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**amnesty  
international**

International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
Website: [www.amnesty.org](http://www.amnesty.org)



# Sudan, Darfur

# Rape as a

# weapon of

# war

STOP  
VIOLENCE  
AGAINST  
WOMEN

AMNESTY  
INTERNATIONAL



## Sexual violence and its consequences

*"I was sleeping when the attack on Disa started. I was taken away by the attackers, they were all in uniforms. They took dozens of other girls and made us walk for three hours. During the day we were beaten and they were telling us: "You, the black women, we will exterminate you, you have no god." At night we were raped several times. The Arabs<sup>1</sup> guarded us with arms and we were not given food for three days."*

A female refugee from Disa [Masalit village, West Darfur], interviewed by Amnesty International delegates in Goz Amer camp for Sudanese refugees in Chad, May 2004

### 1. Introduction

In March 2004, Darfur, western Sudan, was described by the then United Nations (UN) Humanitarian Coordinator in Sudan, Mukesh Kapila, as the world's greatest humanitarian

crisis".<sup>2</sup> Humanitarian organisations operating in Darfur are warning about malnutrition and famine in the region.<sup>3</sup> Today's "worst humanitarian crisis" has been directly caused by war crimes and crimes against humanity for which the Sudanese government is responsible.

The testimony of the Sudanese woman given above echoes hundreds of others, collected by Amnesty International, other human rights organisations, UN fact-finding missions and independent journalists. They all describe a pattern of systematic and unlawful attacks on civilians in North, West and South Darfur states, by a government-sponsored militia mostly referred to as "Janjawid" (*armed men on horses*) or "Arab militia" and by the

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<sup>2</sup> "This is ethnic cleansing, this is the world's greatest humanitarian crisis, and I don't know why the world isn't doing more about it", Mukesh Kapila, quoted in *Mass rape atrocity in Sudan*, BBC, 19 March 2004

<sup>3</sup> "USAID analysis of potential mortality rates in Darfur suggests that 300,000 or more people will likely perish by the end of this year", in *Five Additional Humanitarian Airlifts to Darfur*, USAID, 24 June 2004  
*Sudan: no relief in site*, Médecins Sans Frontières, 20 June 2004

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<sup>1</sup> The term Arabs is used here to indicate people predominantly from nomadic groups, who speak Arabic as first language.

government army, including through bombardments of civilian villages by the Sudanese Air Force. In these attacks, men are killed, women are raped and villagers are forcibly displaced from their homes which are burnt; their crops and cattle, their main means of subsistence, are burnt or looted. These massive attacks are the response of the Sudanese government to the insurgency of two armed political groups. These armed groups, mainly of Fur, Masalit and Zaghawa ethnicity were founded in 2003.

The attacks have led to the displacement of at least 1.2 million persons. At least one million people have become internally displaced persons (IDPs) and been forced to move to the vicinity of towns or big villages in Darfur, and more than 170,000 have taken refuge across the border into Chad. Others, of which the exact number is unknown, are in hiding in mountains, valleys or areas held by armed political groups<sup>4</sup>.

Massive human rights violations committed in the region include: extra-judicial executions, unlawful killings of civilians, torture, rapes, abductions, destruction of villages and property, looting of cattle and property, the destruction of the means of livelihood of the population attacked and forced displacement. These human rights violations have been committed in a systematic manner by the Janjawid, often in coordination with Sudanese soldiers and the Sudanese Air Force, with total impunity, and have targeted mainly members of the Fur, Masalit and Zaghawa ethnic groups and other agro-pastoralist groups living in Darfur. Many of the crimes committed in Darfur constitute war crimes and crimes against humanity<sup>5</sup>.

There is a large amount of information pointing at the responsibility of the Sudanese government in the human rights violations committed in Darfur. In addition to the military and logistical support and the impunity that it provides to the Janjawid, the Sudanese government has used a policy of repression to deal with the problems of Darfur.

<sup>4</sup> According to UN and UNHCR estimates.

<sup>5</sup> Sudan, Darfur: "Too many people killed for no reason", Amnesty International, 3 February 2004 (AI index: AFR 54/008/2004)

It has engaged in arbitrary arrests, incommunicado detentions, "disappearances" and torture in order to punish human rights activists, lawyers, leaders and members of communities in Darfur. The Sudanese government has also used unfair and summary trials, using confessions sometimes extracted under torture without the right to defence, and applied cruel, inhuman and degrading punishments, such as amputations, floggings and the death penalty.

### 1.1 Gender-based violence is an immediate concern

In May 2004 Amnesty International delegates returned to Chad<sup>6</sup> in order to obtain further information on the violence perpetrated against women in Darfur. At the time of writing this report the organization had not yet been granted visas to revisit Sudan.<sup>7</sup> In Chad, Amnesty International visited three of the refugee camps set up by the UN High Commissioner for Refugees (UNHCR): Goz Amer, Kounoungo and Mile, where they obtained more than one hundred personal testimonies from refugees. In these camps, women appear to form the majority of the adult refugee population. The organisation was able to collect the names of 250 women who have been raped in the context of the conflict in Darfur and to collect information concerning an estimated 250 further rapes. This information was collected from testimonies of individuals who represent only a fragment of those displaced by the conflict. Other human rights violations which have specifically targeted women and girls are: abductions, sexual slavery, torture and forced displacement. Amnesty International also examines in this document the consequences of the violence perpetrated against women, such as social stigmatisation, the consequences on their economic, social and health rights, and

<sup>6</sup> Amnesty International delegates had visited Chad in November 2003 in order to interview Sudanese refugees from Darfur.

<sup>7</sup> Amnesty International visited Sudan, including Darfur, in January 2003, having been granted visas for the first time in 13 years. The organization continues to carry out research by talking and corresponding with people throughout Sudan, including Darfur.

the destruction of the social fabric of their communities.



**Shelter, Mile refugee camp, eastern Chad ©AI**

The testimonies collected have made clear that the majority of the women who have been raped have, for several reasons, stayed in Darfur or at the Sudan-Chad border; relatively few have made the journey to the UNHCR-run refugee camps in Chad. There is, in addition, considerable hesitation among the women of speaking openly about sexual violence. This report can therefore only present a fraction of the reality of violence against women in the context of the current crisis in Darfur. However, the testimonies collected, combined with the reports of sexual violence collected by the UN, independent journalists and non-governmental organizations (NGOs) in Darfur, indicates beyond doubt that the occurrence of rape and other forms of sexual violence is widespread<sup>8</sup>. The rapes and other sexual violence in Darfur constitute grave violations of international human rights and humanitarian law, including war crimes and crimes against humanity.

Abuses against women are an integral part of the conflict and are too often neglected. They must urgently be taken into account in the Sudanese government and the international community's responses to the crisis. Amnesty International is urging all parties to the conflict to immediately cease perpetrating violence on women and for those who have committed

<sup>8</sup> "Nearly 14% of the 132 victims of violence treated by medical teams from MSF over the last nine weeks were victims of sexual violence", *Sudan: no relief in site*, Focus on Mornay camp, Médecins Sans Frontières, 20 June 2004

these crimes to be brought to justice in fair trials, without the possibility of the death penalty. Amnesty International is further calling for the urgent provision of medical and psychological care to women affected by violence in Darfur and Chad, measures to enable the communities affected to minimise stigma of these women and work for the reintegration of survivors, and preventive measures to reduce the suffering of women in the longer-term.

## 1.2 Immediate actions needed

While the priority of the international community is, rightly, to save the lives of more than a million IDPs in Darfur and more than 170,000 Sudanese refugees in Chad, Amnesty International is of the opinion that humanitarian aid will not succeed in containing the crisis unless civilians, including women and girls, in Darfur and at the border in Chad are given adequate and effective protection. In some cases IDPs in Darfur have refused to accept food and non-food aid items, because they said that would make them the target of further attacks by government-sponsored militia. Moreover, the majority of IDPs live in spontaneous camps and settlements around the cities or large villages of Darfur, where they continue to be the target of attacks, killings, rapes and harassment by the Janjawid whose presence is reported in the cities or at the periphery of the IDP camps. One person who lived for three months as an IDP in the town of Mukjar in Darfur, before moving on to Khartoum said: "it is not a camp, it is a prison". The delivery of aid to IDPs in Darfur must be accompanied by robust measures to protect civilians, so as not to increase the vulnerability they already experience as a result of their displacement, and should in particular seek actively to reduce discrimination against women, not to reinforce its effects or to intensify existing stigma and discrimination.

The Sudanese government has not only failed in its duty to protect civilians, it has also actively violated its legal obligations to protect civilians. Amnesty International repeats the calls it has made to the Sudanese government to immediately stop all attacks against civilians; to cease all support to and

disarm the Janjawid militia and put them in a position where they can no longer attack the civilian population; to provide unfettered access to all humanitarian organisations; to allow human rights monitors and human rights organisations into the region; and to allow independent investigations of the massive human rights violations committed by members of the Janjawid militia and of its own armed forces and bring to justice all those suspected to be responsible.

At present, there is no political solution in sight to the conflict in Darfur other than a fragile ceasefire which has been violated on a number of occasions since its signing on 8 April 2004 in N'djamena in Chad. While an African Union (AU) ceasefire monitoring force, supported by the international community, is established in Darfur<sup>9</sup>, its mandate does not explicitly include the protection of civilians. On 6 July, The African Union announced the deployment in Darfur of a protection force; this force will be mandated to protect the ceasefire monitors, not the civilians displaced by the conflict. Independent human rights monitors are needed immediately in the region to contribute to verify and to report publicly on violence against civilians. The monitoring team must include people with gender expertise and their mandate must include the monitoring of violence against women. Furthermore the international community must put in place effective mechanisms to assist women affected by the violence and measures to reverse the destruction of the social fabric of communities in Darfur.

Most of the Janjawid are now reportedly incorporated into the Popular Defence Forces, a government paramilitary force, and the Sudanese army. Amnesty International is receiving increasing information that the Janjawid are occupying some of the villages whose population has been forcibly displaced. One issue of urgent and crucial importance is the need to ensure the voluntary return of all refugees and internally displaced persons to their land and villages in conditions of safety, dignity,

<sup>9</sup> Although it is still not monitoring reported ceasefire violations, more than three months after the ceasefire was signed.

sustainability and respect for their human rights. Farmers have already missed the planting season this year, which means that the whole region will be dependent on humanitarian assistance for its survival for at least another year. It is clear that the international community will need committed, long-term and sustained engagement in the region, in order to reverse the course of another massive displacement on the African continent.

## 2. Background

### 2.1 Taking up arms in Sudan

In February 2003, a new armed insurgent group, calling itself the Sudan Liberation Movement/Army (SLM/A) and composed mainly of members of the Fur, Zaghawa and Masalit ethnic groups of Darfur emerged and attacked government targets. In April 2003 another insurgent group emerged, calling itself the Justice and Equality Movement (JEM). The two armed groups demanded the end of the marginalization of Darfur and more protection for the settled population, which they claimed to represent. Their motives were connected to the exclusive character of the north-south peace negotiations of Sudan, which they claim has left them out and showed them that “*Khartoum only talks to those who have arms.*”<sup>10</sup>

These peace negotiations are conducted, under international mediation, between the Sudanese government and the leadership of the Sudan People's Liberation Movement/Army (SPLM/A), the main armed political group in southern Sudan which has been at war with the central government for more than 20 years. The negotiations, conducted in Kenya, have been continuing since July 2002 and have come to a preliminary end with the signing by both parties of a number of important protocols<sup>11</sup>.

<sup>10</sup> Abdel Wahed Mohamed Nur, President of the SLA, during a public meeting in Berlin. 16 June 2004.

<sup>11</sup> Including protocols on wealth-sharing, on security, on power-sharing and on the resolution of conflicts in Abyei, the Nuba Mountains and Blue Nile.

However the exclusive character of the peace process has, at the same time, triggered feelings amongst the population in other areas of Sudan of being left out of important power and wealth sharing agreements for the future of the country. The logic of “militarization”, dominant in most Sudanese elite circles, has led the leaders of today’s armed opposition groups in Darfur to the conclusion that they would only be represented in the transitional government and in the political future of Sudan if they would take up arms and fight the central government. Their demands include full representation in power and politics in Khartoum, the capital of Sudan.

There have been reports of abuses and torture, including rape, by members of the SLA and JEM but due to the restrictions on access to the area, including those imposed by lack of security, it is difficult to collect more evidence on the human rights abuses reportedly committed by the insurgents<sup>12</sup>. One report of rape by members of armed opposition groups committed against women from communities thought to support the Janjawid was reported by a German journalist. Osman Adam Mahmud, the sheikh of the Tarjem who had fled from attacks by the armed groups, told her that the rebels had attacked Kuala village twice, killing 12 people, destroying their goods and raping some women. The group now live in Mosai, an IDP camp of some 12 huts near Nyala<sup>13</sup>. However, this is the only case Amnesty International has yet received of rape by members of armed opposition groups. During the two visits of Amnesty International to Sudanese refugee camps in Chad<sup>14</sup>, refugees

<sup>12</sup> See *Sudan: Darfur: “Too many people killed for no reason”*, Amnesty International. AI Index: AFR 54/008/2004, 3 February 2004

<sup>13</sup> Iлона Eveleens, *Von Entspannung ist in Darfur keine Rede*, taz Nr. 7386 vom 18.6.2004.

<sup>14</sup> Amnesty International delegates obtained more than a hundred testimonies from Sudanese refugees in three locations along the eastern Chadian border. The testimonies were coherent, credible and all pointed to a systematic pattern of attacks and the systematic use of violence against women. As noted before, only a fragment of the testimonies are used in this report. Amnesty International obtained the names of more than one thousand people killed in Darfur and the names of more than 250 women and girls raped in Darfur. For reasons of safety, the

hardly mentioned the presence or actions of the SLA/M or JEM in their area. Despite seeking information on all rape and sexual violence, regardless of the identity of the perpetrators, Amnesty International did not receive any information in Chad on rapes or other forms of sexual violence committed by armed political groups in Darfur. As a result this report focuses solely on sexual violence committed by the Janjawid and government armed forces.

This does not mean that the insurgents do not commit human rights abuses. It may be because they do not happen on a large scale or because the refugees that Amnesty International met were not victims of such attacks or because the refugees would only report violations by those they perceived as their aggressors. Amnesty International asked the Sudanese authorities to provide information regarding abuses by the SLA and JEM. The Sudan government has listed a number of ceasefire violations by the SLA and JEM, which Amnesty International has not been able to investigate. In some cases it appears that the insurgents have put the lives of civilians at risk. Refugees have reported the presence of SLA and JEM among civilians or fighting between Government forces and insurgents before or after attacks against civilians<sup>15</sup>. Allegations of possible serious abuses of international humanitarian law by the two armed opposition groups in Darfur include attacks on civilians and civilian villages<sup>16</sup>; unlawful killings<sup>17</sup>; and the taking of hostages, including relief workers<sup>18</sup>.

real names of the interviewees as well as the names of the victims are disguised in this report.

<sup>15</sup> See *Sudan: Darfur: “Too many people killed for no reason”* Amnesty International report. AI Index: AFR 54/008/2004, February 2004.

<sup>16</sup> In March 2004, the SLA reportedly attacked a police and security headquarters in Buram, a town in South Darfur populated mainly by Habaniya, an Arab group. There are allegations that the SLA attacked the hospital in Buram and injured patients in the hospital.

<sup>17</sup> The government has publicly accused the SLA of killing a Zaghawa community leader, named as Abdel-Rahman Mohamed Din, during an attack on a humanitarian convoy in late April 2004. According to the government, the SLA’s motive was that this leader had accepted food aid from the government. See “Sudan says Darfur rebels attack

When Amnesty International put these allegations to an SLA leader during his visit to the UK in June 2004, he answered that the SLA was attacking government targets; in the case of Buram, the SLA stated that the Janjawid had arrived to reinforce government troops and had then attacked the hospital in Buram, apparently thinking that they would find wounded SLA fighters in the building. Regarding the taking of hostages, including relief workers, he answered that, if the SLA was alerted of the arrival of relief convoys, it would ensure coordination and protection of these convoys, and that the SLA had briefly detained relief workers in the belief that government agents were amongst them. On all the allegations, he answered that further investigation was needed to clarify responsibility for human rights abuses and that Amnesty International and other human rights organisations should go to Darfur to “see for themselves” and independently investigate these allegations.

## 2.2 The military response of the government

The central government of President Omar Hassan al-Bashir came to power in a military coup in 1989 backed by the National Islamic Front of Hassan al-Turabi. Hassan al-Turabi, former speaker of Parliament under the current government, was removed from power in 1999 and created his own political party, the Popular Congress, a rival faction of the National Congress, the state party.

By April 2003, after an attack by the SLA on the airport of Al-Fashir, which killed some 70 members of the Sudanese army and destroyed several planes, the Sudanese government had decided to respond to the Darfur problem by military force. The central

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relief convoys, denounce ceasefire violation”, Sudan News Agency, 29 April 2004

<sup>18</sup> In early June 2004, 16 humanitarian workers, including UN staff, were taken hostages by the SLA while they were assessing relief needs in Darfur. They were released a few days later and were reportedly treated well while detained. The SLA and the JEM have taken hostages on several occasions since 2003. See “Sudan: Top UN official hails release of aid workers detained by rebels”, UN News Centre, 6 June 2004

government has accused Hassan al-Turabi of backing the JEM, one of the two armed political groups in Darfur and arrested him in February 2004<sup>19</sup>. He is, like many of his supporters, held incommunicado in Khartoum and has not been charged. Hassan al-Turabi claims that he supports “spiritually” the JEM but that he does not provide it with logistical support.

To counter the rebellion in Darfur, the government has used the Janjawid, a militia composed of members of nomadic groups and “bandits”. Encouraging specific groups to fight against those who have taken up arms against Khartoum and whose actions are condoned and given impunity, is a recurrent strategy of the central government in Sudan. It was used by the government throughout the 21-year-old conflict with the SPLM/A in the south of the country. Former President of Sudan Sadiq al-Mahdi armed mainly nomadic groups of the Rizeiqat and Miseriya tribes from Darfur in the mid-1980s, which acted as a counter-insurgency proxy force in Bahr al-Ghazal. These militias, called  *Murahilin*, appeared to have been given a free rein to raid villages suspected of supporting the southern rebellion, abducting people and looting cattle and goods as a reward. Many of those abducted in the region of northern Bahr al-Ghazal have subsequently been used as domestic workers, field labourers or cattle herders, often for no pay and in slavery-like conditions<sup>20</sup>.

This strategy allows the central government to control large groups of civilians, by spreading fear amongst them and reinforcing repression and is apparently aimed at collectively punishing the communities from which armed groups emerge. The government used specific groups to fight a proxy war not only against armed political groups, but also

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<sup>19</sup> Hassan al-Turabi was previously detained and under house arrest from February 2001 until October 2003.

<sup>20</sup> On the issue of abductions and slavery in Sudan, see: *Sudan: “The tears of orphans”. No future without human rights*, Amnesty International, January 1995 (AI index: AFR 54/02/95); *Is there slavery in Sudan ?*, Anti-Slavery International, March 2001; and *Slavery, Abduction and Forced Servitude in Sudan*, Report of the International Eminent Persons Group, 22 May 2002

and largely against the civilian population. The government then denied responsibility for the atrocities committed and implemented a counterinsurgency tactic of divide and rule which has destabilized the social structure of communities. Sexual violence, including rapes and abductions were perpetrated by these groups and all parties to the conflict in southern Sudan.



**Darfur village burned and attacked**  
©WFP/Marcus Prior

Under Sudanese President Nimeiri, the Zaghawas from Darfur were armed in order to support the regime of Hissein Habré in Chad, against Libya, who in response armed nomadic tribes in Darfur.<sup>21</sup> There were already signs of a military response in Darfur, through the proclamation of a state of emergency in the region and the creation of special courts in 2001 and the unequal treatment between nomadic and settled groups regarding their arming for self-defence purpose.<sup>22</sup> Traditional mechanisms of reconciliation between ethnic groups which might have defused the situation were bypassed in this repressive policy.

### Gender-based violence

The UN Declaration on the Elimination of Violence against Women states in Article 1:

*“the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or*

<sup>21</sup> Douglas H. Johnson. *The Root Causes of Sudan’s Civil Wars*. The International African Institute, James Currey. Oxford, 2003, p. 140

<sup>22</sup> *Memorandum to the Government of Sudan and the Commission of Inquiry*, Amnesty International, 8 June 2004 (A.I. Index: AFR 54/058/2004)

*arbitrary deprivation of liberty, whether occurring in public or in private life.”*

It states in Article 2:

*“Violence against women shall be understood to encompass, but not be limited to, the following:*

*(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;*

*(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;*

*(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”*

General Recommendation 19 of the Committee on the Elimination of All Forms of Discrimination against Women states that:

*“Gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.”*

In Article 7, it goes on to state:

*“Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”*

In addition, women disproportionately suffer from the consequences of fleeing conflicts because they form the majority of the refugee and IDP population.<sup>23</sup>

<sup>23</sup> In 2001, the UNHCR reported that there were 19.8 million refugees, asylum-seekers and others of concern to the organization. UNHCR also estimates that women and children constitute 80 percent of the world’s refugees and IDPs. See *‘Women, Peace and Security’* – Study submitted by the UN

The definition of discrimination includes gender-based violence. Violence against women is a form of gender-based violence. It is **violence that is directed against a woman because she is a woman or that affects women disproportionately**. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

Acts are not necessarily identifiable as gender-based in isolation, but require an assessment of how particular acts affect women in comparison with men. There are also specific acts which are commonly gender-based.

According to the UN Declaration on the Elimination of Violence against Women, violence that is gender-based results in, or is likely to result in, physical, sexual or psychological harm or suffering to women.

It includes:

- threats
- coercion
- arbitrary deprivation of liberty wherever it takes place
- it can occur in public or in private life equally

Some of the elements that may be examined to determine whether an act of violence is gender-based include:

- **cause or motive:** for example, distinctly expressed gender insults during violence
- **circumstances or context:** for example, abuse of women of a certain group within an armed conflict
- **the act itself, the form a violation takes:** for example, overtly sexual acts, forced nudity, mutilation of sexual parts of the body
- **the consequences of a violation:** pregnancy; shame and secondary victimization by the survivor's

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Secretary-General pursuant to Security Resolution 1325 (2000), paras 93. and 64.  
<http://www.un.org/womenwatch/daw/public/eWPS.pdf>

community because “honour” has been transgressed

- **the availability and accessibility of remedies, and difficulties in securing a remedy**, for example, difficulties for women in accessing legal remedies because of lack of legal aid, need of male family member support, need to concentrate on care of dependents and lack of appropriate healthcare

### 3. Violence against women in Darfur

*“In May 2003, they dropped bombs from Antonovs on our cattle and on our huts. We were hiding near the village and were going back to the village at night to sleep there until June/July. Then they attacked the village. It was in the morning, I was preparing breakfast when I saw them coming. They started shooting. They came with horses and cars and they were all in uniforms. They killed my husband Musa Harun Arba, I ran and left the village. I took my three children and two children of my neighbour and we ran to Hara, the village in the valley. Then we went to Abu Liha where we stayed for two days and from there to Bamina. The Janjawid found us on the way. Antonovs bombarded us and killed three people. We were many on the run and some people were caught by Janjawid. Nine girls and two boys were taken by Janjawid. They took one of my uncles with his son, Khidder Ibrahim. We do not know what happened to these people.”* H., a woman aged 27 from Amnatay village in Kabkabiya district, reporting a series of attacks she was subjected to.

Violence against women is occurring in a context of systematic human rights violations against civilians in Darfur. The grave violations of international human rights and humanitarian law committed by the Janjawid and the Sudanese army against civilians have targeted men, women and children

indiscriminately. Women have been summarily or indiscriminately killed, bombed, raped, tortured, abducted and forcibly displaced. Children have been summarily or indiscriminately killed, tortured, abducted and forcibly displaced; girls have, like women, been the particular target of rapes, abductions and sexual slavery.

Refugees from North Darfur have reported frequent aerial bombardments by the Antonov planes and shelling by the helicopter gunships of the Sudanese government, before, during or after ground attacks by the Janjawid and government forces. In South and West Darfur, fewer aerial bombardments were reported, although they occurred, and civilians were more largely the target of ground attacks. In Masalit areas, villagers have sometimes been “deceived” by the Janjawid, who had told village leaders that there was no risk, and then attacked them.

Men have often seemed to be the primary target for summary killings in the context of attacks<sup>24</sup>. In some attacks on villages, people have been treated differently according to their gender: men were taken away and then executed by the Janjawid, while women were shot when trying to escape from the village. In May 2004, Amnesty International collected further testimonies about extra-judicial executions and mass killings in several locations, including **Murli**, **Mukjar**, **Deleij** and **Kereinek**. These testimonies confirmed information already received and published by the organization. Amnesty International has a list of names of more than 400 people who appeared to have been extra-judicially executed in Darfur, including in the context of reported mass executions during an attack on **Mukjar** in August 2003.<sup>25</sup>

<sup>24</sup> Detailed and numerous testimonies of attacks on civilians have been given in Amnesty International reports, news releases and public appeals in 2003 and 2004. Consult <http://web.amnesty.org/pages/sdn-index-eng>

<sup>25</sup> Amnesty International interviewed several persons who witnessed the attacks on Mukjar. One man told of the actual execution behind the hills, which he witnessed.

### 3.1 Rape, torture and other forms of sexual violence in Darfur

A., aged 37, from **Mukjar** told Amnesty International how the Janjawid had raped and humiliated women:

*“When we tried to escape they shot more children. They raped women; I saw many cases of Janjawid raping women and girls. They are happy when they rape. They sing when they rape and they tell that we are just slaves and that they can do with us how they wish.”*

Amnesty International has received numerous reports of rapes and other forms of sexual violence committed by the Janjawid. The Sudanese women interviewed by Amnesty International in Chad were very reluctant to talk about rape, for fear of being ostracized by their communities and families. Men would talk about cases of rape in a very general way, not giving specific details of how, when and how often rape had been used against women. It would appear that violence against women - and rape in particular - is mainly committed by the Janjawid. However the government army is present in many cases. The Janjawid have acted with full impunity and with the full knowledge or acquiescence of the government army.

#### Rape as a form of humiliation

In many cases the Janjawid have raped women in public, in the open air, in front of their husbands, relatives or the wider community. Rape is first and foremost a violation of the human rights of women and girls; in some cases in Darfur, it is also clearly used to humiliate the woman, her family and her community.

*“There was also another rape on a young single girl aged 17: M. was raped by six men in front of her house in front of her mother. M’s brother, S., was then tied up and thrown into fire.”* H., a 35-year-old Fur man from **Mukjar**.

*“In July 2003, the Arabs raped M, 14, on the market square and threatened to shoot on the witnesses if they tried to intervene. They also raped other girls in*

*the bush.*” S., a 28 year old Zaghawa woman from **Habila** region.

Gang rapes have also been reported. On 11 March 2004, a report by the UN Darfur Task Force Situation stated:

*“UNICEF has completed a child protection survey in **Tawila**. The report confirms a host of disturbing findings from the recent inter-agency mission, including a very large number of rape cases, in one case targeting 41 school girls and teachers, gang rape of minors by up to 14 men, abduction of children and women as well as killings of many civilians”*

Tawila, a small town surrounded by villages, located not far from Al-Fashir, was attacked by the Janjawid on 27 February 2004. Further allegations were made that the women who were gang-raped in Tawila had been branded.

### Rape of pregnant women

Pregnant women have not been spared. Amnesty International was also told of one case when the Janjawid intentionally killed a woman because she was pregnant.

One 18-year old women from **Muray**, was raped and subsequently lost her baby.

S., from **Disa**, was raped by a soldier despite being pregnant. She is now the mother of four children, having given birth recently to the boy she was carrying while she was raped.

*“I was with another woman, Aziza, aged 18, who had her stomach slit on the night we were abducted. She was pregnant and was killed as they said: “it is the child of an enemy.”* A woman of Irenge ethnicity from the village of Garsila

### Torture and killings in the context of sexual violence

In some cases, women who have resisted rapes were reportedly beaten, stabbed or killed. I., a Zaghawa man from **Miski**, in the district of **Kutum**, told Amnesty International:

*“At 7am in August 2003, our village was surrounded by the Janjawid; we heard machine guns and most of the*

*people ran away, some were killed while trying to escape. My sister, M., aged 43, was captured by the military and the Janjawid. They tried to sleep with her. She resisted, I was present and could hear her: “I will not do something like this even if you kill me” and they immediately killed her. Other people were also present when this happened.”*

In other cases, the Janjawid have tortured women in order to force them to tell where their husbands were hiding. Forms of torture reportedly included: putting the face of women between two wooden sticks and pressing hard or pulling out the nails of women. F., aged around 50, from Kondilay – a place not far from Kabkabiya – was flogged by the attackers and had her fingers broken when they tried to pull her nails out. Pulling out of nails during interrogations was often mentioned by female refugees.

Some women also reported the Janjawid breaking the legs of victims of rape in order to prevent them from escaping. N., a 30-year-old woman from Um Baru, told Amnesty International delegates in the camp of Konoungou:

*“The attack took place at 8am on 29 February 2004 when soldiers arrived by car, camels and horses. The Janjawid were inside the houses and the soldiers outside. Some 15 women and girls who had not fled quickly enough were raped in different huts in the village. The Janjawid broke the limbs (arms or legs) of some women and girls to prevent them from escaping. The Janjawid remained in the village for six or seven days. After the rapes, the Janjawid looted the houses.”*

She gave a list of names of the women who were raped during the attack.

### Rape, abductions and sexual slavery

Women and girls have been abducted during attacks and forced to stay with the Janjawid in military camps or hideouts. Several testimonies collected by Amnesty International contain clear cases of sexual slavery; torture appears to have sometimes been used as a

tactic to prevent women held as sexual slaves from escaping.

*“They took K.M., who is 12 years old in the open air. Her father was killed by the Janjawid in Um Baru, the rest of the family ran away and she was captured by the Janjawid who were on horse back. More than six people used her as a wife; she stayed with the Janjawid and the military more than 10 days. K, another woman who is married, aged 18, ran away but was captured by the Janjawid who slept with her in the open place, all of them slept with her. She is still with them. A, a teacher, told me that they broke her leg after raping her.” A., a 66-year-old farmer from Um Baru in the district of Kutum.*

N., a 30-year-old woman from the village of Disa in the Masalit area of western Darfur, told Amnesty International delegates how she was abducted and subjected to gang rape after an attack by government forces and the Janjawid on her village. She and her 15-year-old sister fled when the attack happened but were caught by soldiers in uniforms. She refused to follow them, reportedly accusing them of having already killed children. The soldiers reportedly beat her up and she was taken away by force. She had to walk with them for three hours. She received no food for three days. She was taken to a place in the bush and beaten up and raped several times at night. She said that several groups of Arabs had taken away several groups of women. She gave a list of names of the women reportedly abducted.

K. from Kenyu, aged 15, was reportedly abducted on 15 January 2004 and raped by several men. She was later found with two serious wounds on her head and a crippled leg, apparently from blows inflicted on her knee. The wound on her leg was putrescent when she was found five days after her abduction; she had been abandoned by her abductors.

In the same camp two women, M., a 40-year-old woman and N., aged 17, both from the village of **Kibbash** in the region of Silaya reported to Amnesty International having been abducted and gang-raped by the Janjawid:

*“The Janjawid held women in different huts. The children ran away but some were caught by the Janjawid: they abducted five of them; three boys aged two, four and six, and two girls, aged five and six. The Janjawid took me away, bound my hands in the back and took me along with four other girls in the wadi.*

*In the wadi I saw some 20 other women, their hands and feet tied, who had arrived on the same day. We received some water and rice. During the day, most of the Janjawid left the wadi to loot the neighbouring villages and at night they came back to the wadi where they raped the girls in turn. Some 50 Janjawid stayed in the camp during the day. I did not see government soldiers in the wadi.”*

S. from **Silaya**, near Kulbus, was five months pregnant when she was abducted by the Janjawid with eight other women during an attack on 24 July 2003. Some of the girls who were abducted were reportedly as young as eight years old. According to S.:

*“After six days some of the girls were released. But the others, as young as eight years old<sup>26</sup> were kept there. Five to six men would rape us in rounds, one after the other for hours during six days, every night. My husband could not forgive me after this, he disowned me.”*

Another refugee woman in Konoungou camp, K., aged 23, from **Ibek**, mother of three children, told Amnesty International how she was abducted with two other women and one man, the husband of one of the women.

*“On the first night I had to endure five men who raped me, the second night I was raped by three men. The third night I managed to escape with one of the others. I do not know what happened to the third women, the wife of I. who was with us.”*

<sup>26</sup> Amnesty International has the names of the girls who managed to escape and those who were abducted in this case.

I, the husband of the missing woman, who was abducted with her, is 36. His 11-month-old child was killed before his eyes. He reported being severely beaten by the Janjawid.

*“They slit the throat of my only child in front of my eyes. I don’t know where my wife is and what happened to her. It is only because one of the soldiers was merciful that I was not killed.”*

### Sexual violence against girls

Girls, like women, have been raped, abducted and kept in sexual slavery. M., a Fur woman from **Um Bada** near Kutum reported the abduction of girls from the village by the Janjawid:

*“During the attack on Kutum, many girls disappeared. Some of their names are: Hamra (15), Khadija(14), Fatima (12), Hama (10). An old woman called Khadija (80) was also abducted. Those women were taken away on camels and the Hakama saw this and cheered their men.”<sup>27</sup>*

### 3.2 Rape in the context of attacks

Rapes have been committed in the context of attacks on villages, and according to some testimonies collected by Amnesty International, during smaller raids, mainly at night, before attacks on villages took place. Women in Darfur are primary targets for violence and are more vulnerable in the context of armed conflict because, in Darfur, it is women who are responsible for the children and other family dependants. Women are the main care givers, which renders them more vulnerable during attacks and flight. Women are more accessible to aggressors during attacks, because they usually stay closer to the village, compared to men who tend to herd cattle, further away from the village.

<sup>27</sup> The *Hakama* are the women who accompany the Janjawid fighters. The phenomenon of women accompanying their men during attacks is not new in Sudan and not restricted to the conflict in Darfur. See the example of Nuer women in *Nuer Dilemmas: Coping With Money, War, and the State*, Sharon Huntington, Berkeley: University of California Press, 1996

In many interviews with refugees it became apparent that the differing circumstances of men and women and the gendered roles they played in society meant that they reacted to attacks in different ways.

M., a 46-year-old man from **Abu Jidad** (close to Kornoy) described how people reacted during attacks:

*“Only women and children were in the village, the men were with the cattle a bit further north, closer to the hills. When the attack occurred, men ran up the hills in order to see and the women ran into the village to take their children and flee south of the village.”*

Women in most cases have described how during attacks they started looking for their dependants before leaving the village. K., a 40-year-old woman from **Jaroko** explained:

*“When the Janjawid came, they put fire on our huts and they beat the children and the women. I have seven children and six are here with me now, I put one on my back and on in front and the others were holding my hands and we ran. Also my grandmother was with me. On the way there were many Janjawid and they were beating people and we saw them raping women and young girls.”*

Another 45-year-old woman, A., from **Mamoun** describes a similar flight:

*“We heard when the Janjawid attacked Kenu and then, before breakfast they came and killed people. I collected my children and the old woman who is deaf and whom I am taking care of.”*

However, even before the escalation of the conflict and the systematic attacks against civilians in Darfur, there was no gender balance in many rural villages, for several reasons. There is a high rate of migration from rural to urban centers in Darfur, partly because of desertification and lack of development in the region. Many Sudanese women interviewed by Amnesty International in Chad said that their husbands, brothers or other male relatives were working in towns in Darfur, in the Sudanese capital Khartoum or in neighboring countries and that the men were

not present during the attacks. This is important to note; as a result of the higher percentage of women than men in the refugee camps in Chad, there is speculation as to what happened to the men. A partial explanation stems from the pre-war gender ratio in the rural villages. Of course, there are other explanations: the fact that many men appear to have been extra-judicially executed or summarily killed during attacks, or arrested and detained incommunicado, and the suspicion that some have joined the rebellion.

Mohamed (33), a local leader from **Magarsa** explained:

*“I was in Khartoum for many years and when I found out what happened in my hometown I returned to Magarsa in February 2004. I learned that my relatives went to Fur Baranga”.*



Refugees fleeing Darfur ©AI/Philip Cox

### 3.3 Rape during flight

Women have been victims of rape and other forms of sexual violence during their flight. The Janjawid have raped women at road blocks or checkpoints, or while chasing groups of people who had escaped attacks on their villages.

A. from **Khusha** in North Darfur said that she witnessed a rape and abductions when she and several other women ran away from the attack on their village in August 2003:

*“A woman had her legs and arms broken and was left on the road. Others were beaten up when they refused to*

*undress and they were taken away to a Janjawid camp.”*

A., a 40-year-old Tama<sup>28</sup> woman from **Azerny** (30 miles south of Jeneina) witnessed rape while she was fleeing:

*“After the attacks we ran for four hours to our neighbours who are Tama as well. On our way from Azerny two women were raped by three Janjawid. I was there; I saw it with my own eyes”.*

She gave the names of the women reportedly raped to Amnesty International.

*“In February 2004, I abandoned my house because of the conflict. I met six Arabs in the bush, I wanted to take my spear to defend my family, they threatened me with a weapon and I had to stop. The six men raped my daughter, who is 25 years old, in front of me, my wife and the young children.”* H., a man from **Magarsa** in the Masalit region of Western Darfur

Several testimonies report abductions during the flight. It seems that it is mainly women and children who are abducted. In most cases the whereabouts of those abducted are not known. Amnesty International received more than fifty names of people who have “not been seen again” after being abducted by Janjawid.

### 3.4 Rapes in Internally Displaced Persons (IDP) settlements in Darfur

According to reports by independent sources and satellite photos<sup>29</sup> from the region, it appears that most of the rural villages inhabited by the farming population of Darfur have been burnt to the ground and their populations forcibly displaced. But attacks on civilians, in particular on the population internally displaced by the conflict, are

<sup>28</sup> The Tama are a small ethnic group who have been victim of attacks by the Janjawid but have also been accused in several cases of siding with the Janjawid.

<sup>29</sup> See Sudan: At the mercy of killers – destruction of villages in Darfur, Amnesty International, 2 July 2004 (AI index AFR 54/072/2004),

<http://web.amnesty.org/library/Index/ENGAFR540722004>

continuing. The IDP population, who have largely gathered at the periphery of the towns and large villages of the region, are restricted in their movement by Janjawid groups who patrol outside the camps and settlements. Men do not leave the settlements for fear of being killed; women who have ventured outside the camps in order to fetch desperately needed wood, food or water, have been raped and harassed. Some of the IDPs who have spoken out against abuses during visits by foreign UN or government officials were killed by the Janjawid or arrested and held incommunicado by the government national security forces or the military intelligence. The internally displaced population is consequently being held in what amount to virtual prisons, and is effectively being denied the right to freedom of movement. Such violence against civilians not only breaches international human rights standards but also often appears to be an intentional attempt to humiliate and destroy the social fabric of the communities attacked.

M. a 47-year-old man from **Nan Kursei**, a village in the district of **Garsila** told Amnesty International in Chad:

*“The population of more than 30 villages escaped to Garsila and there we were held in IDP camps. In Garsila it is like this: the army barracks are outside the town. Inside the town there is a big camp for the Janjawid, there is the National Security and the Police and then there are more than 21,000 IDPs. The government prevents them from coming to Chad. They want to leave this place in Garsila. The government people said: “There is peace now. There is a delegation coming and we want you to go back to your villages, there is no danger now you have to go back”. The Janjawid prevent people from leaving Garsila, it is surrounded by Janjawid. They killed more than 60 people who tried to escape, you can see the bodies, they did not allow us to bury the dead, the bodies are still there around Garsila.*

*There was one woman, Rusonga, she refused to be raped, she hit a Janjawid and then he shot her. In Garsila the women wanted to bring firewood and water and many were raped by Janjawid.*

*On our way to Garsila the Janjawid tried to rape my wife. I managed to catch her and nothing happened”*

The United Nations Inter-Agency Fact Finding and Rapid Assessment Mission<sup>30</sup> reports on 25 April 2004, after visiting the town of **Kailek** in South Darfur:

*“The women unequivocally stated their great fear of living in this location (Kailek) due to the daily and nightly harassment and sexual abuse of the Janjawid in town. They expressed how they feel ‘imprisoned’ and how the women and girls have been raped and sexually abused when leaving the IDP setting, while the men are being harassed and frequently beaten by the security forces. When asked, the women identified several of the rapists and abusers among the present group of armed elements. They explained how the perpetrators use to come to the setting during the night to abduct girls, bringing them to the nearby wadi where they would be raped.”*

The reported cases of rapes in such IDP settlements inside Darfur seem to be more numerous than those reported in the camps in Chad. The OHCHR, UN aid workers, independent journalists and foreign government or parliamentary officials who have been able to visit the region have all reported meeting women who have been raped and often given detailed accounts of such crimes. Most of the refugees interviewed in Chad by Amnesty International in May 2004 managed to flee to Chad soon after attacks on their villages. Even those who had fled to IDP sites in Darfur had not spent much time in these sites. Amnesty International believes that the number of women who have suffered rapes and other forms of sexual violence in Darfur is high. Given the cultural taboo that rape constitutes in the society in Darfur, another explanation for the high numbers of women who have remained in Darfur after suffering rape is that these women have stayed away

<sup>30</sup> United Nations Inter-Agency Fact Finding and Rapid Assessment Mission. Kailek Town, South Darfur. 25 April 2004. page 4.

from relatives who have fled to Chad because they are, or fear being, stigmatized.

While the situation of the Sudanese refugees in Chad is precarious, the situation of IDP civilians within Darfur itself is desperate. The towns and villages in which most of the estimated one million internally displaced people are currently located are under direct government control. According to testimonies by refugees as well as information Amnesty International received from several and cross-checked sources in Darfur, the local authorities do not intervene and thereby are complicit with the Janjawid who rape and torture, kill and physically assault the displaced population. The proximity of Janjawid military camps to villages and settlements where the displaced have gathered renders the situation highly dangerous for the many IDPs in Darfur.

#### 4. The consequences of sexual violence on women and their communities

There are many consequences of rape which have immediate and long-term effects on women, beyond the actual physical violation it constitutes.

##### 4.1 Stigma and ostracism towards survivors of rape

Rape in itself is a heinous human rights violation, but the victims are likely to suffer further because of the shame and the stigma associated to it. As some women told Amnesty International delegates in Chad in November 2003:

*“Women will not tell you easily if they have been raped. In our culture, it is a shame. Women hide this in their hearts so that men don’t hear about it.”*

Many women and men told Amnesty International that only women who are not married would be able to talk about rape, or that women who were raped would not dare to come to the refugee camps. This is the likely explanation for why so many women who have reportedly been raped are said to remain at the border between Chad and Sudan, or to have sought refuge in the IDP camps in Darfur, far

from the eyes of their relatives and close community.

##### Pregnancy as a result of rape

Women who have become pregnant as a result of rape are most likely to suffer further abuses of their rights. There is the trauma of the rape itself as well as the difficulties associated with carrying and caring with a child who is the result of violence. In the specific social context of Darfur, in a society where rape is considered a taboo and a shame for the survivor of this violence, the child who is a result of rape will mostly be considered as a child of the “enemy”, a “Janjawid child”. Survivors of rape and their children are most likely to be ostracized by their community and married women most likely to be rejected by their husbands. Women may feel forced to abandon the child who is a result of rape and face another traumatic decision to make.

The communities of the women raped do not seem ready to accept the need to provide their full support for these women and possibly the child who could result from such violation. In group and face-to-face interviews conducted by Amnesty International in May 2004, women and men said that while they would accept raped women back into the community, the child as a potential result of rape would not be accepted. This leads women who have become pregnant as a result of rape to a situation of further ostracism, trauma and abuses of their rights. The lack of medical and psychological care facilities to deal with survivors of rape in the refugee camps in Chad and the many more victims in the IDP settlements in Darfur further compounds this situation.

For many men in the refugee camps the human rights violation of rape seems to directly translate into a humiliation against themselves and the group they belong to.

One cultural belief is apparently that women cannot become pregnant through rape. One refugee from **Kenya** explained:

*“Some women were raped. We heard about this. But only those who are not married can talk about it. We believe that nobody can become pregnant when raped, because this is unwanted sex and*

*you cannot have a child from unwanted sex. For those who are in the camps in Darfur, those whom they rape day and night, they might become pregnant. Then only Allah can help the child to look like the mother. If an Arab child is born, this cannot be accepted”*

K., a 40-year-old woman from **Jaroko** presented a similar belief, shared by a group of women sitting with her, whom Amnesty International interviewed in Goz Amer refugee camp:

*“If there is any woman pregnant she cannot come to Chad. When we were in Deleij, we were not allowed to move and there are still many people there. They take the women as their wives. This is a big problem, if they become pregnant they must escape, they cannot stay in their family or in their community. Why? Because it is not normal for her to be pregnant from being raped, so she has to go.”*

Although the majority of women who are pregnant as a result of rape seem to remain mostly in Darfur or in border locations, Amnesty International met a number of women in camps in Chad who were pregnant as a result of rape by the Janjawid.

K., a woman currently in Konoungou camp said that she was raped during an attack on her village and, at the time of interview, was nine months pregnant with the child of one of the suspected rapists.

F., from a village located between Silaya and Jebel Moun told Amnesty International how she was abducted on 5 August 2003 by men in uniforms, whipped and raped. She said that she miscarried a boy some months after her rape.

M. was nine months pregnant as a result of rape. At least three men raped her and she said to Amnesty International: *“I don’t even know who the father is.”*

### **Social and economic consequences of ostracism**

The stigma attached to women who have been raped has far-reaching social and economic consequences on the rape victims. Married

women can be “disowned” by their husbands, although this is not always the case. As for unmarried survivors of rape, they may never be able to marry because they are stigmatized or considered to be “spoiled” by their communities. Women who are not able to marry or who have been abandoned by their husband because they have been raped will become, particularly in the social context of Darfur, socially and economically more vulnerable. They will not be able to enjoy the economic support that men traditionally provide or the “protection” that men are supposed to provide to women. If these women already have children or are pregnant as a result of rape, they can find themselves as the only caregivers for these children.

### **4.2 Medical and mental health problems**

Women who have been attacked and raped often bear physical injuries. Violence, sexual or not, can have serious consequences on women’s reproductive system. The physical and psychological violence of rape on women who are already pregnant can lead them, as the testimonies above showed, to abort and lose their baby. In these cases, women are also likely to be rejected by their husbands, as they are not seen as fulfilling their roles as “reproducers”.

Given the cultural taboo associated with rape, women are reluctant to report it to the few medical workers present in refugee camps, which can lead to further medical complications of injuries they may have sustained during the rape. Women who have become pregnant as a result of rape often suffer complications before, during and after giving birth, because of the physical injuries resulting from assault. When giving birth, women who have been raped are prone to the problem of fistula. A fistula occurs when the wall between the vagina and the bladder or bowel is ruptured and women lose control of the bladder or bowel functions. They become isolated as a result of their incontinence. The problem can be resolved by surgery.

Even if women raped have not sustained consequent grave physical injuries, the apparent lack of hygiene and sanitary products in the context of material relief

shortages in Darfur and Chad contribute to the risk of infections.

On top of this, most women will suffer serious psychological problems, having to bear and raise an unwanted child and suffering from social stigma and a lack of community support.

In western Sudan, female genital mutilation (FGM) is practiced: the majority of women are circumcised and many women are infibulated<sup>31</sup>. This increases the risk of injuries during rape and consequently increases the risk of contracting HIV/Aids or other sexually transmitted diseases. At present there are no adequate medical facilities to provide comprehensive medical care on HIV/Aids amongst the refugee population in Chad or in IDP camps in Darfur, as a consequence of the fact that humanitarian organizations are overwhelmed by the nutritional emergency and difficulties in access, logistics and capacity. The consequences of this lack of medical support for rape survivors living with HIV/Aids are severe.<sup>32</sup>

#### 4.3 Children as victims of the conflict and the effects on women

Children have also been victims of massive human rights violations in Darfur. In Darfur, children are considered to be mainly the responsibility of women; hence human rights violations against children have traumatized women considerably. In interviews with women, it became apparent that for them, human rights violations against children were one of the most shocking feature of the conflict and that many felt guilty for not having been able to protect their children better.

Children were killed and abducted, allegedly in large numbers, by the Janjawid. A., a 15-year-old boy from **Goz Um Bela**, near Kornoy spoke to Amnesty International about his abduction and torture:

<sup>31</sup> See

<http://www.amnesty.org/ailib/intcam/femgen/fgm1.htm>

<sup>32</sup> This has been described in detail in the case of Rwanda. See Amnesty International, *Rwanda: "Marked for Death", Rape survivors living with HIV/Aids in Rwanda*. AI Index 47/007/2004, April 2004

*"I was looking after the goats when I was arrested by the Janjawid in November 2003. Eight other children who were not from my village were also arrested, they are still with them, and myself I was able to escape. They took me to a camp in Abu Jidad where there were also army soldiers. They asked me where the goats were and beat me if I wasn't answering. They tied up my sexual organ with a rope and pulled from both sides each time they were asking me questions, they beat me several times a day. When I told them where the goats were, they stopped beating me. The other children received the same treatment from the Janjawid and the soldiers."*

Refugee women in eastern Chad have in some cases referred to children who were left behind or 'forgotten' by their mothers, when they were busy collecting other children to escape attacks. F., a 35-year-old woman from **Kenyu** told Amnesty International:

*"When the Janjawid attacked we left everything behind. Even myself, I left some of the children. I ran with five children and saw how the Janjawid murdered people and how one, Musa Baha, was wounded. I took him, and then the Janjawid came and shot him. He was dead. There was another one called Juma, they cut both his arms just up here, under the shoulder."*

Children suffer in addition when as a result of the conflict their mothers or parents are killed or they are separated from their families. Often it is the female relatives of the mothers who have been killed or female members of the same community who take on the responsibility of caring for these children. This in turn further increases the burden of displaced women who have had to take on the additional role of care givers to unaccompanied or separated children.

#### 4.4 Further risk of violence against women during flight and in the context of displacement

S. a 38-year-old mother of six children from **Abu Sin**, south of Abu Gamra gave a detailed account of her flight:

*“We ran, I had the little one on the back and two on my hands and two with my older brother. My husband lived with me in the village but was absent when we escaped.*

*We were hiding in the forest and I had only one little bag of clothes and nothing else. For three days I could only feed my children with water. One of my children felt sick with malaria after 10 days and we had to stay there for eight days before the child was stronger again.*

*I was pregnant and I lost my baby. I was very weak but everybody had to help themselves. I was worried that we would all die. Some people who came by gave us food, I could not get up and I could not find food for the children because I was weak after losing the baby. I took mimosa as medicine and after 20 days we were able to move further to Kornoy.*

*On the roads the Janjawid would stop us and tell us: “You are wives of the Tora Bora<sup>33</sup>, we can kill you”.*

*There was rape as well. There is one woman, Zara, who was raped and now is pregnant. This was in Kamu when they came with many cars to the road where we were running to Tine from Kornoy.”*

M., a Fur woman from **Um Bada** near Kutum reported the death of children during her flight: *“Many of our children died on the way. There was no food, there was malaria and they were weak”.*

Women and children are the most affected, physically and psychologically, during flight and as a consequence of forced displacement. During flight, as the primary

<sup>33</sup> Name used by the Janjawid and government forces to describe the armed insurgents; see page 29 below.

care givers, women are responsible for the survival of their dependants. Children are most vulnerable to disease and exhaustion while fleeing. They can also get lost or separated from their families. The vulnerability of children increases the threat of further violations of the rights of their mothers or female care givers, because it can make the search for safety longer or can increase the exposure of the family group to danger.

A. aged 33, from the village of **Harara** near Kutum told Amnesty International about her experience:

*“My eldest child A., who was 17, died in the first attack. He went to the well to feed the cattle and there he was shot. On our way to Obliha one woman who was with us gave birth. The Janjawid attacked us and we left her behind with the baby. We do not know if she is alive and if the baby is alive.”*

#### 4.5 Long-term effects of violence against women

Violence against women goes beyond the direct attacks, rape and physical violence by combatants. As described above, the long term effects for women who are victims of rape are that a large number of ostracized women suffer further violations of their rights because they are women. The organization urges that the design of a humanitarian and social response to the conflict in Darfur, and to the displacement of persons as a result of the conflict should take into consideration issues related to the particular human rights violations suffered by women.

##### 4.5.1 Early marriages

One aspect of the discrimination against women can already be noticed in some refugee camps in eastern Chad and may also be a reality for women who are trapped in Darfur. Some refugees told Amnesty International that the bride price (payment made by a man or/and his family to the family of a woman he wishes to marry) in the camps has greatly decreased. As one refugee in the camp of Goz Amir said:

*“Marriage is very very cheap in our days.”*

This phenomenon has occurred in other conflict contexts. Parents fear that, being in refugee camps, it will be impossible for them to “control” their daughters, and they will try to ‘marry them’ hastily, in order to save the honour of the girl and the family. Early marriages are, in themselves, a violation of children’s rights. Further, girls who enter early marriage are less likely, as both girls and women, to enjoy their right to education, and more likely to encounter medical<sup>34</sup> and psychological problems in the case of an early pregnancy.

This is also an indicator of the disruption of the social structure of the community which finds itself in a refugee camp. It reflects the destruction of social care and control mechanisms, usually expected in the social environment of the community. For example, traditionally arranged marriages are seen, in part, as a means by which families can protect their daughters. Such a marriage engages both extended families and is often preceded by an extended period of discussions between the families. It can therefore constitute a mechanism by which a certain amount of control and protection can be exerted over the partners to marriage by both families. The breakdown of this mechanism, signalled in part by an increase in early marriages, puts a strain on the security of women and girls entering in more hastily agreed marriages. Early marriages in the context of refugee camps may be arranged hastily and may place girls at risk of abusive spouses.

#### 4.5.2 Female headed households

Another risk for women who are heads of households and sole caregivers, in the absence of men and in the setting of a refugee camp, is their marginalization in decision-making and in the distribution of food.

A., a 30-year-old woman from **Kereinek** said:

*“In the first attack in August my brother Issa was killed. My eldest brother came back from Libya, he supported us and he was taken and killed by the Janjawid when he came to help us. They took all*

<sup>34</sup> For instance, fistula is more likely to happen to young women who give birth

*the camels and now my two brothers are dead. I have nothing and now nobody is there to support me.”*

A common phenomenon that develops around refugee camps is the development of a shadow economy. Trade in nearby markets, paid labour in neighbouring villages or for humanitarian agencies become essential sources of income for the inhabitants of such camps. Yet for most female-headed households such sources of income are out of reach. If several people are responsible for a household, they are able to split work tasks or employment opportunities. One person can ‘line up’ for food distribution, the fetching of water, milling of grain or medical care for other members of the household, while the others can engage in income-generating activities. For the women who bear responsibility for a household on their own it is often impossible to perform all these tasks. These women therefore remain at the lower, and more vulnerable, end of food security and often lack additional commodities such as soap, salt, sugar and tea, compared to households headed by two or several persons. In addition, female-headed households are often vulnerable to exploitation, whether sexual or otherwise, in such situations.

In a context of scarce resources and lack of food security, single women are additionally vulnerable to abuse and exploitation. Their children are more likely to be affected by malnutrition, less likely to receive an education, and it is often these women or their daughters who are forced into survival prostitution<sup>35</sup>.

When Amnesty International visited refugee camps in Chad it was not able to gather information on the incidence of prostitution in the camps. It may be because there are no such cases in the camps which Amnesty International visited, or because cultural taboos prevent people from talking about it. However people have expressed

<sup>35</sup> See “So does that mean I have rights?” *Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*, Amnesty International, 6 May 2004, AI Index EUR 70/010/2004.

concern about this possibility and aid workers in several camps have mentioned sexual abuse and the likelihood of survival prostitution as an issue. Being in a camp setting is quite recent for most Sudanese refugees in Chad, since the relocation of refugees from the Chad-Sudan border to camps of UNHCR has only started a few months ago. As a refugee population remains in a camp setting for a continued period of time, the risk of sexual exploitation, especially of unaccompanied women and girls, increases. Given what has happened in other refugee camps across the world, the risk of prostitution for survival should not be underestimated.

#### 4.5.3 Potential militarization of camps

There is another, more general concern that women could be at further risk of violence if the conflict in Darfur continues to deteriorate. There does not seem to be at present a concrete commitment by the Sudanese government, the Janjawid or the SLA and the JEM to settle the conflict in the short-term through an inclusive peace agreement. In talks that Amnesty International conducted with the leadership of the SLA and the JEM, it was clear that they had an assumption that they were the sole representatives of the people of Darfur. In southern Sudan, in a similar situation, this assumption has increased the risk of violations of women's rights. Women, who bear the brunt of the burdens of the conflict, have rarely participated in political decision-making regarding the conflict or peace.

In comparable situations, and notably in the context of the war in southern Sudan, women (whether from north or south Sudan) were forced to support the "armed struggle" by 'giving away' their children as fighters; they were obliged to supply the armed forces with food and shelter and often forced to give sensitive information for military purposes. All this has put them in a position where they have gained no formal or informal power in decision-making, but have been considered as 'enemies' or 'security risks' by the other party to the armed conflict.

Women have rarely participated actively in armed conflicts but in many cases have been used as targets in military operations. Refugee camps have in other regional conflicts

been used as supply bases for fighters and food aid has sometimes been used by armed groups to put pressure on other actors involved in the conflict.<sup>36</sup>

In several discussions with Sudanese refugee men in eastern Chad, the intention to start defending the territory was articulated. In one case, a respected elder called on young men in the camp:

*"Stop sitting around here and just eat. You are young and you are idle and useless. You have to get up and get trained in order to defend your home. We appeal to the world to give us arms, so we can protect ourselves and defend our territory. We are sorry for what happened in the south. But now, we need the help of our brothers from the south."*

UNHCR and humanitarian agencies operating in refugee and IDP camps should be sensitive to their potential militarization which may cause human rights violations, including to violate women's rights.

## 5. Causes of the violence

### 5.1 The racial dimension of the conflict

*"Omar al Bashir told us that we should kill all the Nubas<sup>37</sup>. There is no place here for the Negroes any more".*

Words of a Janjawid fighter, according to a refugee from **Kenya**, interviewed by Amnesty International in Chad, May 2004.

In Darfur, interdependent relations and exchanges between nomads and sedentary groups<sup>38</sup> took place along a seasonal cycle of

<sup>36</sup> For instance in southern Sudan, Sierra Leone or northern Uganda

<sup>37</sup> The Nubas are a Sudanese ethnic group from the Nuba Mountains in central Sudan, who were virtually cut off from the rest of the country during the conflict between north and south Sudan. They have been victims of grave human rights violations by Sudanese government troops and allied militias. This reference to the Nubas is apparently used as a racial insult.

<sup>38</sup> The distinction between nomads and sedentary groups is sometimes fluid: for instance, parts of the Zaghawa, one of the main groups targeted in

search for grazing areas on farmed land for the large herds of the nomadic population. Tensions and clashes between groups have increased in a context of desertification and consequent reduction in grazing areas and increased farming of land. In the context of the conflict, these tensions are now taking an ethnic and racial dimension. Differences between groups of Darfur were not given so much weight in the past: customary agreements, intermarriages, exchanges and traditional mechanisms for reconciliation in the case of disputes reinforced generally peaceful relationships. The ethnic and racial ideology which permeates the attacks of 2003 and 2004 in Darfur has become a cruel and crucial reality. The entrenchment of differences between groups is partly due to the manipulation of race and ethnicity by all sides to the conflict in Darfur. However, it is important to note that groups in Darfur do not always fit the labels (Arabs and Africans or Blacks<sup>39</sup>) commonly used in this conflict: for instance, the Tama, a small ethnic group mainly composed of farmers, have been both victims of attacks and accused several times of siding with the Janjawid in the 2003-2004 conflict.

*“Slaves! Nubas! Do you have a god? Break the Ramadan! Even we with pale skins don’t observe the Ramadan. You, ugly black pretend... We are your god! Your god is Omer al-Bashir”*

*“You blacks, you have spoilt the country! We are here to burn you... We will kill your husbands and sons and we will sleep with you! You will be our wives!”*

The words of members of the Janjawid as reported by a group of Masalit women in Goz

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attacks by the Janjawid and the government, have a nomadic lifestyle.

<sup>39</sup> The term Arabs is used here to indicate people predominantly from nomadic groups, who identify themselves as Arabs and speak Arabic as first language. The term Africans is used here to indicate people from sedentary, mainly agricultural groups, such as the Fur, the Masalit and to some extent the Zaghawa. The distinction between Arabs and Africans is not always as clear cut. Moreover the conflict cannot be characterised simply in terms of Arabs against Africans.

Amer refugee camp, interviewed by Amnesty International in May 2004.

M., a 50-year-old woman from **Fur Baranga** reported:

*“The village was attacked during the night in October 2003, when the Arabs came by cars and on horses. They said “every black woman must be killed, even the children”.*

The allegations of recruitment of members of foreign nomadic groups, mainly from Chad, to fight alongside the Janjawid further add to the ethnic and racial dimension of the conflict. Ahmad Allami, the personal advisor of Chadian President Idriss Deby, accused the Janjawid of recruiting ‘Arabic elements’ from Chad<sup>40</sup>; his allegations echo those of the Sudanese refugees interviewed by Amnesty International in Chad, who alleged that Salamat nomads from Chad and fighters from Mauritania were recruited to fight in Darfur.

*“What we heard from the Janjawid is that Omer al-Bashir tells the foreigners that they are Arabs and that they should come and live in a country that is ruled by Arabs. That they should not stay where they are ruled by Africans. They say that Sudan is a country for Arabs.”* M., Sudanese refugee in Chad, interviewed by Amnesty International in May 2004.

*“The government gave the Arabs confidence, arms, cars and horses. We cannot go back; there will be no security for African people in Darfur.”* Sudanese woman interviewed by Amnesty International in Mile refugee camp, Chad, May 2004.

The ethnic divisions created by the conflict are further reinforced by the military response of the government. By refusing to use political or traditional means of conflict resolution to solve the conflict in Darfur, the government has not only exacerbated tensions in the region, it is also inflicting long term

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<sup>40</sup> *Chad-Sudan: Chad threatens to quit as Darfur mediator as border tension rises.* IRIN, 18 June 2004

disruptions of community-based methods and powers of conflict resolution and reconciliation.

One motive for the Janjawid attacks appears to be the looting of cattle and belongings of the sedentary groups. There are also increasing reports by the displaced stating that the Janjawid are settling their families into the villages from which they forcibly displaced the occupants. This suggests that the Janjawid may have a strategy of securing access to grazing areas.

*“They started to plant and then to harvest our land and they told us, we can come back, but not where we are from, but where they will tell us to stay. They have all the cattle of the whole of Darfur now, they have all of our fertile Masalit land, they will not leave.”*

Refugee from Kenyu in Goz Amer camp, interviewed by Amnesty International in May 2004

However, the monetary gains that the Janjawid could obtain by trading and selling stolen cattle should also be taken into account. According to the testimonies of Sudanese refugees in Chad collected by Amnesty International, thousands of cattle, goats and sheep have been looted from them by the Janjawid. This deprives the sedentary groups of their means of subsistence and threatens their right to livelihood. Given the vast numbers of cattle stolen, the monetary benefits for the Janjawid could become an independent means of income, which may help them to get an independent supply of arms and ammunition, in addition to arms supplied by the Sudanese government.

### The “Hakama”

The term “Hakama” refers in Darfur to female traditional singers whose function is to praise male fighters by singing and ululating. Women are sometimes active participants in armed conflicts. The phenomenon of women singing, accompanying and encouraging attackers has occurred in contexts other than Darfur. In the context of Darfur however, Amnesty International has collected some testimonies indicating the presence of women alongside the Janjawid. In these testimonies, the “Hakama” or the “Janjawid women”, as they are called by the Sudanese refugees, appear to

be the communicators during the attacks. They are reportedly not actively involved in attacks on people, but participate in acts of looting. Amnesty International also collected several testimonies mentioning the presence of Hakama while women were raped by the Janjawid. Hakama appeared to have directly harassed the women assaulted and verbally attacked them.

M., a Masalit chief of the village of **Disa**, reported that during attacks in June 2003 by the Janjawid and in July and August by the military, 63 persons were killed, including his daughter. In June the Janjawid reportedly accused the villagers of being “traitors to Omer Hassan Al-Bashir”.

*“In July the military arrested several persons including Brahim Siddiq, a seven-year-old boy. In June the Janjawid said during the attack: “You are complicit with the opponents, you are Blacks, no Black can stay here, and no Black can stay in Sudan.” Arab women were accompanying the attackers singing songs in praise of the government and encouraging the attackers. The women said:*

*‘The blood of the Blacks runs like water, we take their goods and we chase them from our area and our cattle will be in their land. The power of al-Bashir belongs to the Arabs and we will kill you until the end, you Blacks, we have killed your God’.*

*They also insulted the women from the village saying ‘You are gorillas, you are Black, and you are badly dressed’”.*

The Hakama tradition is rooted in a number of ethnic groups<sup>41</sup>. Another possible reason why women have been actively involved in supporting violence by men of their communities on women of other communities may be that they see their own survival needs being met by the expulsion of

<sup>41</sup> A Hakama, Mariam Azreq Haroun, was among 15 people sentenced to death in October 2003 for an May 2002 attack on two villages which killed eight people. She was accused of inciting the attacks through her songs. The case is still under appeal. UA 319/03, AI Index: AFR 54/093/2003.

other groups from their villages and the availability of new land or resources.

## 5.2 Sexual violence committed in full impunity

Of almost all the attacks recorded by Amnesty International in Darfur, government forces were either involved or direct witnesses. The link between the Janjawid and the government army has been documented in several other Amnesty International documents on Darfur.

In Darfur reigns a striking impunity for the grave abuses of not only international human rights and humanitarian law, but also of the national laws of Sudan. According to Article 149 of the Sudanese Penal Code, rape, defined as sexual intercourse with any person without his/ her consent, is a crime punishable by a hundred lashes and up to ten years imprisonment; if rape is sexual intercourse on a married person or “sodomy”, it is punishable by death<sup>42</sup>. There are also provisions within the penal code prohibiting abduction, kidnapping and forced labour.

Yet not a single member of the Janjawid or of the armed forces has been charged with committing rape or abductions. In several testimonies collected by Amnesty International, the refugees expressed their surprise at the reaction of the authorities when reporting an attack or a threat of attack. In several cases community leaders have reported existing tensions and threats of attacks to the police and have asked for the enforcement of the rule of law by the local police, but nothing was done to protect them. In several cases the local police was demobilised just before the attack. Local police is often recruited from local personnel, unlike the national security which appears to be recruited from central Sudan and more loyal to the government. In some cases the police was transferred by the authorities before attacks, claiming that their security would be at risk.

M., a refugee from **Kenyu** told Amnesty delegates in Goz Amer:

<sup>42</sup> Amnesty International opposes sentences which constitute cruel, inhuman and degrading punishments and the death penalty.

*“Two weeks before the attack on Kenyu, the commander of the police in Fur Baranga told us, that the police will be taken from Kenyu for their own security. On 3 January, three days after the attack ten community leaders of Kenyu went to report the attack to the police in Fur Baranga. The head of the police told us that we need to see the leader of the soldiers, because there is nothing the police can do. But in the attack the Janjawid who are part of the government army killed the remaining local police in Kenyu. Reporting this to the soldiers did not make sense. They are part of it.”*

A. who came from **Mukjar** to Chad told the delegates of Amnesty International that the community tried to report the rape of a girl by the Janjawid in Mukjar. *“We went to the police to report the case, but they did not listen.”*

A., from **Gobay** (45 km west from Habila) said:

*“The nomads went to Zagaba market and took all the things from there. We went to the police but no response. The Janjawid then attacked the police station in Tandusa and killed four police men and took their guns and the government soldiers were there and did nothing. The remaining police men went to Chad as refugees.”*

One refugee from **Andrabru** who spent some months in Fur Baranga, an IDP settlement in West Darfur close to the border with Chad explained the reaction of government forces after community leaders reported attacks:

*“The Janjawid said: we took many things but nobody can ask us to get things back. If they want their things back, they will be killed. In August 2003 the Janjawid came at night and took things from people. They faced us with the gun and when you try to escape they shoot at you. They rounded up ten of us and nobody could come to help us. One Abdi tried to help us and they shot him in his arm. In the morning the Janjawid came back to see how many were dead.”*

*We sent people to go to the soldiers to report the attack. In the camp of the government army they told us that they have no responsibility. There was one of us who went back to Andrabru to talk to the Janjawid there, he knew one of them. There they told him, "If you want to bring people back here, you can bring them, but new people. We are in control now and we tell you which people can settle where."*

Notwithstanding the promises of the government of Sudan, the impunity allowed to the *Janjawid* to rape has not changed. A woman from a refugee camp in Western Darfur reported that in June 2004 she went in a group of 40 women to collect firewood one kilometre from her camp. The group fled when it was approached by six *Janjawid* on horses. However, three women were captured. Two women were beaten and one was reportedly held down and raped by four men. They allegedly said that they had the permission of the province commissioner (*muhafez*). One woman reported the case to the police and identified the men involved who were disarmed and taken into custody. The next day, however, they had been released, and their weapons returned to them, allegedly after negotiations between the *Janjawid* leaders and the police. The woman who reported the case was apparently told that no more cases of violence were to be followed up in the courts in the future; she said she still sees the *Janjawid* who carried out the rape regularly in the market.

## 6. International legal standards

Sudan is party to several core human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Right of the Child (CRC), as well as the African Charter on Human and Peoples Rights (African Charter). The treaties guarantee the right to life and prohibit unlawful killings, torture and ill-treatment. Those rights are, according to the ICCPR non-derogable and must be protected even in a state of emergency. Moreover, the

African Charter, which contains specific provisions protecting the rights of women and girls, remains in force even in situations of armed conflicts and therefore binding on Sudan as a matter of international law. Sudan is also a state party to the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (commonly referred to as the Fourth Geneva Convention) which regulates the treatment of civilians during times of war. Taken together, these treaties provide comprehensive guarantees of the rights of women and girls to protection from sexual violence and abuse.

All parties to the conflict in Darfur are bound by the provisions of international humanitarian law laid out in Common Article 3 to the Geneva Conventions, which applies 'in the case of armed conflict not of an international character' and is binding on all parties to a conflict. It provides for the protection of persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed "hors de combat" by sickness, wounds, detention, or any other cause. It prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "outrages upon personal dignity, in particular, humiliating and degrading treatment". The "fundamental guarantees" of Protocol II Additional to the Geneva Conventions, also applicable to non-international armed conflicts, protect civilians and requires that "they shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors." Protocol II prohibits "violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment", "outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault" and "slavery and the slave trade in all their forms".

Although Sudan is not party to the two Additional Protocols to the Geneva Conventions, significant provisions of these are considered to constitute customary

international law. Amongst these customary provisions are: the prohibitions of attacks against the civilian population and civilian objects; collective punishments; pillage, rape, enforced prostitution and any form of other indecent assault.

International human rights and humanitarian law provide comprehensive guarantees of the rights of women and girls to protection from sexual violence and abuse. International law requires states to address persistent violations of human rights and take measures to prevent their occurrence. With respect to violations of bodily integrity, states have a duty to prosecute abuse, whether an agent of the state or a private citizen commits the violation. For example, Article 2 of the ICCPR requires governments to provide an effective remedy for abuses and to ensure the rights to life and security of the person of all individuals in their jurisdiction, without distinction of any kind including sex. When states routinely fail to respond to evidence of sexual violence and abuse of women and girls, they send the message that such attacks can be committed with impunity. In so doing, states fail to take the minimum steps necessary to protect the right of women and girls to physical integrity.

Amnesty International believes that when a woman or girl is subjected to sexual violence with no realistic possibility for redress, her right to make free decisions regarding her sexual relations is violated.

Article 3 of the African Charter on Human and Peoples' Rights, to which Sudan is a party, provides that "each person is equal before the law and must be protected equally by the law." Article 5 guarantees to every individual "the right to the respect of the dignity inherent in a human being" and prohibits torture, cruel, inhuman or degrading punishment or treatment.

The Convention on the Rights of the Child also sets forth standards for the protection of girls from sexual violence and exploitation. State parties must undertake to protect children "from all forms of sexual exploitation and sexual abuse," and in particular take all appropriate measures to prevent "[t]he inducement or coercion of a

child to engage in any unlawful sexual activity" and "[t]he exploitative use of children in prostitution or other unlawful sexual practices."<sup>43</sup> States must take all appropriate measures to promote physical and psychological recovery and social integration of a child victim of any form of neglect, exploitation, or abuse; torture of any other form of cruel, inhuman, or degrading treatment or punishment; or armed conflicts<sup>44</sup>.

Furthermore, rape and other forms of sexual violence by combatants in the conduct of armed conflict are now recognized as war crimes and crimes against humanity, most recently in the Rome Statute of the International Criminal Court, which the Sudanese government signed in September 2000.

Article 8 states that war crimes are grave breaches of the Geneva Conventions of 12 August 1949. They include, among others: outrages upon personal dignity, in particular humiliating and degrading treatment and committing rape, sexual slavery, enforced prostitution, forced pregnancy<sup>45</sup>, enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions.

Article 7 states that when torture<sup>46</sup>, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity are committed as part of a widespread and systematic attack against any civilian population, they are crimes against humanity.

<sup>43</sup> [Convention on the Rights of the Child, G.A. res. 44/25, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990, article 34.]

<sup>44</sup> [CRC article 39]

<sup>45</sup> "forced pregnancy" means "the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy", as defined in article 7, paragraph 2 (f) of the Rome Statute.

<sup>46</sup> Article 7, paragraph 2 (e) of the Rome Statute defines torture as "the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused"

According to the Rome Statute, acts of genocide must be "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group". 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 in whole or in part; 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.

In the Tadic case, the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) held that the physical and sexual abuse of prisoners in the camps amounted to violations of the laws and customs of war/cruel treatment. Cruel treatment, the Chamber held, included inhumane acts which cause "injury to a human being in terms of physical or mental integrity, health or human dignity". According to the court, acts committed as part of a widespread or systematic attack on a civilian population in which the "accused intended for discriminatory reasons to inflict severe damage to the victims' physical integrity and human dignity" amounted to crimes against humanity.<sup>47</sup> According to the Trial Chamber, anyone "including non-state actors and low-level participants may be convicted of aiding and abetting crimes of physical, mental and sexual violence through continued and knowing participation in, or tacit encouragement of, these crimes."<sup>48</sup>

In the Akayesu case, the International Criminal Tribunal for Rwanda defined rape in very expansive terms. Illustrating that rape is a crime against humanity by equating rape with

<sup>47</sup> [see United Nations Judgment Report, The Prosecutor v. Dusko Tadic, Case No. IT-94-1-T (1997). Released by the International Criminal Tribunal for the Former Yugoslavia, Office of the Prosecutor, e.g.-paras. 175, 377 and para. 729.]

<sup>48</sup> [Kelly D. Askin, Developments in International Criminal Law: Sexual Violence in Decisions and Indictments of the Yugoslavian and Rwandan Tribunals: Current Status, 93 AM. J. INT'L L. 97 at 105 (1999)]

torture, the ICTR tribunal defined rape as "a physical invasion of a sexual nature which is committed on a person under circumstances which are coercive."<sup>49</sup> "The judges affirm[ed] that rape when inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity constitute[d] torture."<sup>50</sup> Furthermore, the Chamber defined sexual violence as "any act of a sexual nature which is committed on a person under circumstances which are coercive."<sup>51</sup> Coercion could be physical force as well as threats, intimidation, extortion or other forms of duress.<sup>52</sup> The Chamber concluded that sexual violence constituted "serious bodily or mental harm" that, under the circumstances, amounted to genocide.<sup>53</sup> The sexual violence in the Akayesu case was found to be an integral part of the genocide which occurred in Rwanda. According to the Trial Chamber, "[rape crimes] constitute[d] genocide in the same way as any other act as long as they were committed with the specific intent to destroy, in whole or in part, a particular group, targeted as such."<sup>54</sup>

<sup>49</sup> [United Nations Judgment Report, The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T (1998). Released by the International Criminal Tribunal for Rwanda, Office of the Prosecutor at §7.7]

<sup>50</sup> [Jose E. Alvarez, Lessons from the Akayesu Judgment, 5 ILSA J. INT'L & COMP L. 359 at 4 (1999)]

<sup>51</sup> [United Nations Judgment Report, The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T (1998). Released by the International Criminal Tribunal for Rwanda, Office of the Prosecutor at §7.7]

<sup>52</sup> [United Nations Judgment Report, The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T (1998). Released by the International Criminal Tribunal for Rwanda, Office of the Prosecutor at §7.7]

<sup>53</sup> [United Nations Judgment Report, The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T (1998). Released by the International Criminal Tribunal for Rwanda, Office of the Prosecutor at §7.7]

<sup>54</sup> United Nations Judgment Report, The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T (1998). Released by the International Criminal Tribunal for Rwanda, Office of the Prosecutor at §7.8. [The Trial Chamber goes on to say that: Indeed, rape and sexual violence...certainly

## 7. Conclusion

Rape and other forms of sexual violence are grave human rights violations; in the conflict in Darfur they are used primarily against women and girls. The testimonies collected by Amnesty International point to rape and other forms of sexual violence being used as a weapon of war in Darfur, in order to humiliate, punish, control, inflict fear and displace women and their communities. Rape and other forms of sexual violence in Darfur are not just a consequence of the conflict or of the result of the conduct of undisciplined troops.

Some testimonies indicate that rapes of women have occurred during 'raids' before attacks on villages or on roads or in the bush during flight. They may have been used to terrorise the local population, or as a warning or threat to encourage their displacement.

Testimonies of survivors of sexual violence collected by Amnesty International suggest that one of the motives of the attackers is to humiliate their "enemies". In many cases, women who have been raped or witnesses of rape have talked about abusive language and songs that the Janjawid or the women who accompany the Janjawid have used, in the apparent intention to humiliate them. The women who were abducted and raped have specifically reported being abused by words and being called the wives of the "Tora Bora". It appears to be the name used by the Janjawid and government forces to describe the armed insurgents, but it is used indiscriminately against all villagers and people attacked by them. Tora Bora is a mountain range in Afghanistan, where US-led coalition forces conduct operations against Taliban fighters and Al-Qaida. The physical assault which rape constitutes may also be intended to express the domination of male attackers on women.

In the social context of Darfur, rape is a widespread cultural taboo of which all groups are aware. The Janjawid, by raping and

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constitute...one of the worst ways of inflicting harm on the victim he or she suffers both bodily and mental harm...Sexual violence was an integral part of the process of destruction, specifically targeting Tutsi women and specifically contributing to their destruction and to the destruction of the Tutsi group as a whole.]

abusing women, know the effects that these would have not only on the women themselves, both in the short-term and in the longer-term, but also on their communities as a whole. Violence done in public, such as raping women in front of their relatives or their community or gang rapes, point to an attempt to humiliate both women and men. Men, by not being able to "protect" women from such violence, are humiliated.

One testimony indicates that the Janjawid killed a pregnant woman because she was bearing the child of an "enemy" (p.12). In this particular case, the woman appeared to have been killed because she was symbolising the "enemy" community and the reproductive capacity of her community.

It is not at this stage possible to estimate how many women were raped and/ or abducted and how many pregnancies resulted from those rapes. But, considering the high number of cases of rape in reports by human rights activists and journalists<sup>55</sup> and the details they gave of such cases, it can be concluded that rape and other forms of sexual violence in Darfur are widespread and sometimes systematic. They constitute war crimes and crimes against humanity.

Racial insults have often occurred alongside sexual violence according to the testimonies collected by Amnesty International. This suggests that women have been targeted for violence not only because of their gender, but also because they are from a particular ethnic group. In some cases certain women have repeatedly been raped, others gang raped. This may suggest an intention by attackers to forcibly impregnate women of particular ethnic groups. Some of the women have been repeatedly raped or gang-raped while they were held in Janjawid camps; while some were forced to cook food for their captors, others

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<sup>55</sup> There are numerous reports about rape in Darfur. See: *Sudanese tell of mass rape*. By Alexis Masciarelli and Ilona Eveleens. 10 June 2004. <http://news.bbc.co.uk/2/hi/africa/3791713.stm>  
*Arab militia use 'rape camps' for ethnic cleansing of Sudan*. By Benjamin Joffe-Walt. 30 May 2004. <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/05/30/wdarf30.xml&sSheet=/news/2004/05/30/ixworld.html>

UNHCHR report on Darfur, April 2004

had limbs broken in the apparent attempt to prevent them from escaping. IDP camps outside large villages or towns in Darfur have been described as “virtual prisons”. These acts may suggest that the Janjawid have attempted to confine women they have forcibly made pregnant through rape. Amnesty International does not at present have sufficient evidence to prove such intention, nor to state whether it may be widespread or systematic. However, the perpetrators of rape should anticipate that rape can lead to pregnancy. Because many of the perpetrators are from the same society as the people they attack, they cannot ignore the social stigma associated to survivors of rape, children borne out of rape, and the social and psychological consequences on the communities of the victims.

The horrific nature and scale of the violence inflicted on entire groups in Darfur appears to be a form of collective punishment of a population whose members have taken up arms against the central government. It may be interpreted as a warning to other groups and regions of what could happen to the local population if certain groups decided to rebel against Khartoum. Amnesty International characterised systematic and massive human rights violations committed in Darfur as war crimes and crimes against humanity.

Although some of the human rights abuses committed could be interpreted as acts aimed at destroying ethnic 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. Rape has been widespread and, at least sometimes systematic (for instance during *Janjawid* attacks on Tawila at the end of February 2004) with possibly an intention to destroy the social structures and community of specific ethnical groups. Mass summary executions took place, for instance in and around Kutum in July and August 2003 and in Deleij at the beginning of March 2004. 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 to destroy specific ethnical groups. Amnesty International has not been in a position to date to conclude that there was genocide or that there was “intent to destroy, in whole or in part, a national, ethnical, racial or religious group”.

### **The need for an international Commission of Inquiry**

Amnesty International believes that rape and other forms of sexual violence, as well as the widespread and systematic attacks against civilians and the massive forced displacement in Darfur are war crimes and crimes against humanity. Given the gravity and the scale of the human rights violations committed in Darfur, Amnesty International repeats its call made in April 2003 for an international Commission of Inquiry to investigate these and accusations of genocide, identify the perpetrators, including those who may have ordered such crimes, propose a method of effective prosecution and full reparations, including restitution and compensation to victims. In addition, the Commission should examine ways to start a reconciliation process with human rights at its heart, which will be essential to the future of Darfur.

## **8. Recommendations**

### **8.1 To the Sudanese Government**

- Immediately stop all attacks against civilians, including women and children
- Immediately cease support to and disarming the Janjawid and ensure that they are no longer in a position to attack the civilian population, in accordance with the ceasefire agreement signed on 8 April 2004 and the Joint Communiqué with the United Nations of 3 July 2004<sup>56</sup>.
- Issue immediate clear instructions to all troops under its command that rape and other forms of sexual violence will

<sup>56</sup> Joint Communiqué between the Government of Sudan and the United Nations on the occasion of the visit of the Secretary General to Sudan, 29 June-3 July 2004

- not be tolerated; that they are grave criminal offences and those suspected of being responsible will be investigated and brought to justice.
- Ensure that allegations of rape and sexual violence committed by the Janjawid, government forces or members of the National Security and military intelligence are promptly, thoroughly and independently investigated; investigations should encompass the ordering or condoning of rape or sexual violence; the findings of such investigations should be made public; those responsible should be brought to justice in trials that meet international standards of fairness. The safety of victims and witnesses should be protected.
  - Suspend immediately, pending investigations, any member of the Sudanese armed forces suspected of having committed or ordered human rights violations.
  - Ensure full reparations, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition for victims of human rights abuses, including rape and sexual violence, and for the relatives of those unlawfully killed or “disappeared”.
  - Take steps to ensuring the security and protection of IDPs in accordance with relevant international standards including the UN Guiding Principles on Internal Displacement, the freedom of movement of civilians in Darfur and protection of the humanitarian nature of IDP settlements. Ensure freedom of movement of all IDPs who wish to seek refuge in Chad.
  - Take immediate and effective measures to facilitate unimpeded humanitarian access to all areas of Darfur.
  - Take effective measures to enable the voluntary return of those IDPs and refugees who make a free and informed choice to return to their original homes in conditions of safety,

dignity and full respect for their human rights.

- Ensure the unhindered and full access of the African Union ceasefire monitors to all areas in Darfur, including civilian areas targeted during the conflict, access to all groups of Darfur, and access to official and secret detention centres.
- Allow an independent and impartial U.N. human rights monitoring mission into all areas of Darfur and Sudan, including burnt and non-burnt villages, access to all groups of Darfur, and access to official and secret detention centres.
- Agree to and allow full access to an independent international Commission of Inquiry to determine the extent of the war crimes and crimes against humanity committed in Darfur and their perpetrators and investigate the nature of the chain of command and allegations of genocide.
- Ratify and implement without delay the Additional Protocols I and II of the Geneva Convention of 1949.
- Ratify and implement without delay the Convention of the Elimination of all Discrimination against Women (CEDAW), the Protocol of the African Charter on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child.
- Ratify without delay the Rome Statute of the International Criminal Court.

## 8.2 To the armed political groups in Darfur, the SLA and JEM

- Issue clear instructions to all combatants under their control not to commit rape and other forms of sexual violence on women and girls.
- Publicly state that violence against women is unacceptable, and that women subjected to such violence should not suffer stigma and should be supported by their communities;

- Uphold international humanitarian law and stop all direct or indiscriminate attacks on civilians and the taking of hostages.
- Ensure that combatants do not commit human rights abuses against civilians and immediately remove any combatant suspected of abuses against civilians from positions where they could continue to commit such abuses
- Publicly commit to ensuring safe and unrestricted access to humanitarian organizations and international human rights monitors in all areas in Darfur
- Refrain from forced recruitment amongst civilians and from contributing to a militarization of refugee camps and IDP sites.

### 8.3 To the government of Chad

- In compliance with its obligations as a state party to the 1951 Convention relating to the Status of Refugees and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, ensure that all Sudanese refugees in Chad receive adequate protection and assistance.
- Ensure the security of Sudanese refugees at the border with Sudan, including through increased efforts to, together with UNHCR, relocate all refugees to safer areas away from the border.
- Refrain from introducing or implementing any measures which would have the effect, directly or indirectly, of forcing, coercing or inducing refugees to involuntarily return to Sudan
- Publicly condemn instances of grave human rights abuses committed by any party in Darfur which comes to their attention

### 8.4 To the African Union

- Ensure that the African Union ceasefire observers receive adequate human rights training, including on

sexual violence, in order to be able to investigate and report on all attacks on civilians and IDP, including attacks on women, by the Janjawid, government armed forces and other armed groups and make the results public;

- Condemn all instances of grave abuses of internationally recognized human rights and humanitarian law committed in Darfur
- Urge the government of Sudan to comply fully with its obligations under the African Union Constitutive Act, the African Charter and all other relevant regional and international human rights instruments as well as to fully comply with its commitments under the Ceasefire Agreement to protect human rights.
- Maintain close cooperation with the international community, including the United Nations, in all efforts to ensure peace, security and the protection of human rights in Darfur and to seek support for the deployment of a strong human rights monitoring mission under the mandate of the UN High Commissioner for Human Rights (UNHCHR).
- Maintain close cooperation with the African Commission on Human and Peoples' Rights (African Commission) and other relevant African bodies to end impunity for abuses of human rights and violations of international humanitarian law and ensure the effective protection of all human rights in Darfur. In particular, encourage the African Commission to send a fact-finding mission to investigate human rights abuses in Darfur, as agreed in the decision of 25 May 2004 of the AU Peace and Security Council, and ensure that its findings and recommendations are made public.

### 8.5 To the United Nations Security Council

Adopt a resolution on Sudan that;

- Condemns the war crimes and crimes against humanity committed in Darfur;

- ensure that civilians, including internally displaced persons, are protected in Darfur;
- deploys human rights monitors in sufficient quantity and adequately resourced, with a clear mandate to investigate ongoing human rights violations in Darfur and monitor the protection of civilians in particular in the IDP camps, and to make its findings and recommendations public. Ensure that human rights monitors have gender expertise and publicly report on all allegations of violence against women;
- Support measures to ensure that all those responsible for the human rights abuses are brought to justice.
- Set up without delay an independent and impartial Commission of Inquiry to determine the extent of the war crimes and crimes against humanity, including rape and other forms of sexual violence, committed in Darfur and their perpetrators and investigate the nature of the chain of command and allegations of genocide. The Commission of Inquiry should recommend ways to establish legal accountability of individuals responsible for violations of international human rights and humanitarian law.
- Impose a suspension on transfers of military, security and police (MSP) equipment, weaponry, personnel or training to the Sudanese government and all sides to the conflict likely to be used to commit human rights violations in Sudan. This measure must include a strong monitoring mechanism which could *inter alia* investigate possible violations of the suspension of arms transfers and report periodically on its findings.

## 8.6 To UN member states

- Contribute with adequate funding, personnel and equipment of the AU Ceasefire Observer mission.
- Strongly denounce the grave abuses of women's rights and other violations of international human rights and humanitarian law in Darfur, and press for the perpetrators to be made accountable.
- In accordance with the principles of international responsibility- and burden-sharing, provide all necessary financial and material assistance to the government of Chad in order to assist it to meet its obligations to provide effective protection to Sudanese refugees on its territory. UN member states should ensure that UNHCR and other agencies providing protection and assistance to refugees in Chad and internally displaced persons in Darfur have sufficient resources to fulfil their mandate, including through the establishment of additional refugee camps.
- Provide particular care and give attention to vulnerable groups within the refugee population, such as women and children, ensure that medical and psychological counselling is made available to victims of rape and other forms of sexual violence and torture, and address the education needs of refugee children.
- In particular, provide long-term financial support for women survivors of violence through legal, economic, psychosocial and reproductive health services, as an essential part of emergency assistance and post-conflict reconstruction.
- Denounce any attempt, whether direct or indirect, to undermine the fundamental principle of *non-refoulement*.
- At such time as there is a fundamental, durable and effective change in the places of origin of the refugees and IDPs, provide assistance for the

sustainable return in conditions of safety and dignity to their original homes and land of all those who make the voluntary, free and informed choice to return.

- Increase diplomatic pressure on the Government of Sudan to immediately implement its commitments to protect human rights under the Ceasefire Agreement and the Joint Communiqué with the UN, end the grave human rights violations in Darfur and negotiate a political settlement, with human rights at its heart, for the region of Darfur.
- Press for the UN to be given a strong human rights monitoring mandate in Darfur and all areas of Sudan. Press for the setting up of an international, independent and impartial Commission of Inquiry to determine the extent of the war crimes and crimes against humanity, including rape and other forms of sexual violence, committed in Darfur and their perpetrators and investigate the nature of the chain of command and allegations of genocide.
- Suspend transfers of military, security and police (MSP) equipment, weaponry, personnel or training to the Sudanese government and all sides to the conflict likely to be used to commit human rights violations in Sudan

### **8.7 To the mediators of the Sudan north-south peace process**

- Press the government of Sudan and the SPLA to ensure that the future peace-keeping UN mission in Sudan has a strong human rights monitoring mandate, which should include expertise on gender-based violence and women's rights.
- Ensure that all internationally-recognised women's rights and legal accountability for all forms of sexual violence are guaranteed in the implementation of the north-south

peace agreement and in a future Sudanese Constitution.

- Ensure that there will be no impunity for those responsible for widespread sexual violence, war crimes and crimes against humanity in Sudan's conflicts.
- Increase diplomatic pressure on both parties to ensure that the new power-sharing, government to be set up ratifies and implements without delay the Rome Statute of the International Criminal Court, the Additional Protocols I and II of the Geneva Convention of 1949 and the Convention of the Elimination of all Discrimination against Women (CEDAW) as one of its first acts. This will be a sign to the people of Sudan that the horrific breaches of humanitarian and human rights law which have happened over the past 20 years will no longer be acceptable.

### **8.8 To the UNHCR**

- Work with the government of Chad to relocate all Sudanese refugees currently at the Sudan-Chad border to camps situated at least 50 km away from the border. Establish a mechanism to monitor the potential arrival of new refugees at the border, in particular during the rainy season;
- Ensure that any refugees remaining at the border are provided with adequate protection and assistance, including sufficient food, water and medical aid during the rainy season;
- Ensure that all other refugees not currently situated in refugee camps, including refugees in urban areas, are provided with adequate protection and assistance;
- Monitor and provide protection to refugees in Chad and internally displaced persons in Darfur, in particular through the provision of an adequate number of specialist protection officers. Ensure that these staff members have gender expertise

and are tasked to pay particular attention to the specific protection needs of vulnerable groups, especially women and children.

- Provide particular care and give attention to vulnerable groups within the refugee population, such as women and children, ensure that medical and psychological counselling is made available to victims of rape and other forms of sexual violence and torture, and address the education needs of refugee children.

### 8.9 To humanitarian agencies

- Provide all necessary sanitary equipment to women and girls in all refugee camps in Chad and IDP settlements in Darfur
- Immediately provide treatment against sexually transmitted infections and antenatal medical consultations for rape survivors to protect the health of women.
- Pay particular attention to HIV/AIDS in emergency assessments, to ensure that appropriate immediate HIV prevention measures are prioritised; provide care and support to any person who may be living with HIV/AIDS and their children. Special attention must be paid to particularly vulnerable women such as displaced women, adolescents, girls and sex workers.
- Provide psychological support and reproductive health services for women affected by the conflict, as an integral part of emergency assistance. Special attention should be provided to those who have experienced physical sexual violence, trauma and torture. All agencies providing health support and social services should include psychosocial counselling and referrals
- Pay particular attention to providing adequate food supplies for displaced and war-affected women, girls and families in order to protect health and to prevent the sexual exploitation of women and girls. The UNHCR and

other UN relief agencies should strengthen capacities to monitor the gender impact of food distribution and ensure that staff distributing food includes a sufficient number of female workers.

- Particular attention should be given to children born as a result of rape and support should be offered to the mother, in order to ensure that the family or the community do not stigmatise the child or the mother.
- Pay attention to gender representation in the decision making organs of the camps and ensure that the voices and particular needs of women are being heard.