attacks at Adwa, Tuwal and Salakol show a revival of a type of attack which had been symptomatic of the conflict in 2003.

Adwa is a small town originally of 7,000-8,000 people about 50 kilometres north of Nyala, swollen by several tens of thousands of people displaced from rural areas. On 28 November 2004, government armed forces and *Janjawid* came into the area in 4x4 vehicles and seized 19 men aged between 21 and 86 from the Daju and Fur ethnic groups. It is not known where they are; whether they were arrested or abducted. Families and lawyers have visited numerous known detention centres but have been unable to locate those detained. Both the Sudanese army and the *Janjawid* are known to hold detainees in military camps, but lawyers and family do not have access to those held and no information is available about who is held. Other detainees – also arrested by the army or *Janjawid* and also “disappeared” - are feared to have been extrajudicially executed.

Two days later, on 30 November at 6am, a large force of more than 600 armed men, reported to be from the army and the *Janjawid*, on horses and camels and in about 20 vehicles, attacked the village. They looted animals and property and killed people. The numbers of those killed were said to be between 90 and 140. AU monitors who flew over the area just after the attack reportedly saw about 100 bodies. AU monitors who came to investigate the attack the following day came under fire and a Chadian ceasefire monitor was shot in his right shoulder. When the AU at last gained access to the area the monitors found only 16 bodies, later finding a further four. Local people claimed that bodies were buried by the attacking forces in order to hide them from investigators. Thousands of people fled, mostly to neighbouring SLA-controlled areas around Duma and Juruf. UN personnel who interviewed those who have fled were told that 17 women had been raped in the attack. The village is now deserted.

The following week, on Sunday 5 December, two areas were attacked. Around 7am *Janjawid* militias attacked a group of villages in the Tuwal area about 100km south of Nyala, including Tuwal Ball, Labli, Saada, Bulbul and Umm Balula. About 18 people, believed to be

civilians, were killed and all the houses in some villages were burnt. The people fled and the villages are now deserted.

On the same day, around 6am *Janjawid* attacked the village of Salakol (or Saglakoyol) about 15-20km from Niyertiti in the northern Jebel Marra area. Seventeen villagers, allegedly civilians, including five women, were killed; homes were burnt and possessions looted. The villagers reportedly decided to stay in their burnt village after the attack.

### ***Tawila – SLA attacks on the town***

Tawila has become infamous as a town attacked by the army and *Janjawid* on 28 February 2004, where scores of women and girls, many in schools, were gang-raped. In November some of its original population had come back and, like all towns, it is also swollen by thousands of displaced people from rural areas. On 22 November it was again attacked, this time by the SLA. The causes of the attack, which came less than a fortnight after the SLA had signed the Humanitarian Agreement committing themselves to observe the April 2004 ceasefire and not to target civilians, are unclear: SLA leaders have said that it was because of anger at the weakness of Security Council Resolution 1574 on Darfur<sup>1</sup>; and in response to government attacks on displaced in Kalma camp. However, the World Food Program said there had been skirmishes between government forces and the SLA on 18-19 November around the market in Tawila market.

The SLA focussed their attack on the town's police stations, killing 22 policemen; but an unknown number of civilians were also reportedly killed, including one doctor from the hospital, apparently wounded and left to bleed to death. The Sudanese armed forces sent in an Antonov plane which dropped 36 bombs, including one bomb 50 metres from a feeding centre run by an aid organization, Save the Children. Forty-five humanitarian workers were airlifted out of the town by the AU. The SLA moved out of the town the day after their attack and government forces returned, but it was reportedly some days before the AU monitors were allowed to enter.

There were more than 40,000 displaced people sheltering in the town who fled to neighbouring villages. About 16,000 went to Thabet, where there was fighting on 7-8 December, causing them to flee again, and more than 11,000 to Abu Shouk camp for the displaced near al-Fasher. People in the surrounding villages of Janjonat and Tabiba near the Kossa Hills, about 15km north of Tawila, were attacked by *Janjawid* on 28 November, and about 1,500 displaced fled to Saraf Aya. There government attacks forced them and the aid organisation *Médecins sans Frontières* out of the village and they had to flee again. Thus the repercussions of the SLA attack on Tawila lasted for weeks after. It affected not only the 40,000 who fled from place to place; as a result of the attack some 300,000 displaced could not receive any food because of the insecurity in the whole area. Three weeks after the attack,

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<sup>1</sup> Security Council Resolution 1574 was passed in Nairobi on 19 November and appeared to accept that there would be no positive action on Darfur until after a North-South peace agreement on the 21-year-old civil war in southern Sudan would be signed by 31 December 2004.

although the AU monitors instituted 24-hour “confidence-building patrols”, few other former displaced had returned to the town.

### ***Al-Jeer Camp: Sudanese police and forced displacement***

The police have forcibly removed IDPs from many camps, bulldozing their shelters and compelling them to leave. The Sudanese government often says that these removals are planned, but almost invariably they take place with force and at the middle of the night. At 3am on 2 November, 100 police attacked al-Jeer IDP camp in Nyala, beating hundreds of displaced people, reportedly tying them up and bundling them into 15 trucks to be taken to another camp, al-Sherif, several kilometres away. Others staying in al-Jeer camp fled to the town of Nyala.

After the first attack on al-Jeer camp on 3 November the UN Secretary-General’s special envoy to the Sudan, Jan Pronk, said: *“the government has told the internally displaced persons that it was happening in close consultation with the United Nations and with nongovernmental organizations, which is not the case. This is in flagrant violation of international humanitarian law and of the agreements reached with the government on the modalities of return and relocation. It has to stop not only in El Geer but as a policy, and the people have to be brought back to the place where they were forced away from.”*

During the night of 10 November there were two further separate attacks on al-Jeer camp, shortly after midnight and at 5am. Four carloads of police shot bullets into the air and threw teargas into tents. They beat up scores of residents, telling them that they had to leave the camp. The deputy chief of the camp, Shaikh Taher Hassaballah, was beaten up and arrested. The police then bulldozed shelters, ignoring the protests of representatives of the UN, the AU and international aid agencies present during the attack. Journalists also came under fire. At least 33 displaced were taken into custody, as well as one American journalist. The displaced were severely beaten in custody before being released on bail. They were charged in relation with “crimes against the state”. It is not known whether charges against them will be upheld. Notwithstanding Jan Pronk’s protests at the first attack, the Sudanese authorities felt confident enough to repeat the attack on the same camp, in front of international media.

### ***Rapes in Dereij Camp***

Dereij camp for IDPs is four kilometres away from Nyala, the capital of South Darfur state. The proximity of the city, where international observers and aid agencies are present, does not mean better protection for the displaced. On 30 November, seven women and girls, one of whom was pregnant, went to fetch firewood two kilometres north of the camp. They said they were attacked by an armed militia group dressed in military uniforms and beaten with gun butts on their chest and heads. They were then stripped naked and three of them taken to a nearby abandoned hut and raped. The four others escaped and returned to the camp. The seven sought medical treatment at the Amal Centre for the Rehabilitation of Victims of Torture, a Sudanese NGO. The pregnant woman miscarried, apparently because of the serious injuries sustained during the attack. The attack and rapes were reported to the police in Nyala.

Despite this attack, the camp was not made more secure for the IDPs. On 2 December, eight women, including two girls aged 10 and 11 who were fetching firewood outside the camp were attacked, reportedly by *Janjawid* militiamen. They were all severely beaten and three were raped. The eight received medical treatment at the Amal Centre. The Centre's lawyers reported the attack to the police, at the request of the victims, but the police reportedly refused to open a file on the complaint. The eight were then brought to the hospital in Nyala for examination, but the hospital refused to give them medical treatment, reportedly because they did not have a Police Form Number 8.<sup>2</sup>

### ***Kalma – attacks, arrest and intimidation of the displaced***

Kalma is a huge camp 15 km south of Nyala, in which displaced people continue to seek refuge, constantly swelling its numbers. NGOs working in Kalma estimate that some 100,000 displaced live there. The camp is situated on private land, adding to the fear that the Sudanese security forces may at any time use this as an excuse to clear people from the area. This was done to displaced people in al-Meshtel camp near Al-Fasher the night before the visit of UN Secretary-General, Kofi Annan to Darfur, and in al-Jeer Camp.

Since Kalma was opened, the displaced sheltering there have been constantly harassed by the police. The situation has often been tense; in July and August a group of displaced lynched an Arab attending a humanitarian course, accusing him of being one of those who attacked villages. Camp residents have often protested, sometimes violently, against attempts to force or bribe residents to return home to areas they regard as unsafe; scores have been arrested and many beaten up, inside or outside Nyala police station.

As the situation became more and more insecure, thousands of newly displaced people fled to Kalma camp. Sudanese government officials considered that the camp was already too large and increased their pressure on residents to go back to their homes. At one time they arrested four sheikhs telling them that "Anyone who attempted to stop returns would be shot". On the night of 13-14 November, the police shot at displaced persons in Kalma camp in Nyala, wounding at least six persons, including an eight-month-old baby and reportedly killing two displaced persons: Ishaq Musa Adam Harun (15 years old) and Adam Abdel Aziz, (32 years old). The police version is that they were shooting at rebels who infiltrated the camp.

Ten days later, on 21-22 November there was an attack on the police post in the camp, reportedly from SLA sympathizers within the camp, killing four policemen and three of the attackers. IDPs were arrested in several groups by police and security following this attack: a group of 28, a group of nine and a group of five, which included two children. All were charged with various offences, some carrying the death penalty, including murder, "waging war against the State", or "incitement to rebellion". IDPs told lawyers who visited them in prison that they had their hands and feet tied and then they were severely beaten into confessing the killings of policemen; according to them, policemen were killed in a shooting

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<sup>2</sup> This is a police form for the treatment of injuries caused by a criminal act; a requirement in Sudanese law that was lifted by a Decree of the Minister of Justice in September.

among police, resulting from a disagreement. All but seven of these IDPs have been released on bail.

## Recommendations

There are clear conventional and customary rules on the conduct of hostilities which outlaw certain means and methods of warfare. These rules are designed to protect civilian lives to the maximum extent possible. Since 23 September 1957, Sudan has been a High Contracting Party to the Geneva Conventions of 1949, and the minimum rules governing all conflict including “armed conflict not of an international character” are laid out in Article 3 common to all the four Geneva Conventions. It provides for the protection of persons taking no active part in the hostilities.<sup>3</sup> It prohibits “*violence to life and person, in particular murder of all kinds*” and the carrying out of executions without certain judicial guarantees. The destruction and looting of civilian property and means of livelihoods are also forbidden by the Geneva Conventions.

All parties to the conflict in Darfur - the government armed forces, paramilitary forces, allied militia and armed opposition groups- continue to be responsible for breaching such rules. The scale and gravity of the abuses - which Amnesty International has characterised as war crimes and crimes against humanity - committed in the region has brought several international actors to Darfur, who each play a role in the protection of civilians. The recommendations below are addressed to parties to the conflict and the international community. Amnesty International urges that its recommendations are adopted and implemented in their entirety, in order to improve the protection of civilians in Darfur.

### ***Protection of the displaced: the failure of the government to protect their rights***

The government of Sudan has not only failed in its primary responsibility to protect the lives and safety of its citizens, it has continued to attack them, as shown in the examples detailed above. Those displaced come from farming villages. But everything has been looted from them: cattle, sheep, food stores, possessions. The responsibility for the devastation of their lives rests primarily with the government of Sudan which funded, armed and accompanied nomad militias to drive the people from their land, killing people, raping women and emptying large areas of the countryside. Government planes continue to bomb civilians.

As of December 2004, 1.65 million people from Darfur are estimated to be displaced within the region, 200,000 have fled to Chad and tens of thousand have moved to Kordofan, Khartoum or elsewhere in Sudan. Others have temporarily settled in towns or villages or live a precarious existence in the bush, living off wild seeds and fruit. Many of those displaced

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<sup>3</sup> Including members of the armed forces who have laid down their arms or who are otherwise *hors de combat*.



have sought shelter with host communities in the main towns, some of whom have now themselves, impoverished by this extra burden, also had to take refuge in camps.

Most of those displaced in Sudan hope ultimately to return to their homes, but feel strongly that there is now no security in their home areas and they cannot return home without security. Some are ready to leave the Sudan and to look elsewhere for security. As one man in Riyadh camp in al-Jeneina told Amnesty International, “*We will wait a few more months, and if there is no security in Darfur, we will go to Chad*”. In addition some of those in the refugee and IDP camps, especially young men, who are angry at the killings, rape and displacement, and who see no clear hope for themselves, may leave to join armed groups, leading to further fighting. The risk of an upward spiral of human rights abuses is very real.

Under international law, refugees and internally displaced persons enjoy the right to return to their own homes or places of habitual residence. Refugees and IDPs are also entitled to enjoy the right to seek asylum and to protection from *refoulement*. The UN Guiding Principles on Internal Displacement<sup>4</sup> provide that the rights that IDPs should enjoy include: the right not to be forced to return or to resettle to an area where their life, safety, liberty and/or health would be at risk; the right to freedom of movement, including the right to move freely out of camps and other settlements. The right to freedom of movement is also enshrined in the International Covenant on Civil and Political Rights, ratified by Sudan in 1986.

- All parties to the conflict should make a public commitment to respect international human rights and humanitarian law in Sudan, in particular by refraining from any direct or indiscriminate attacks on civilians and civilian objects. They should issue clear instructions to all combatants under their control not to kill civilians or use rape or other forms of sexual violence against women.
- The Government of Sudan must provide adequate protection to all displaced persons within Sudan without discrimination and in accordance with relevant international standards;
- The Government of Sudan must immediately stop all attempts by Sudanese armed forces, government-sponsored militia or police to forcibly displace or relocate persons, whether from their own homes or from IDP camps where they have previously sought refuge.
- The safe, voluntary and sustainable return of all displaced people to their homes must remain the ultimate human rights goal to solve the crisis in Darfur. IDPs must be allowed to make an independent, informed and voluntary decision on return. No return should take place unless mechanisms are in place to monitor the treatment of the internally displaced after their return by a competent and independent agency in accordance with international standards. IDPs should not be forcibly prevented or

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<sup>4</sup> These are an authoritative collection of norms of international human rights law, refugee law and humanitarian law that set out the rights of IDPs and the protection obligations towards IDPs of government and other actors.

coerced in any way to prevent them from moving to another part of the country in search of refuge, or indeed from moving to another country to seek asylum.

### ***African Mission in Sudan (AMIS)***

Until the government of Sudan respects the human rights of its people, the protection of the population will rest largely with outside monitoring and peacekeeping forces.

Deployed in al-Fasher in June 2004, the AU ceasefire commission of 60 officers, later protected by a force of 350 soldiers essentially from Nigeria and Rwanda, started to monitor violations of the ceasefire. The mandate of the AU ceasefire monitors was initially limited to reporting on violations of the 8 April 2004 Humanitarian Ceasefire Agreement, which includes commitments not to attack civilians, signed by the government of Sudan, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), in N'Djamena, Chad. The government of Sudan, in accepting the AU force, stated quite clearly that it considered that the AU force had no mandate to protect civilians<sup>5</sup>.

However, the Constitutive Act of the AU states that the AU shall have as one of its objectives to “promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments” (Article 3 (h)). Article 4(h) of the Constitutive Act states that one of the principles of the AU is “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity”.

The AU Peace and Security Council, at its 13<sup>th</sup> meeting on 27 July, requested the chairperson of the ceasefire commission to submit a report on the situation in Darfur and on how to improve the effectiveness of AMIS, including “the possibility of transforming the said Mission into a full-pledged peacekeeping mission”.<sup>6</sup> After a meeting of the AU Peace and Security Council on 20 October 2004, the AU announced that it would increase its forces in Darfur to 3,320 personnel including 450 observers, 2,341 military personnel and 814 police. The mandate of the expanded force was widened to include monitoring and verifying the provision of security for returning IDPs and in the vicinity of IDP camps; providing visible military presence by patrolling in order to deter uncontrolled armed groups from committing hostile acts against the population; monitoring and verifying efforts of the government of Sudan to disarm government-controlled militias; and observing, monitoring and reporting the effective service delivery of the local police. The mandate of the force also includes the protection of civilians in certain circumstances: the African Mission in Sudan (AMIS) “shall ... protect civilians whom it encounters under imminent threat and in the immediate

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<sup>5</sup> Responding to suggestions by officers of the Rwandan troops that the troops expected to protect civilians the Sudanese Armed Forces spokesman Mohamed Bashir Sulayman said on 15 August 2004: “The mission of the African Union (AU)'s 300 troops to be deployed in Darfur is restricted to protecting AU monitors”.

<sup>6</sup> *Report of the Chairperson of the Commission on the situation in Darfur*, African Union, Peace and Security Council, 17<sup>th</sup> Meeting, 20 October 2004

*vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the government of Sudan”.*<sup>7</sup>

Until now AMIS has investigated many ceasefire violations, including attack against civilians, brought to its attention, and written reports on these violations. The AMIS investigators are accompanied by observers from the government of Sudan, the SLA, the JEM and Chad, and have advisers from the European Union and the United States. Before the reports of ceasefire violations are passed on to the AU Peace and Security Council in Addis Ababa, Ethiopia, and the Joint Ceasefire Commission, the government, SLA and JEM have two weeks to make comments. So the violators named in the reports have often stifled reports of ceasefire violations. AMIS makes important recommendations in its reports, but there is no follow-up on these recommendations, either by the AU or the UN Security Council.

The mandate of 20 October authorizes AMIS to protect civilians under “imminent threat and in the immediate vicinity” and “within resources and capability”. It is clear that in order to provide effective protection this requires that the agreed-upon deployment of increased numbers be implemented and that the mission have adequate resources. It also requires the will to implement the mandate. When the Sudanese police forces attacked and beat up the displaced in al-Jeer camp on 10 November, using tear gas and rubber bullets, the AMIS personnel who arrived in the camp felt unable to act.

In December, after the SLA attacks on Tawila and the government and *Janjawid* attacks on Adwa, AMIS reportedly made clear to the government of Sudan that it would act when it saw civilians in danger. AMIS also expanded its patrolling, setting up 24-hour patrols in areas, like Tawila, which it considers vulnerable, in an attempt, so far largely unsuccessful, to persuade the population to return.

- AMIS should fulfil effectively its mandate to protect civilians and ensure that the government and armed groups are aware that it will do so whenever civilians are targeted;
- AMIS must be expanded in number and given sufficient logistics so that it can be deployed rapidly to all districts in Darfur;
- AMIS should investigate violations of international humanitarian and human rights law by government forces or armed groups. It should be able to publish its reports independently, without the approval of the government, the SLA or the JEM.
- Recommendations made by AMIS on violations of international human rights or humanitarian law should be followed up by the AU Peace and Security Council and the UN Security Council, as well as foreign governments. Concerted action by the international community must be taken against parties responsible of such violations, in case of non-compliance with AMIS recommendations. The international community must give political support to AMIS.

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<sup>7</sup> *Communiqué*, African Union, Peace and Security Council, 17<sup>th</sup> Meeting, 20 October 2004, (PSC/PR/Comm.(XVII)).

- All AU forces in Darfur should be provided with appropriate training, including in international human rights law and standards and international humanitarian law, before they are deployed. There should be clear guidelines governing their behaviour and effective oversight and accountability mechanisms through which complaints can be investigated.

### ***UN Human Rights Monitors***

The agreement between Kofi Annan, the Secretary-General of the United Nations, and the government of Sudan on 3 July 2004 brought to Darfur human rights monitors under the Office of the High Commission for Human Rights. The monitors have visited IDP camps and followed up and investigated reports of violence against civilians, rape or other sexual violence, and harassment and arrests. They have visited detainees and on occasion have obtained their release and discussed cases of human rights violations with Sudanese officials. The team writes a monthly report which is summarised in a public statement by the High Commissioner for Human Rights and used in public statements by other UN officials but not otherwise made public.

The present size of the contingent (nine in December 2004) is due to be doubled and perhaps further increased. At the moment their ability to investigate human rights violations is hampered by UN security restrictions. For instance, the UN human rights monitors were not able to go to Adwa nor to Tawila in the aftermath of the attacks because United Nations security declared the areas unsafe for UN access.

- The number of UN monitors should be increased sufficiently in order that at least four monitors are based in every affected province in Darfur.
- The monitors should be given sufficient logistical support to carry out their task. They should work in close cooperation, but not under the control of, the AU monitors. They should be able to obtain an AU protection escort if travelling to areas where there are security problems.
- The UN should insist that human rights monitors should be able to visit every detention centre in Darfur.
- Reports of the UN human rights monitors should be made public and action taken by the international community on forces said to have violated human rights.

### ***Monitoring and building the police***

The Sudanese government is undermining the rule of law and failing to protect its people. Throughout the world, it is the role of the police to uphold the rule of law and strengthen the security of their country's population. During the attacks and forced displacement of the population the police sometimes aided the attackers. Often the police were targeted, both by *Janjawid* militias and by the SLA and JEM.

After international pressure to protect the Darfur population, the government moved some 12,000 police from other areas of Sudan into Darfur. Yet there is now such distrust

among sections of the civilian population and the internally displaced of anything which comes from the government that even if the new police did respect human rights, and had the logistics, the capability and the will to carry out the task of providing security to people in their area, the IDPs would continue to have no confidence in the police for some time to come. New and old police are still seen as opposed to the IDPs. IDPs are forcibly relocated by the police. Women are raped outside the camps and the police fail to protect them or to look for their attackers. Police supposed to be protecting the displaced turn their machine guns to face inside the camps. Police attack, kill and arrest the displaced. The police also suffer as targets of armed opposition groups.

It is not easy to be in a police force under fire in a context of armed conflict and some in the police may try to uphold law enforcement standards in a difficult and dangerous situation. However, it is very clear that the presence of the police in an area does not give civilians in Darfur a sense of security. Civilians will only feel confident if there is a visible international presence to monitor the force.

If Sudanese conflicts are resolved, the Sudanese police will be in the end the force providing security to the people. But it will need to be retrained in human rights standards as well as in investigation techniques, and given sufficient logistics. Eventually, Sudan will need to have a police force where the police will need to become part of each community; a police force trained in gender sensitivity; in dealing with gender-based violence, including sexual violence; and strengthened by trained women police. Meanwhile, until there is confidence in the Sudanese police, for the IDPs to feel that the police preserves the rule of law and is not an aggressive arm of an alien government, it will need to see a visible international presence in the form of police monitors working alongside the police. International police personnel may also assist the Sudanese police in all fields, including logistics, and their presence may help to protect the police from attacks by armed opposition groups.

- The 815 civilian police personnel announced in the African Peace and Security Council communiqué of 20 October should be sent rapidly to Darfur and used to support the national police forces and to reconstitute confidence in the national police authorities. The AMIS police personnel should be deployed down to the level of the locality to act as a visible presence to give confidence to the displaced.
- The AMIS police personnel must operate on the basis of clear agreements with the forces involved. Such agreements should include the right to go anywhere in any police station, to accompany the police outside stations, and to be attached to the police forces. The police personnel should also monitor the system of police recruitment in Darfur to ensure that those who may have committed serious human rights violations are not included in the police force, but are brought to justice. They should monitor police performance of their duties and compliance with international human rights standards. They must not only observe, they must be able to advise, provide training, monitor the actions of the police and investigate or monitor the investigation of complaints against the police. They should report on their monitoring to the government of Sudan and to the AU Peace and Security Council and their reports should be made public.

- The Sudanese government should agree to accept and afford all necessary assistance to the AMIS police force attached to security forces in Darfur.
- The AU and the UN Security Council should ensure that such a force has sufficient high quality personnel, trained in policing and international human rights law and standards, and adequate logistical support. The AMIS police monitors should strictly adhere to international human rights standards in exercising their functions and clear Codes of Conduct and Guidelines should govern their action with effective accountability mechanisms.

### ***Disarming the militias***

Up to now there has been no serious attempt whatsoever to disarm the government-supported *Janjawid* militias. If those who have killed over the past two years remain armed, continuing attacks by the same forces on civilians should not be surprising. The government which has failed to disarm its militias is again seen to be supporting them in its attacks on the civilian population.

The *Janjawid* are still attacking, killing and looting villagers living in rural areas. Disarming the militias is crucial to improve the protection of civilians. Those who have fought with the *Janjawid* should not be allowed to be part of any armed force or security force. They should be placed in a position where they can no longer abuse the population. However, disarming the *Janjawid* should be accompanied by an information campaign making clear that the African Union forces will protect those who disarm and their families.

- The *Janjawid* militias, including those members who have been incorporated into the Popular Defence Forces, the People's Police and other paramilitary forces and which have been involved in attacks on civilians, should be immediately disarmed and disbanded.
- Anyone suspected of violations of international human rights or humanitarian law should be removed from a position where they could continue to commit such acts.
- The AMIS should take seriously its mandate to monitor and verify efforts of the government of Sudan to disarm Government-controlled militias and consider setting up a monitoring body which should be supplied with personnel with sufficient expertise in military, political, disarmament, humanitarian and information to plan a comprehensive campaign to disarm and disband the *Janjawid*. Leaders who have not been involved in human rights abuses should be brought in to support the work of the monitoring body and aid in planning a disarmament campaign. Women of the communities should be involved in discussions and disarmament programmes. Eventually all armed groups in Darfur may be disarmed, but in the initial period the disarmament of the *Janjawid* should be seen clearly as an action taken only against the *Janjawid* as a result of the grave human rights abuses they have committed with their arms. They should not be given recompense for handing in their weapons.

- The UN Security Council should impose a mandatory arms embargo on the government of Sudan to stop military and related supplies reaching the parties to the conflict in Darfur, until effective safeguards are in place to protect civilians from grave human rights abuses and war crimes. This embargo should be accompanied by an adequately resourced UN monitoring mechanism including an Expert Group which reports regularly to the Security Council and a Sanctions Committee set up by the Security Council under the proposed resolution. The Expert Group should carry out investigations internationally and should regularly monitor the main ports of entry to Sudan to help ensure that the embargo is respected.

### ***Justice and an end to impunity***

The fact that those who have killed, raped and looted remain untouched has helped them to feel untouchable and to fuel further abuses. The government has failed to address impunity and is unwilling and perhaps unable to do so.

The UN Commission of Inquiry, set up under Security Council Resolution 1564, will report in 2005 on how to bring the perpetrators of war crimes and crimes against humanity to justice; however Amnesty International recommends that, in view of the difficulties of its work and the difficulties of movement within Darfur, the Commission be given sufficient time to make in-depth investigations.

- The Sudanese government should acknowledge its responsibility in the crisis in Darfur. It should condemn attacks against civilians and other grave human rights violations committed by armed militias, government ground forces or the Sudanese air force during the conflict. The resulting impunity for extrajudicial executions, other unlawful killings, torture, rape, abductions and arbitrary detentions can only fuel further human rights violations in Darfur and elsewhere.
- To date, impunity has not been addressed by the Sudanese government. The government should ensure that past and present allegations of human rights violations, including killings and sexual violence, are promptly, thoroughly and independently investigated, and that those suspected of being responsible are brought to justice in trials that meet international standards of fairness without the possibility of the death penalty or other cruel, inhuman or degrading punishments. Victims should have access to redress, including compensation and restitution. The safety of the victims and witnesses should be protected. If the national justice system is not able or willing to bring those suspected of war crimes or crimes against humanity to justice, other mechanisms of international justice should be considered.

### ***Protection must involve close consultation with civil society***

Over the last months the Sudanese government and local Darfur administration has organized a number of large meetings for consultation, sometimes of hundreds of representatives of tribes and community leaders, to discuss the Darfur crisis. Some of those invited have complained that these are not real consultations and it is difficult to speak freely. Women and

the young have traditionally been excluded or are in a very small minority in such meetings. Excluded from education in the past, many women may be illiterate, but over the past year the women have increasingly spoken out about their concerns. The young are often traditionally excluded from gatherings of community leaders, yet it is the frustrated young who are increasingly leaving the camps to take up arms; they must be brought to take a part in any future strategies.

There is a need also to ensure that the response of the international community to the crisis in Darfur is undertaken in a consultative, coordinated and rights-respecting manner. In designing protection strategies for response to the situation in Darfur, the United Nations and other agencies and non-governmental organizations should be mindful of the necessity of consulting with civil society, in order to ensure that the concerns of the civilian population and the internally displaced are integrated into any such strategy. It is important in addition that any such strategy takes into effective consideration at all stages the particular protection needs of vulnerable groups, such as women, female-headed households and unaccompanied children.

- Consultations should be organized within Darfur to search for solutions to the continuing crisis. The consultations should be held at the most local level as well as at higher levels. It is important that special care should be taken to consult with those most likely to be excluded from traditional consultations – including the women and the young.
- The protection of the civilian population and the internally displaced in Darfur, by the government and the international community, should be undertaken on the basis of widespread consultation. IDP populations must be consulted on all measures aimed at improving the security and management of the camps.
- The role of Sudanese human rights defenders should be strengthened and they should have unrestricted access to all areas and all victims of human rights abuses without fear of retaliation or punishment.

### ***Attacks on humanitarian organisations***

It is important that international agencies involved in the protection of the internally displaced coordinate their actions, setting clearly defined roles and responsibilities. In order to ensure that IDP's rights are upheld in Darfur, for instance the right not to be forced to return to an area where they would be at risk, there is a need to ensure that agencies, notably the International Organization for Migration (IOM), who are determining "appropriateness" and "voluntariness" of returns of many IDPs in Darfur are not acting outside their areas of mandate or expertise. The humanitarian situation remains dire. International humanitarian organizations and UN agencies are often overstretched in their attempts to deliver humanitarian assistance. Other organizations, such as UN High Commissioner for Refugees, which has the leading role for protection and return of IDPs in West Darfur, are mapping out the situation in villages, including abandoned and destroyed villages, and working to "provide protection through an increased and regular presence". The government of Sudan set up a



Committee of Voluntary Return which is supposed to ensure safe conditions of return. Instead it has frequently harassed, bribed or even forced impoverished IDPs to return to unsafe areas.

Frequent attacks lead to areas being declared insecure for humanitarian convoys, cutting off IDPs from food aid. Attacks on humanitarian convoys take place with disturbing frequency. On 12 December 2004 two Sudanese workers for Save the Children in a clearly-marked humanitarian convoy were killed on the road between Duma and Mershing in South Darfur. The UN Secretary-General's Special Representative for the Sudan, Jan Pronk, was reported as saying that, although it was not yet fully clear, "we have indications" that the Sudan Liberation Army (SLA) was responsible for the attack.

At the same time that the situation is becoming more dangerous and complex, the government has resumed the harassment of humanitarian workers which diminished or ceased in May 2004 after strong pressure from the international community. Humanitarian workers in al-Fasher and Nyala have been forbidden from leaving the town for up to two days. In December the head of Oxfam UK was told to leave because he was based in Khartoum; the head of Save the Children was threatened with expulsion.

The government's arrest and attacks on IDPs are aimed at preventing IDPs from speaking out; in the same way the expulsions, arrests and harassment of a few humanitarian organizations discourage others from making critical comments in case they may be expelled and be unable to help the hungry. Human rights organizations are even more unwanted; Amnesty International, which was allowed in to Sudan in September and October, has not been given access again to Sudan notwithstanding numerous requests.

- The government of Sudan should end restrictions on and harassment of humanitarian workers and ensure that the UN and humanitarian organizations have unimpeded access to civilians in need.
- The armed opposition groups should end attacks on humanitarian convoys; attacks knowingly and intentionally directed against personnel involved in humanitarian assistance in armed conflict may constitute war crimes, according to UN Security Council Resolution 1502 (2003).

## **Conclusion**

The passivity of the Security Council with regard to Darfur in their 18-19 November meeting, which prioritised the North-South peace process, has been interpreted by parties to the conflict as a signal that they can continue their attacks. The deployment of the enhanced AMIS has been slow; there are still only about 900 personnel on the ground including around 15 police. As a result their presence has not yet led to improved security for civilians, neither has it yet been functioning as a deterrent to attacks.

The failure to respect the ceasefire has meant that the men, women and children in Darfur today, living in villages or camps for the displaced, face attacks by the same militias and the same government who drove them out of their original homes. They are harassed and

attacked by government forces and government-supported militia in and outside the IDP camps where they have sought refuge. The insurgency has created widespread and destabilizing insecurity; attacks on people are as frequent and as deadly as attacks on the humanitarian support which brings food to people. At the same time, the situation is becoming more complex. In addition to government, militia and rebel attacks, there is more conflict between ethnic groups, creating further insecurity and causing other displaced persons to flee to the already overcrowded towns.

As long as civilians are unprotected in Sudan, as long as the attacks and killings continue, the people of Darfur face a precarious future and the international community faces an insoluble crisis.