

SUDAN

Darfur

Threats to humanitarian aid

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'We have promised before God not to let Darfurians' suffering be a pretext for foreign intervention or a subject for hostile media.'

Field Marshal Omar Hassan Ahmad al-Bashir, President of Sudan, 23 October 2006.

Tens of thousands of people in Darfur are at risk of dying for lack of humanitarian aid. Three years into the armed conflict, more than three million people, half the population of Darfur, depend on humanitarian assistance. The massive aid operation put in place in 2004, albeit late, has saved hundreds of thousands of lives but is now under threat. In August 2006 the access of humanitarian organizations to the civilian population fell drastically to its lowest level since 2004.

Since the signing of the Darfur Peace Agreement in May 2006, humanitarian agencies have been facing increasing obstacles to deliver vital aid to the civilian population. Rising insecurity, attacks on aid workers and restrictions on the work of humanitarian agencies by government forces and armed opposition groups have narrowed the space in which humanitarian assistance can be provided in Darfur. In July 2006, 470,000 Darfuris were cut off from food aid.

This number dropped to 224,000 in September, but it included 139,000 who had not received food aid for four months, according to the World Food Programme. As fighting escalates with the ending of the rainy season, and fresh attacks on civilians drive thousands more people from their homes, humanitarian access to civilians in Darfur remains seriously compromised.

Fighting and insecurity jeopardize humanitarian access

Violence as a result of renewed armed conflict targets civilians and prevents aid agencies from reaching the victims of attacks, thus doubly punishing a population in dire need of assistance.

In the past few months, areas almost completely cut off from aid have included Tawila and Korma, vast zones north of al-Fasher, capital of North Darfur; Jebel Marra in the centre of Darfur; and Jebel Moon in West Darfur.

On 28 August 2006 the Sudanese government launched an offensive around Kukul and Um Sidir in North Darfur against the rebel forces that had not signed the Darfur Peace Agreement. Aerial bombings of civilian areas and ground attacks by the army and allied Janjawid militias forced thousands of civilians to flee their homes. Unable to reach the nearest towns for fear of encountering soldiers or Janjawid on the roads or of harassment in government-controlled areas, they hid in the countryside or followed rebel groups for protection, out of reach of aid agencies. Only a few families eventually made their way to camps for Internally Displaced Persons (IDPs) in Mellit or al-Fasher. In November 2006 humanitarian access to the area is still limited.

☞ In Hashaba, near Um Sidir, a Sudanese nurse from the International Rescue Committee was killed with two other civilians on 1 September 2006 during the same government military offensive. It is not clear whether the aid worker was killed in crossfire or deliberately, but the Hashaba health clinic was subsequently looted. The nurse was the only humanitarian worker left in the village, aid agencies having withdrawn some months before because of lack of security.

Attacks on civilians sometimes occur while they are fleeing to safer areas, in an apparently deliberate attempt to deny them access to assistance.

☞ In late August 2006 militia from the Habanya community attacked some 45 villages of Zaghawa, Masalit and Misseriya Jebel people in the locality of Buram, South Darfur, according to UN human rights monitors. The militia appeared to have government support. Hundreds of people were killed and some 10,000 forcibly displaced. Fleeing villagers were then attacked on their way to Sesseban, a nearby town, this time by militias from the Fellata ethnic group. Families were separated during the chaotic displacement, and many adults and children are still unaccounted for. Only in October did some villagers manage to find their way to Sesseban and Otash camp in Nyala, the capital of South Darfur.

“We received a phone call from the Habanya saying that they attacked you, and we were ordered to attack and loot those who were fleeing, so that people will not be able to reach Sesseban.”

One of the attackers.

Aid agencies have also been forced to withdraw from some IDP camps because of fighting or insecurity within the camps.

☞ On 29 September 2006 aid agencies had to withdraw from Gereida town, South Darfur, which hosts the largest concentration of IDPs in Darfur – more than 128,000. The withdrawal was prompted by an attack by an armed group, allegedly the Justice and Equality Movement, on the Minni Minawi faction of the Sudan Liberation Army, a signatory to the Darfur Peace Agreement based in Gereida. Almost all expatriate staff and many local staff were evacuated. Only the International Committee of the Red Cross remained. Many civilians reportedly fled to IDP camps on the east and south borders of the town.

Direct attacks on aid workers

Humanitarian workers are increasingly at risk. Between July and September 2006, 12 humanitarian workers were killed in Darfur. The hijacking of humanitarian convoys on unsafe roads has become so common that much aid is airlifted in planes or helicopters. Hijackings seem mostly aimed at extortion of vehicles, satellite telephones and money, but increasingly they are accompanied by violence against aid workers. Although the attackers' identities are difficult to ascertain, factions of rebel groups as well as government-allied militia appear to be responsible.

☞ On 16 August 2006 armed men hijacked and stole three vehicles of the International Committee of the Red Cross (ICRC) in North Darfur. One of their drivers was later confirmed dead. The attack caused the suspension of ICRC activities in Jebel Marra, a rebel stronghold.

☞ Personnel of the medical aid organization, Médecins Sans Frontières (MSF), have been subjected to 40 security threats and attacks since the beginning of 2006, five of the most serious incidents since July. On 11 September armed men beat four aid workers and threatened to kill them on the road between Niyertiti and Zalingei, south of Jebel Marra.

Rising tensions within IDP camps also threaten the safety of aid workers. IDPs are often hostile to staff working for or with the Sudanese government, which they hold responsible for the massive crimes committed against them. Distrustful of the Darfur Peace Agreement, and of the African Union which oversaw the peace negotiations, some IDPs have been hostile towards the African Union peacekeeping force in Darfur, the African Union Mission in Sudan (AMIS). As a result, AMIS is less able to ensure minimal security within the camps so as to facilitate aid activities.

☞ On 20 July 2006, three employees of the government Water and Environmental Sanitation Department were beaten to death by IDPs at Hassa Hissa camp, near Zalingei in West Darfur. The killings were apparently prompted by rumours that water wells were being poisoned.

☞ A driver contracted by the aid agency Tearfund was reportedly caught up in unrest on 27 July in Deleig IDP camp, north of Garsila in West Darfur, and beaten to death by IDPs. Certain actions of the government of Sudan are blurring the lines between humanitarian and military operations. Such conduct places neutral and impartial humanitarian actors at risk.

“The Government of the Sudan continues to use unmarked white fixed-wing aircraft for aerial reconnaissance missions and hostile or offensive military overflights.”

The UN Panel of Experts mandated to monitor an international arms embargo on all parties to the conflict in Darfur, 26 September 2006.

☞ White aircraft are used by humanitarian staff, the UN and African Union peacekeepers as a sign of their neutrality in the conflict. By creating confusion between its own and neutral aircraft, the Sudanese government is endangering the lives of humanitarian workers whose planes may be targeted by rebel groups in the belief that they are government military aircraft.

☞ Armed groups sometimes justify their attacks by saying that they suspect Sudanese nationals working with aid agencies to be spies for the government. Sudanese staff are said to be treated more harshly by armed groups during hijackings or hostage-taking, in comparison with international staff. Such suspicions are fuelled by the omnipresence of the government security services in Darfur.

Restrictions on access

The fragmentation of the armed opposition is hindering access by aid agencies to the areas they control. Splits have developed within rebel groups between supporters and opponents of the Darfur Peace Agreement. As a result many rebel factions operate independently of each other, and others have challenged pre-existing command structures. Aid agencies, which usually notify commanders in areas where they want to deliver aid to ensure safe passage, now have to negotiate with an increasing number of parties. In order to reach civilians living in rebel-held areas, aid workers often have to pass through several checkpoints, with no guarantee of accessing populations in need and at increasing personal risk.

The Sudanese government continues to restrict the movements of humanitarian workers and to intimidate aid agencies. Priority is given to concealing rather than addressing the extent of the hardships experienced by Darfuris. A number of agencies that have reported publicly on the suffering of civilian populations have had their operations restricted or their workers harassed, detained or expelled.

☞ On 16 October 2006, two aid workers photographing children in al-Sherif camp, in Nyala, were arrested for not carrying an official photography permit. They were detained at the office of the National Security Agency in Nyala and their cameras confiscated until the permit was produced by their organization. They were told that taking pictures of the camps was a “threat to national security.” The photos were to support fundraising activities for medical and educational projects in three camps in Nyala at a time of serious shortfalls in international funding for relief aid in Darfur.

☞ On 9 November 2006 the Norwegian Refugee Council (NRC) announced the closedown of its humanitarian activities in Darfur, following a two-month suspension by the Sudanese government. This was the fifth government suspension since NRC started work in Darfur in 2004. Operating mainly in South Darfur, it provided assistance to some 300,000 people, and managed Kalma, the second biggest IDP camp in Darfur hosting more than 100,000 displaced people.

☞ Since October 2006 the Sudanese government has expelled from Sudan at least one aid worker and one human rights worker working in Darfur. The threat of expulsion – of agencies as a whole or of individuals – informs the agencies’ preference not to report publicly on intimidation and not to be named in reports by other entities. By declaring Jan Pronk, the UN Secretary-General’s Special Representative for Sudan, persona non grata on 20 October, the Sudanese government has made clear it will not tolerate criticism.

The government of Sudan was working to “rid camps of those exploiting the suffering of the people, those suspicious organizations who are part of a series of conspiracies”, President Omer al-Bashir was quoted as saying on 23 October 2006.

☞ International human rights organizations, such as Amnesty International and Human Rights Watch, have been unable to obtain visas to visit Darfur since November 2004. Yet the work of independent international and national human rights groups is vital and complementary to the work of humanitarian organizations. Human rights violations are at the heart of the humanitarian crisis in Darfur. Without an

improvement in the protection and human rights of the people in Darfur, humanitarian aid alone will not be effective.

International law

According to the International Committee of the Red Cross, customary international law provides that parties to an armed conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief. Such relief must be nondiscriminatory and impartial. Relief actions are subject to the consent of the parties concerned but such consent must not be refused on arbitrary grounds.

“If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.”
Article 18(2) of Additional Protocol II to the Geneva Conventions.

Under international humanitarian law civilian humanitarian workers are protected against attack by all parties to an armed conflict. Objects used for humanitarian relief operations, such as food, medicine, vehicles, buildings, communication equipment are in principle civilian objects and as such are protected from attack by all parties to the conflict.

According to Article 8 of the Rome Statute of the International Criminal Court, “intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict” is a war crime in both international and non-international armed conflict.

The government of Sudan’s obligations under the International Covenant on Economic, Social and Cultural Rights do not cease to exist because of the existence of an armed conflict.

Under the International Covenant on Economic, Social and Cultural Rights, the government is obliged to “take steps, individually and through international assistance and co-operation...to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”. The rights in the Covenant include “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing” and “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

Recommendations

Civilians directly affected by renewed conflict in Darfur urgently need access to life-saving assistance. Those already living in prison-like IDP camps depend totally on the large relief operation undertaken since 2004, which is now under threat.

Amnesty International is calling on the Sudanese government to:

- refrain from any direct attacks on civilians and civilian objects, or any indiscriminate attacks, and issue clear instructions to all combatants under its control, including government-allied militia, not to target civilians and civilian objects;
- allow full and free access for humanitarian and human rights organizations to civilians in all areas of Darfur, and ensure that humanitarian organizations have secure access to all victims of the conflict, including internally displaced people;
- provide adequate protection to all displaced people within Sudan, without discrimination and in accordance with international standards;
- instruct all government institutions to stop harassing, intimidating or arbitrarily detaining relief workers, and remove bureaucratic obstacles that hamper the delivery of life-saving assistance to civilians in Darfur;

■ respect Additional Protocols I and II to the 1949 Geneva Conventions, to which Sudan acceded in July 2006. Protocol I, which applies to international armed conflicts, imposes constraints on the way military operations may be conducted. Protocol II, which applies to non-international armed conflicts, provides that persons not, or no longer, taking part in hostilities shall enjoy protection from the dangers of military operations;

■ conduct prompt, impartial and independent investigations into all reports of attacks on humanitarian workers in the areas under government control, and bring to justice suspected perpetrators in fair trials, without the application of the death penalty or other cruel, inhuman and degrading punishments. Amnesty International is calling on all armed rebel groups to:

■ make public commitments to respect at all times international humanitarian law binding on all parties to internal armed conflicts, and to respect and protect the lives and livelihoods of civilians in all areas under their control;

■ ensure that their combatants do not commit human rights abuses against civilians, and immediately remove any combatant suspected of abuses against civilians from situations where they might recur;

■ publicly commit to ensure safe and unrestricted access to humanitarian organizations and international human rights monitors in all areas of Darfur.

Amnesty International is calling on the African Union Mission in Sudan (AMIS) to:

■ implement its mandate to “protect civilians within existing strength and capacity” by deploying troops to areas where civilians are under attack or risk being attacked;

■ ensure that humanitarian supply routes are safe for humanitarian convoys to travel, by patrolling such roads regularly, investigating security incidents and publishing reports on the security situation;

■ require its civilian police element to monitor cases of humanitarian workers who are harassed, detained or restricted in their movements and to ensure humanitarian access to civilians.

Amnesty International is calling on the international community to:

■ ensure that relief operations in Darfur are funded adequately;

■ press all parties to the armed conflict in Darfur to ensure that humanitarian agencies and human rights monitors have full and free access to all civilians;

■ condemn all attacks on civilians, including humanitarian workers in Darfur, and press for independent and impartial investigations into such cases;

■ ensure that peacekeepers in Darfur assist in the safe delivery of humanitarian aid to civilians in all areas of the region.

More information on the human rights situation in Darfur can be obtained at <http://www.amnesty.org/sudan>

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