



Ref.: TIGO IOR 40/2006.050
AI Index: IOR 40/029/2006 (Public)

Letter by Amnesty International to the United Nations Security Council on the urgent need for United Nations Peacekeeping in Darfur

4 August 2006

Dear Ambassador,

Amnesty International welcomes the report of the UN Secretary-General on Darfur as an important step towards ensuring the protection of the people of Darfur through an expanded peacekeeping mission under United Nations auspices. We urge the Security Council to now convene a meeting to consider the report, and adopt a resolution establishing a UN peacekeeping mission with a strong mandate and adequate resources to protect civilians in Darfur as soon as possible.

The continuing violations of international human rights and humanitarian law in Darfur and the inability of the African Union Mission in Sudan (AMIS) to ensure effective protection of civilians requires the urgent deployment of an effective UN peacekeeping mission with the mandate and means to protect civilians. In the interim before the newly expanded UN peacekeeping mission can be deployed, Amnesty International urges the Security Council and the General Assembly to provide the resources necessary to implement a transition plan which would immediately bolster AMIS' capacity and have a positive impact on the ability of AMIS to protect the human rights of Darfuris now. Amnesty International's recommendations for the protection of civilians are encompassed in a 10-point program prepared for the Pledging Conference for AMIS of 18 July *Sudan: Protecting civilians in Darfur: A briefing for effective peacekeeping* (AI Index: AFR 024/2006).

I. Short-term measures: Strengthening AMIS' capacity to protect civilians

As the Secretary-General's Report recognises (in paragraphs 40-60), there is an urgent need to strengthen AMIS immediately, pending the deployment of a UN peacekeeping force.

Civilians continue to be killed, raped and forcibly displaced and AMIS's shortcomings in protecting civilians and investigating attacks have caused many people in Darfur to lose confidence in AMIS. The mandate of AMIS is currently due to expire on 30 September 2006, but there are expectations that it will be extended until the end of 2006.

A peacekeeping force must have a strong mandate to protect civilians, and the material and other resources to do so. Amnesty International has documented the killing of 72 civilians, raping of women and the forcible displacement of 8,000 inhabitants at the beginning of July 2006 from villages near Korma, 70km from the AMIS headquarters at al-Fasher, by the Sudan Liberation Army (Minni Minawi; SLA(MM)) reportedly with support from the Sudan Armed Forces and Janjawid. AMIS made no attempt to protect the civilians who were attacked and failed adequately to investigate the killings

AMNESTY INTERNATIONAL

INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 0DW, United Kingdom

Tel: Int. Code: 44 (20) 7413 5500. UK Code: 020 7413 5500. Fax: Int. Code: 44 (20) 7956 1157. UK Code: 020 7056 1157

E-Mail: amnestyis@amnesty.org

Web: <http://www.amnesty.org>

although, according to the AU Peace and Security Council (AU PSC) communiqué of 27 June 2006, the AMIS mandate explicitly includes “the protection of civilians within existing strength and capacity.”

The UN can and must play a critical role to assist AMIS to prevent such gross human rights abuses, including by providing AMIS with the training, equipment and other resources necessary for it to be proactive, ready and prepared to use all necessary means to protect civilians in full compliance with international human rights and humanitarian law.

Amnesty International also believes that an enhanced role of the UN in Darfur in support of AMIS while it remains in place in Darfur will facilitate and expedite the transition to a full UN peacekeeping mission in the region.

In particular, Amnesty International urges the Security Council and the General Assembly to:

- Provide AMIS with sufficient resources, including materials and personnel, to enhance its capacity to rapidly deploy in all regions of Darfur and to communicate effectively in order to prevent attacks against civilians;
- Provide AMIS troops and police with full training in international human rights and humanitarian law standards, including standards on investigation and documentation of human rights violations and abuses;
- Assist AMIS in its efforts to maintain strong relations with civil society, including the displaced in the camps; the diverse communities of Darfur; those living in government and rebel-controlled areas; those traditionally marginalized, such as women and the youth; and Sudanese non-governmental organizations (NGOs).

II. Setting up a UN peacekeeping mission in Darfur with strong mandate and means to protect civilians

There is unanimous agreement both in the Security Council and the AU PSC on the need to deploy a UN peacekeeping mission in Darfur, mandated and equipped to effectively protect civilians. While diplomatic efforts are still under way to ensure that the Sudanese government accept a UN peacekeeping force, Amnesty International believes that the Security Council must immediately define the mandate of such a mission. This will expedite the process of transition and greatly assist the UN Secretary-General to plan for the deployment of such a mission and in his efforts to generate the necessary peacekeeping forces.

Amnesty International urges the Security Council to ensure that the UN peacekeeping mission in Darfur has the mandate and the capacity to perform the following tasks:

1) Ensuring safe return

The protection of civilians within camps should be followed by ensuring their safe and voluntary assisted return. As noted in the Secretary-General’s report, this cannot be achieved without providing a secure environment and the resources necessary to ensure that those returning can be protected. People should not be encouraged to return to places where they will have no greater safety than in their current locations.

The Security Council resolution should mandate the UN to play the leading role in coordinating and assessing safety for those returning. The peacekeeping force should protect those returning, throughout their journey and upon arrival for instance, by having a visible and lasting presence in areas of return. The peacekeeping force must also ensure that the human rights of all refugees and IDPs are upheld in the course of any facilitated return movements. Particular care should be paid to the needs of unaccompanied women, minors, the elderly and the ill during any such movements. In addition, peacekeeping forces must ensure that, in relation to refugees, international refugee law and protection standards, including the principle of *non-refoulement* and the right to seek asylum, are upheld at all times.

The displaced must receive comprehensive and accurate information about conditions of return in their home areas before making a decision to return, and must return voluntarily, without physical, psychological or material pressure.

2) Disarmament of the Janjawid

Until the Janjawid are disarmed and put in a position where they can no longer commit human rights abuses, there will be no security in Darfur. The Sudanese government has reportedly presented a plan to the African Union for the disarmament of its militias. The UN resolution should ensure that the UN peacekeeping force has sufficient capacity to actively monitor and verify efforts of the Sudanese government to disarm the militias it supports, including the Janjawid.

3) Monitoring of the arms embargo

The reports of the UN Panel of Experts on Darfur (9 December 2005 and 21 March 2006) repeatedly cite the continued supply of arms to all parties to the conflict in Darfur in defiance of Security Council Resolutions 1556 (2004) and 1591 (2005). However, the UN Secretary-General's report does not mention any peacekeeping role in monitoring the arms embargo.

Amnesty International has documented in past reports (for instance *Sudan: Arming the perpetrators of grave abuses in Darfur*, AI Index AFR 54/139/2004) the supply of arms to Sudan which are used in the commission of human rights abuses. The availability of arms leads to the exacerbation of localized conflict and ensuing loss of life and other grave abuses. Meanwhile, Antonov aircraft of the Government of Sudan continue to bomb areas under the control of those who oppose the Darfur Peace Agreement (DPA) in defiance of the ban on offensive military flights in and over the Darfur region imposed under Security Council Resolution 1591. Most recently Antonov aircraft were reported to have bombed Hassan village south of Kulkul in North Darfur on 29 July.

In Amnesty International's view, the establishment of a UN peacekeeping mission in Darfur presents a unique opportunity to effectively implement the arms embargo on the Darfur region. The Security Council must seize this opportunity to ensure that the peacekeeping force stems the flow of arms, recognising the linkage between such arms flows and continuing abuses of human rights, and ensure that the UN peacekeeping mission in Darfur has a mandate and the resources necessary to monitor the arms embargo.

4) Outreach to civil society

Civil society has a fundamental role for the building of respect for human rights and the rule of law in Darfur. The deterioration in relations between AMIS and civil society in Darfur, including internally displaced persons whom AMIS was sent to protect, and the loss of confidence in and growing antagonism towards AMIS on the part of many people in Darfur is to be regretted. AMIS has not only failed adequately to protect the victims of Darfur but also failed to build strong relations with Darfur's civil society. It will be very important, therefore, that a strong civil affairs component of the future UN peacekeeping force in Darfur engages with the people of Darfur at every level and actively listens to and responds to them, including to complaints. The Darfur - Darfur Dialogue and Consultation, which is to be held under African Union leadership, is extremely important for rebuilding relations in Darfur, but engagement with civil society should not be restricted only to areas related to the DPA. Qualified military or civilian personnel should seek to establish and maintain strong relations with civil society, including those in camps for the displaced, the diverse communities of Darfur, those living in government and rebel-controlled areas and traditionally marginalized groups such as women and youth.

5) Gender awareness and sensitivity

Amnesty International recalls the provisions of Security Council Resolution 1325 (2000) on protection of women from violence, and fostering women's participation in conflict resolution and welcomes its reaffirmation in the UN Secretary-General's report. In particular, Amnesty International welcomes the importance attached by the UN Secretary General to the protection of women and their participation in humanitarian assistance and decision-making structures. We call on the Security

Council explicitly to mandate the formation of a detailed action plan by the peacekeeping mission to provide for the protection of women from gender-based violence. This plan should address at a minimum: issues of camp safety; healthcare, including specialised treatment for victims of sexual violence; and appropriate treatment and prevention of HIV/AIDS. The plan should also deal with issues related to security of food, fuel and other vital supplies for women and their dependants; protection of women from future violence and other violations of human rights and humanitarian law. The plan should also ensure the participation of women in humanitarian assistance and decision-making by addressing the political participation of women in peacemaking; economic reconstruction, and post-conflict legal reform, particularly of traditional legal systems which may impact adversely on women's enjoyment of their human rights, legal advice and representation. The UN peacekeeping mission should not merely pay lip-service to the provisions of Resolution 1325 but ensure its effective implementation. The Security Council should attend closely to monitoring the implementation of the women's rights aspects of this mission.

6) Human rights monitors, investigation and public reporting

It is essential that the human rights monitoring presently carried out by UNMIS is urgently strengthened. The protection and promotion role should be enhanced to include monitoring and investigation of human rights abuses and the provision of technical support and training to reform and establish national human rights mechanisms. All reports of violations of international human rights and humanitarian law must be fully investigated and the results of such investigations promptly made public. These reports should also be sent to the Security Council and be reflected in the regular UN Secretary-General reports.

7) Vetting of peacekeepers and their accountability

An independent vetting mechanism should be established to monitor anyone serving in AMIS or the UN, who has previously served in a unit against which there have been credible allegations of serious violations of international humanitarian or human rights law. All peacekeeping forces must receive full training in international humanitarian and human rights law and be held accountable at all times for any action which seriously breaches international humanitarian law or human rights, including abuses of the rights of women and girls, such as sexual exploitation or trafficking. An independent complaints mechanism, to which civilians should have easy access, must be included alongside the peacekeeping force to investigate allegations of misconduct made against the force.

III. Addressing the regional dimension of the crisis

Amnesty International has documented in *Chad/Sudan: Sowing the seeds of Darfur* (AI Index: AFR 20/006/2006) how the current conflict in Darfur is now spilling into eastern Chad. Janjawid and armed groups have carried out attacks against civilians in Chad, committing serious abuses of human rights and international humanitarian law. The Government of Chad has so far been unable or unwilling to provide adequate protection to the civilians who are the target of these attacks and to those who, as a result of such attacks, have been internally displaced. Amnesty International, therefore, welcomes the commitment to monitor the border contained in paragraphs 73 and 80 of the UN Secretary-General's report and looks forward to the effective implementation of this commitment.

Amnesty International recommends that the Security Council:

- Ensures that the UN peacekeeping mission in Darfur has a mandate and the resources necessary to put in place strong and effective border patrols in order to deter and prevent cross-border incursions;
- Considers other measures that can assist the Government of Chad to discharge its responsibility to protect civilians.

Amnesty International's recommendations above would contribute significantly to addressing the current human rights and humanitarian crisis in Darfur and eastern Chad, and afford civilians in the region greater protection against abuse of their rights. I urge you to ensure that the Security Council acts promptly on our recommendations by authorizing the immediate strengthening of UN support to AMIS and the establishment, as a matter of urgency, of a UN peacekeeping mission in Darfur with a strong mandate and adequate resources to protect civilians.

Yours sincerely

For Irene Khan
Secretary General