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Sudan

Darfur: “Too many people killed for no reason”

1. Introduction

“There are too many people killed for no reason.” Refugee man from Darfur interviewed by Amnesty International delegates in Adré, eastern Chad, in November 2003.

While news about a forthcoming peace deal to end the 20 year-long civil war in southern Sudan fill the columns of international media, an invisible, vicious conflict is unfolding in Darfur, western Sudan. Little information comes out of Darfur, isolated, prone to drought and marginalised, not only because the eyes of the international community are turned on the Sudan peace talks in Kenya, but also because insecurity and government restrictions have prevented those seeking information about the extent of an escalating tragedy access to the region.



In February 2003, a new armed political group, calling itself the Sudan Liberation Movement/Army (SLM/A) and composed mainly of members of settled ethnic groups emerged and attacked government troops. While at first the local authorities in Darfur seemed to look for a peaceful solution, at the end of March 2003, the Sudanese government decided to respond to the new armed group by force. On 25 April, the SLA attacked the airport of the city of Al-Fasher, capital of North Darfur state¹, reportedly killing some 70 government soldiers and destroying planes. The SLA declared the attacks were in protest at the perceived failure of the government to protect villagers from attacks by nomadic groups and the underdevelopment and marginalisation of the region. Since then, fighting has plagued the region and another armed political group, the Justice and Equality Movement (JEM), has appeared in Darfur, with demands broadly similar to those of the SLA.

The majority of the casualties in the Darfur war are civilians. The extent of the destruction of lives and livelihoods in Darfur since the conflict started is alarming: within a few months, hundreds, if not thousands of civilians have been killed in deliberate or indiscriminate attacks. Hundreds of thousands have been displaced within the region by the attacks, and some hundred thousand people have taken refuge into Chad.² This has resulted in a dire humanitarian situation, which, if meaningful measures are not taken now, can turn into a major disaster. On 9 December, United Nations Secretary General Kofi Annan stated that he was "alarmed at the rapidly deteriorating humanitarian situation in the Darfur region of the Sudan, and by reports of widespread abuses against civilians, including killings, rape and the burning and looting of entire villages". He expressed concern that insecurity was "also severely hampering humanitarian assistance efforts as many of the 1 million civilians affected by the conflict remain[ed] beyond the reach of relief workers". Fighting has intensified since December 2003, creating a new wave of refugees in January 2004. On 23 January, the United Nations High Commissioner for Refugees (UNHCR) said that 18,000 more people had reportedly crossed the border into Chad.

In November 2003, Amnesty International delegates travelled to eastern Chad to meet the Sudanese victims of the Darfur conflict who had sought refuge across the border. This document contains some of the findings of Amnesty International's mission to Chad as well as information collected over the past few months on the conflict. It describes the grave abuses of international human rights and humanitarian law which have been committed against civilians with impunity throughout 2003, by government forces and government-aligned militias in Darfur and the failure of the Sudanese government in protecting the lives of its own civilians.

¹ Darfur, formerly one state, was divided into three states in 1989. Al-Fasher is the capital of North Darfur state; Nyala is the capital of South Darfur state; and Al-Jeneina is the capital of West Darfur state. Each state has a regional assembly and a Governor (Wali) appointed by the central government.

² According to United Nations estimates, there have been some 3,000 people killed since the conflict started; 670,000 who have been displaced within the Darfur region and up to 95,000 who have taken refuge in Chad, as of the end of the year 2003. See *UN humanitarian chief worried by Darfur crisis*, IRIN, 8 December 2003

According to the information available to Amnesty International, the prime responsibility for the grave human rights abuses committed against civilians lies with the Sudanese government and militia aligned to it. The government has bombed indiscriminately civilian towns and villages suspected of harbouring or sympathizing with members of the armed opposition, unlawfully killing many non-combatants. But the main perpetrators of violence against civilians and destruction of civilian objects in Darfur appear to be a militia aligned with and supported by the government army, known as "Arab militia" or the "Janjawid" (*armed men on horses*). The Janjawid have killed, tortured, arbitrarily arrested or detained civilians while they have burnt to the ground homes and even entire villages, burnt, stolen or destroyed crops and looted cattle. Meanwhile, the armed political groups seem to have failed to take measures to protect civilians such as ensuring that military objectives are not located close to densely populated areas. Civilians have become hostages to the situation in Darfur.

This report makes recommendations which can improve the situation in Darfur and spare further unlawful killings of civilians. In particular, Amnesty International is calling for an immediate and unrestricted humanitarian access to the region and an immediate end to the targeting of civilians by all parties to the conflict in Darfur. It further calls on the Sudanese government to either cease all support and supplies to the Janjawid, or establish a clear chain of command and control over them and make them accountable to international humanitarian law. Amnesty International repeats its calls for human rights monitors to investigate the numerous and large-scale attacks on civilians in Darfur and for the establishment of an international, independent and impartial Commission of Inquiry into the deteriorating human rights situation in Darfur.

Background:

Raids by nomad groups against villages in the rural areas of Darfur are not new. Settled communities of Fur, Masalit and Zaghawa³ have complained for years about being attacked by nomadic groups, such as the Abala, Zeilat, or Mahamid, which they alleged were supported by the central government. While some attacks may appear to have been triggered by "revenge" motives or competition for grazing areas, the level of killings and destruction in single attacks has been extremely alarming⁴.

In Darfur, nomads, semi-nomadic groups and farmers have coexisted for a long time and have had interdependent relations. Nomads are accustomed to moving south in the dry season so as to graze their herds on farmers' lands after crops have been harvested. Local,

³ The Fur and the Masalit are predominantly sedentary farmers. The Zaghawa herd camels but also farm in some places. Many also have cattle. Members of these communities are also traders or have become city-dwellers overtime.

⁴ For instance that on Shoba near Kabkabia, on 28 April 2002, see *Empty promises? Human rights violations in government-controlled areas*, (AI INDEX: AFR 54/036/2003, 16 July 2003)

customary agreements and exchanges between different groups reinforced generally peaceful relationships. Some of the earlier skirmishes over land and travel routes between nomads and farmers seemed to be rooted in the problems of desertification and consequent reduction in grazing areas and increased farming of land.

Broadly-speaking, cultural and ethnic differences between communities, which seem to be more and more manipulated in the current conflict, are fluid. The vast majority of the people in Darfur, nomads or sedentary, are Sunni Muslims. Nomadic groups consist mainly of the Abala, Mahamid, Zeilat, Mahariya, Beni Hussein and the Rizeiqat and Ma'alia further south in Darfur. However many Zaghawa who are now the target of attacks by nomads also have a nomadic lifestyle. At the same time, farming communities other than the Fur and the Masalit, such as the Dajo, Tunjur and Tama, are becoming the target of attacks. Another division often referred to is between those labelled or seeing themselves as "Arabs" and those who are "Black" or "indigenous African". The "Arabs" are composed mainly of nomad groups, who would claim "Arab" descent and speak Arabic and the "Blacks" or "Africans", those who are not of Arab descent and speak their own local language. However, Amnesty International was told several times that the Beni Hussein, seen as "Arabs" are not taking part in the current conflict. The organization also met in Chad members of the Dorok community who said they were attacked by the Arab militia after they refused to join them and refer to themselves as "Black Arabs". In short, differences between groups are becoming more manipulated and entrenched as the conflict worsens.

In Darfur, disputes have traditionally been solved by "tribal" conferences and reconciliation agreements between groups. But disputes and clashes have become more large-scale over the years. In 1989, after violent and large-scale clashes between the Fur and Arab groups, there was a peace conference organised by leaders of the groups involved which temporarily settled the conflict. It received the approval of the new central government of Omar Hassan al-Bashir, who took power following a coup d'état in Khartoum. However further clashes occurred, including large-scale attacks against the Masalit in West Darfur between 1998 and 2001 which led many of them to take refuge across the border into Chad. A local peace agreement was made through the Sultan of the Masalit, and some Masalit returned to Sudan while others stayed in Chad. In 2002, a reconciliation conference was organised by the Sudanese authorities between Arab and non-Arab groups, but it was criticised as flawed and did not lead to a sustainable settlement.

The Darfur region has also been deeply affected by the proliferation of small arms. According to the local authorities in Darfur, small arms have been smuggled from war-torn southern Sudan, Chad, Libya and Central Africa. The presence of arms such as Kalashnikovs, G3 rifles and other guns are reported in Darfur.

There is no doubt that the arming of militia from the Miseriya and Rizeiqat groups, since 1986 by the former Sudanese government of Sadiq al-Mahdi and pursued by the government of Omar Hassan al-Bashir since 1989, to counter the rebellion in southern Sudan has also contributed to the increasing insecurity in Darfur. These militia, 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 conditions⁵.

Darfur, like other regions in Sudan outside of the centre Khartoum and the rich Al-Gezira region has a history of marginalisation and underdevelopment. Lack of infrastructure and lack of investment into human and physical resources have led many to migrate in search of better prospects in other countries or to Khartoum or the Gezira. The lack of employment opportunities, the proliferation of small arms and the example of militia raiding and looting in Kordofan and the south, have encouraged banditry, acts of armed robbery and general insecurity.

In 2001, the Darfur state governors issued a decree establishing a state of emergency in the region, instituting Special Courts to try people convicted of illegal possession or smuggling of weapons, murder and armed robbery. The security forces have, like elsewhere in northern Sudan, sweeping powers of indefinite and arbitrary detention of people and anyone suspected of criticising the government can be jailed without charge for months⁶.

Darfur and Amnesty International's work

In January 2003, Amnesty International delegates visited Sudan, including Al-Fasher and Mellit in North Darfur. They discussed the insecurity and attacks against civilians in the region both with representatives of the Fur community and the local authorities. The Fur people claimed that the government was not bringing the perpetrators of killings to justice and, by not doing so, was complicit in what they called "ethnic cleansing" or even "genocide" against their people. When AI delegates put these concerns to local authorities no comments were forthcoming about the perceived failure to bring perpetrators of killings to justice. Instead officials pointed out that dozens of members of the security forces had also been killed in the region. They insisted that the conflict was of tribal nature and the result of desertification and competition for scarce resources and grazing areas by different ethnic groups. They defended the establishment of the Special Courts as a deterrent against those committing murder and armed robbery in the region and said that they were collecting weapons from people in the region. However, the Fur and other settled communities claimed that while the authorities collected their weapons, leaving them with no means of self-defence, the nomadic groups were allowed to keep them.

⁵ On the issue of abductions and slavery in Sudan, see: *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

⁶ See *Sudan: Empty promises? Human rights violations in government-controlled areas*, Amnesty International, 16 July 2003 (AI index: AFR 54/036/2003)

The so-called deterrent effect of the Special Courts in Darfur did not prevent further armed attacks from occurring. In 2003, attacks and armed robbery against civilian villages increased dramatically. While a few groups of people were brought to trial in Special Courts on charges of murder and armed robbery, these courts, which completely disregard international standards of fairness, failed to establish the truth, justice or redress for the victims of the attacks. On the contrary, reports of torture on those accused of attacks and the lack of proper defence in the trials show the lack of commitment on behalf of the authorities to seriously address the problems in Darfur. On 17 March 2003, 26 members of a nomadic group, including a boy aged 15, were sentenced to death after being convicted of attacking and killing villagers in Singita in Darfur. Their defence lawyers were reportedly allowed to ask no more than four questions to witnesses and some eyewitnesses allegedly said that the real attackers came from another ethnic group. Decision on their appeal is still reportedly pending.

In January 2003, Amnesty International called on the government to resolve the deteriorating situation by respecting human rights and by bringing leaders of different ethnic groups into discussions. In February, it also called on the Sudanese government to establish an independent and impartial Commission of Inquiry into the complex causes for the violence and human rights abuses in Darfur. Such a commission should have free access to all areas, victims and groups in the region and could make recommendations to improve the human rights situation, which should be implemented immediately. The Sudanese government did not respond to this call and in February, the SLA and then the JEM took up arms. In April, Amnesty International called for an international Commission of Inquiry to be set up into the Darfur situation. It also asked for the mandate of the Civilian Protection Monitoring Team, an international monitoring force set up to investigate attacks against civilians in southern Sudan, to be extended to Darfur. Independent and impartial investigations into human rights abuses, or the deployment of international observers in Darfur, still have not taken place.

Between June and August 2003, attacks against civilians and displacement increased as well as harassment and arrests of internally displaced persons. Tina⁷, which was taken by the SLA at the end of March 2003, was repeatedly and indiscriminately bombed, civilians were killed and others took refuge to Chad. On 5 and 6 August, Kutum was attacked by the Janjawid and civilians were killed in what appeared to be targeted executions. Many inhabitants of Kutum tried to flee to Al-Fasher, some were stopped mid-way in Kafut by the Sudanese army. Villages around Kabkabia town were indiscriminately attacked and burnt, including Shoba again. Those displaced by the attacks arrived *en masse* in Kabkabia but were harassed by Sudanese soldiers and received no help. Amnesty International called on the Sudanese government to take immediate steps to protect civilians from attacks in Darfur and to allow humanitarian agencies free and secure access to the displaced. Small steps were made by the local authorities and humanitarian agencies were able to access some displaced in some areas. Their assessments revealed a tragic humanitarian situation. However, efforts

⁷ Tina is a town in North Darfur at the border between Sudan and Chad. The border consists of a wadi, a seasonal river bed, which separates Tina Sudan and Tina Chad.

while the SLA claimed that they were asked to leave N'Djamena by the Chadian mediators before exposing their demands.

Since the collapse of the talks, fighting between government troops and the armed opposition has intensified, reportedly in Abu Gamra and Kulbus between December and January. So have further reports of deliberate and deadly attacks on civilians, including in West Darfur, around Al-Jeneina and around Zalingei. Meanwhile, a further 30,000 refugees are reported to have crossed the border into Chad in December and another 18,000 in January 2004.

Responses by the Sudanese government to the deteriorating situation in Darfur have been ambiguous. The Sudanese President Omar Hassan al-Bashir was reported to have said that he would crush the rebellion militarily⁸. Other representatives of the Sudanese government have recognized the political nature of the conflict in Darfur⁹ and by this indicated that repression was not a solution.

At first, the SLA professed it would only fight government targets and not the very nomad groups said to be responsible for attacking farmers, in order to avoid a "tribalization" of the conflict. The armed opposition, and in particular the JEM, seems to have now resolved to engage directly in battles with the Janjawid. The rhetoric used by the Janjawid as reported by refugees to Amnesty International shows that the conflict is rapidly taking on a racial note. The attackers portray themselves as "Arabs", the civilians being attacked are called "Blacks" or even "slaves". At the same time, the Zaghawa and the Fur claim that these are attempts to drive all "Africans" away from Darfur.

Amnesty International is further alarmed at the extent of the killings amongst the civilian population, and the failure of the Sudanese government to make accountable the militia and its own soldiers who are killing in the name of "counter-insurgency". This can only increase among the population feelings of desperation, and the desire to take revenge for deaths of relatives, and possibly the joining of the armed opposition as the only perceived available option. The restrictions on freedom of expression, assembly and association in Sudan, and in particular in Darfur since the conflict started¹⁰, do not currently allow civilians to peacefully express their ideas or speak out against the violence they are subjected to. On the contrary, they encourage desperation.

The grave human rights abuses described in this report represent only a part of what is happening in Darfur. They are based on the testimonies of the Sudanese refugees who were able to cross the border, because they come from areas close to the Chadian frontier.

⁸ "Sudanese president vows to annihilate Darfur rebels: report", AFP, 31 December 2003

⁹ *Statement on the situation in Darfur*, Embassy of the Republic of the Sudan in the United Kingdom, 19 January 2004

¹⁰ See *Sudan: Empty promises? Human rights violations in government-controlled areas*, Amnesty International, 16 July 2003 (AI index: AFR 54/036/2003)

Hundreds of thousands are trapped within Darfur. The few reports coming out of Darfur despite government restrictions on movement, communications and suspected critics are confirming the fears of a human rights and humanitarian tragedy in the region.

2. Grave abuses of human rights and humanitarian law in Darfur

2.1 Grave abuses by government forces and government-aligned militia

2.1.1 extrajudicial executions and other unlawful killings

Extra-judicial executions and unlawful killings of civilians in ground attacks

Amnesty International obtained numerous testimonies of attacks on villages and killings of civilians being carried out either by the Janjawid, or by the Janjawid accompanied and supported by Sudanese government soldiers¹¹. In some cases, the soldiers would stay behind the Janjawid, cordoning the village and preventing people from fleeing. In other cases they would participate directly in attacks against civilians. The nature of the killings committed by government soldiers, and those committed by the Janjawid in the presence of elements of the Sudanese army indicates that they were extra-judicial executions. In other circumstances when the presence of soldiers in the attacks is not reported, killings by the government-aligned militia represent at least unlawful and summary killings, a grave violation of humanitarian law to which all armed groups in internal conflicts are bound.

Typically, attacks on villages in rural areas or towns consist of the Janjawid, also called "Arab" militia, sometimes with government soldiers, surrounding the village, either at dawn or during the day, and surprising villagers who do not have the time to flee or defend themselves. Sometimes the attacks appear to be well planned in advance, and happen at market days, or during or after the prayer at the mosque, while people are gathered. Many villagers have also been killed in their houses.

Erkuri Mohamed, aged 34, Koranic student, from the village of Abu Gamra, near Kornoy town, in North Darfur told Amnesty International delegates :

« The Arabs and the soldiers arrived on market day in **Abu Jidad** (a nearby village). The soldiers cordoned the market and the Arabs got inside to take the money and the cattle. They

¹¹ Amnesty International delegates obtained more than a hundred testimonies from Sudanese refugees in nine locations along the eastern Chadian border, scattered over 300 kilometres. The testimonies were coherent, credible and all pointed at a quasi-systematic pattern of attacks. They are not all reproduced in this report. Amnesty International obtained the names of hundreds of people killed in Darfur.

killed several persons. I saw the bodies of those killed. Some were killed by the gun, others by bayonet. » He gave AI the names of 19 persons killed.

Kaltuma Abdallah Issa, f, aged 15, from **Abu Jidad** near Kutum said : « I was with my father when the Arabs suddenly arrived in the village, at around 7am. They shot in every direction. I was scared and ran to find a refuge and I was shot in the left leg. My father Abdallah Issa was shot dead in our home, my maternal uncle Bahr Ahmed too. These Arabs were riding horses and camels and were accompanied by the government forces in vehicles. »



Women from North Darfur testifying to Amnesty International delegates in Tina Chad © AI

Nur Ibrahim Aran, a chief in the **Abu Jidad** area, reported that Abu Jidad was attacked on 17 May 2003, by Arab militia on horseback and camels and government forces in vehicles. He claimed that in the region, 36 villages were burnt and at least 76 persons were reported killed. The villages reportedly burnt are Tabaldia I et II, Silah, Betenan, Gos Ajour, Naga, Abhournon, Mahamad Nar, Arajab Issa, Kerim Djame, Abakar Hamad, Musa Alil, Faki Abdel Karim, Massour Ismail, Jera Beth, Amsila, Musa Abderami, Mabouraka Arad, Tibeze, Barh Mahamad Adam, Massour Ismail, Guiri Arad, Hamat Manant, Juma Adam, Madarassa and Shete Zakariya.

Kutum, in North Darfur, some 80 km north of Al-Fasher, the capital of North Darfur, was the scene of repeated attacks in 2003. At the end of July, the town was taken by the SLA, who withdrew on 3 August. The town had been bombed by the government air force

previously. On 5 and 6 August, the town was attacked by the Janjawid. AI delegates met a woman from Kutum in Tina Chad, who had travelled for 40 days on a donkey and by foot. She confirmed the reports of summary executions AI had previously obtained from other sources :

« The Janjawid came in the morning, broke the shops and took the money, the sugar, and the goods. They killed 32 people in their houses. They came in the houses to find the boys and men and kill them. They also killed Ahmed Issa, my brother, a shopkeeper, aged 18 in the market. They cut the fruit trees in my garden to give to their camels. «

Dahbai Mohamed Adam, aged 38, from **Abu Gamra**, a village near Kornoy explained that the Arabs came to steal in the village and burn the houses while the men were away.

« My daughter's husband had stayed. He was sleeping in his house, they awoke him and beat him to death with a stick and a gun. »

Aisha Ali, f, aged 23 from the village of **Sasa**, near Kornoy said:
"The Arabs arrived and asked me to leave the place. They beat women and small children. They killed a little girl, Sara Bishara. She was two years old. She was knifed in her back."

Zeinab Nayah, aged 25, from **Nana**, a village near Kornoy saw her brother being killed in his shop by members of the Janjawid in August. She stated that he was beaten before being killed. **Gorsella** village, near Kornoy, was attacked at 5am sometime in April 2003. 24 people were said to have been shot dead and some 80 houses were destroyed. Cattle were looted. In **Kornoy**, Helia Hardja, aged 37, reported the killing of her child, Abakar Yusuf, aged 4, and her nephew, Sadiq Ali Abdallah, 42 years-old, by Arab militia. "They were in the courtyard in front of the house when the Arabs came."

On a Sunday in July 2003, at about 1pm, **Adar**, a village in North Darfur was attacked. A woman saw her son, Ishaq Jur Masarda, aged 35, being dragged out of his home by militia members.
"They tied his feet and hands and slit his throat in front of people. The Arabs were dressed in military uniforms, they had weapons, guns, horses and camels. My son did not have any weapons."

Tina was the scene of severe fighting between government forces and armed opposition groups several times in 2003. Zenaib Ahmed, aged 30 described an attack on Tina in July: « It was on a Friday, in July. There was a fight between the rebels and the Janjawid supported by government forces. I was going out for the prayer when I received shrapnel on my left shoulder and on the bottom. My brother was there to carry me to the hospital in town. I know certain people like Zeidan Omer and Adam Mohamed who were executed. When I was at the hospital the Arabs came in but they were looking for the men, not the women. »

In August 2003, the village of **Kishkish**, in the Silaya area, was cordoned by the Janjawid who allegedly killed many of the villagers. Mohamad Ishaq, a Jebel farmer, aged 50, from the village of Kishkish reported the stealing of his cattle by the militia and the killing of his father, Ishaq Abaker, aged 70, in his own house, in August 2003. When his daughter, Aisha Ishaq, tried to intervene, the militia killed her too. Adam Mohamad, from the same village, had two relatives killed by the militia: Ibrahim Yahya Abdallahi, aged 60, and Ahmed Abakar Yahya, aged 37. Ismail Abu Ishaq, 50 years-old, Atum Khalif, 35 years-old and Dilak Mohamad Bas were also killed. Adam Abaker Adam, reported that four of his relatives were killed: Ibrahim Abdallah Adam, Omer Adam and Adam Mohamad Abdallahi. He said he had recently learnt that another relative of his, Abdallah Ahmed Abakar, who stayed behind after the attack, was killed in November in the village.

Many villages around Silaya, a town under government control, where the Janjawid are said to be based, were attacked in July and August 2003. The village of **Jafal**, with around 250 inhabitants from the Jebel ethnic group, was attacked twice in August, once on a Sunday at 6am and once on a Saturday, a week later. According to an eyewitness, the militia accompanied by soldiers attacked people, saying « You are opponents to the regime, we must crush you. As you are black, you are like slaves. Then the entire Darfur region will be in the hands of the Arabs. The government is on our side. The government plane is on our side, it gives us ammunitions and food. » During the first attack, the militia reportedly circled the village and shot people, killing at least 25 persons, some in their houses. The villagers fled. During the second attack, there was barely anyone in the village. The militia reportedly burnt the village, after stealing the belongings remaining in the houses.

Around the same time, **Amir**, a village near Jafal of about 350 people, was attacked. One of the villagers testified : « The day of the attack was the 7 July, a Saturday. They came. They were more than 200 and had 10 vehicles. There were soldiers from the army amongst them. We were surprised by the attack, because it was 8am. They had kalashnikovs, bazookas, guns, and a weapon mounted on a vehicle. They killed 27 persons. »

On 16 August, **Garadai**, another village in the area was attacked by the Janjawid, during the day. One of the villagers told Amnesty International delegates : « It is the Janjawid who burnt our houses and stole our cattle and belongings. Cattle stealing has been happening for a long time but the burning of houses is recent. They came with camels, horses and a lot of weapons. They are composed of Arabs from the area and other Arabs. They attacked women, men and children even though they did not have weapons. I would say that at least 240 people were killed during the attack. This is more than half of the population of Garadai, which counts 400 inhabitants. They killed mainly the young men, although some old disabled persons were killed because they were not able to get out of their houses in time.»

While the attacks target mainly people from the Zaghawa, Masalit, Jebel or Fur or smaller farming groups, sometimes Arab groups have been targeted, apparently because they refused to take sides in the conflict. At the end of July 2003, a group of **Dorok**, an Arab

community living around Silaya, came under the attack of the Janjawid. Ahmed Issa Adam, aged 30, from **Abu Jidad** village, told AI delegates :

« The Arab militia came to our village to invite the Dorok to join them. The Dorok refused and said that they shared the same religion with the people of the region and that therefore they could not fight their neighbours. So the Arab militia considered the Dorok as « Blacks » and shot at them. » The persons he reported were killed include : Adam Mahmoud Ali, farmer, aged 35 ; Fadl Abdel Aziz, herder, aged 58 ; Atiya Ibrahim Abdallah, herder, aged 27 ; and also Matur Abdallah, 45 ; Bahar Ahmat, 40 ; Idris Abdallah, 70 ; Adam Mohamad, 55 ; and Mohamad Abdallah, 35.

In Birak, Amnesty International delegates met two brothers from **Jizu**, three hours' walk from Silaya, who had been wounded by gunshots during an attack in July. Their village was attacked on a Monday, market day, by the Arab militias, who killed 5 persons. They also met Zaghawa people from the village of **Usha**, just an hour walk from the town of Silaya, who reported being attacked in June. They claimed that at least 400 persons were killed in their village, out of some 1,700 inhabitants.

Amnesty International delegates visited several sites around Adre in Chad where people from Sudan had taken refuge. The refugees were predominantly of Masalit origin and fleeing attacks on their villages in rural areas around al-Geneina, capital of West Darfur.



A group of Masalit refugees met by Amnesty International delegates in Eastern Chad ©AI

The village of **Murli**, some five kilometres away from Al-Jeneina, was attacked twice between July and August. One villager told AI delegates:

"It was early in the morning, people were sleeping. About 400 armed people cordoned the village, with military uniforms, the same ones worn by the army, with vehicles and guns. A plane came later, to see if the operation was successful. At least 82 people were killed during the first attack. Some were shot and others, such as children and elderly, were burnt alive in their houses."

Another, who had a wound on his foot, said: "I stayed in the village after the first attack. Then another group attacked again on market day, at around 2pm, after the 1pm prayer. They had heard that there were people who survived the first attack. They cordoned the market on both sides and shot people. They beat those who tried to flee. They killed 72 persons. I was shot myself and came here to get some medicine. Around Murli, almost five other villages were attacked: their names are Kutumanda, Tandi, Kandale, Uchuka and Bertenyu."

In **Meramta**, a village of about 450 households, approximately 25 km south of Al-Jeneina, more than 300 persons were reported to be killed, mostly shot, in an attack at dawn by the Janjawid and government soldiers on 28 July. Women trying to flee were beaten with gun butts. Houses were subsequently burnt down. Meramta was reportedly attacked at least four times. In an attack in October, at mid-day, ten more persons were killed and five wounded. The village is reportedly now empty. **Tukultukul** a village near Meramta was attacked on 28 July, the same day, two hours later, at 8am, by a group of armed Janjawid and government soldiers. At least eight persons were reported killed.

Attacks on villages, such as **Dongajul, Seratiya, Kulkute, Guinda, Haraza** around Al-Jeneina reportedly continued in November, prompting more civilians to take refuge in Chad in the region of Ade, south of Adre.

Kasia village was attacked three times between the 28 and 1 August 2003, both by Arab militia and government soldiers. In the first attack, which took place at 8am, at least 18 persons were reportedly killed, including some in their houses. In the second attack, four persons were said to have been killed and cattle was looted. In the third attack, some six civilians were said to be killed and the houses were burnt down.

Bauda, some 80 km south of Al-Jeneina, populated by some 200 households, was attacked on 29 August, at 10am. The attackers were both Arab militia and soldiers. Yahya Mohamed, shot in the right leg while he was running away, told AI delegates that 16 people were shot dead that day. The village was burnt down. In **Ambgadina**, North of Al-Jeneina, at least nine persons were reportedly killed in an attack on their village.

Sometimes those attacked know their attackers. On 10 August, **Suani**, a village around Al-Jeneina, and its market, were attacked in the afternoon by the Janjawid mixed with soldiers. "We know the Janjawid", one villager told AI delegates, "they were our neighbours before, the Rizeiqat and the Mahariya." They killed nine men who were running away, beat up the women and looted all the cooking pots. They did not burn the place.

While many of the killings appear to have specifically targeted men, sometimes **women** and even **children** have also been deliberately killed. In Abu Gamra, in September, a child, Khadija Idris, aged 17 (f) was killed by the militia when she tried to stop them stealing her cattle. In **Murli**, near Al-Jeneina, at least nine women were reportedly shot dead during an attack by the Janjawid. They include: Alima Adam, 25, Kaltuma Sabu, 25, Awa Abdallahi, 30, Mariam Harun, 35, Khadija Abdullahi, 30, Fatuma Idris, 20, Aisha Mohamed, 30, Nafisa Adam, 40, and Dolma Ismail, 20.

Sometimes isolated people were killed while **in their fields, or on roads**. Al Mahdi Suleiman, 30, Hassan Suleiman, 20 and Dilloh Ismail, 30, from Hasan Basau, a village in North Darfur, were reportedly attacked and killed by Arab militia while taking their cattle to grazing areas sometime in April. One other person, Arbab Ibrahim's stepfather, was killed by Arabs on his way back from the market to his village **Mejde** in the Habiela region in June.

Amnesty International delegates collected many other testimonies from the refugees which were consistent with each other. They indicated a clear pattern of repeated violations both by the Janjawid and government soldiers. Many testimonies consistently suggested that the Janjawid and the soldiers were co-operating.

Unlawful killings due to deliberate or indiscriminate bombings

Ground attacks on villages and towns were often preceded or followed by bombings by the Sudanese air force. According to the testimonies of the Sudanese refugees in Chad and victims in Sudan, it would appear that villages and towns in North Darfur have suffered the most from aerial bombing. This may be because this area is where the armed opposition is considered most active and has control over certain places. Bombings were also reported in West Darfur and in the south of North Darfur around Kabkabia and the Jebel Marra (mountains).

Most bombings, as described to Amnesty International by eye-witnesses, appeared to have disregarded the requirement to distinguish between civilian persons and objects, and military objectives or the principle of proportionality. Both are cornerstones of international humanitarian law regulating armed conflicts. In some instances, the bombings would appear to have deliberately targeted civilians and civilian objects.

Bombings usually consist of boxes filled with metal shrapnel dropped from the back of Antonov planes. By their nature these lack precision. Sometimes civilians have reported the presence of helicopter gunships, flying at low altitude and shelling villages and civilians. These two types of aircraft have repeatedly been used by the Sudanese government in the conflict in southern Sudan. Despite international condemnation of deliberate bombings on civilians and indiscriminate bombings by the government in the South, and government pledges not to attack civilians and civilian objects as part of the wider Sudan peace talks, the same tactics are being used in the Darfur conflict.

Bombings have had the effect of terrorizing the population and encouraging panic and displacement. Most civilians who have taken refuge in Chad cited continuous bombings, which could be heard or seen from their camps in Chad, as the reason why they could not go back to their country.

Kornoy was repeatedly bombed since June 2003, provoking the population to flee *en masse* to Chad. On 20 June 2003, **Kornoy** was bombed. Amina Ishaq, aged 35, told AI delegates: "I lost my daughter in the bombing of the 20 June, it was about 4pm. Her name was Nada Ismail, she was by a well. When the bombing stopped, we found her and collected the pieces of her body." Another one said: « It was 10am, I was cooking. The plane came suddenly and destroyed my home completely. I ran away to Chad.» Nura Rahma Abdu, who was pregnant at the time, lost her baby, apparently because of the shock and fear of the bombing. « When the plane came I was five months pregnant. I lost my baby because of the bombing. When the plane bombed I was outside the house, I saw that my husband was inside. I ran to the house. The smoke from the bomb made me cough, then I lost blood and my child. I came here with my husband, 2 months ago because I was feeling ill. My body still hurts and my stomach is still big despite the fact that I lost the baby. »

Tina was repeatedly bombed as part of government attempts to crush the armed opposition, who had taken control of the city, killing civilians. Faiza Idris Adam, a female pupil aged 14, testified: "It was 9am, I was in the classroom when the town was bombed, our teacher was teaching us history and geography when the plane bombed our school. It was on 5 August; there are three schools in Tina, ours was in the Jurga quarter. The pupils fled. Saddam Omer, a pupil in my class, aged 14, went out, he was hit, he died in the school courtyard. I saw his body, his parents came to take him. He was clever, he was the second in our class, he loved maths and to play football." Inhabitants of Tina were mostly affected by the bombings. Town dwellers at times reported dozens of relatives being killed or wounded by the bombings. On 7 July, one child, Abdel Qader Musa, aged 15, was hit by shrapnel on his right hand while herding goats near his house in Tina:

« The plane came and the fire coming from the bombings cut my fingers. Now the blood sometimes comes out between my fingers, it still hurts. I am a school boy in fourth class, I used to write with my right hand. »

When his mother attempted to take him to hospital, the plane came back. They both fled to Tina Chad.

Most villages around Tina were also bombed. **Khasan Abu Gamra** was bombed so many times that its villagers said: « The planes bomb anytime and everywhere, sometimes four times a day, in the morning, in the evening. They bomb so much that we can't go to cultivate our fields. Many people and animals were killed because of the bombings. » In **Tumdubai**, about four hours walk away from Tina, bombings also occurred several times a day. **Khasan Basao** was also hit by bombings.

Kutum was bombed during the fighting between government troops and the SLA, at the end of July, before it was raided by the Janjawid. While there was rebel presence in the area at the time of bombings, civilians and civilian buildings were hit by the bombs. In particular, the hospital and the prison were bombed. A woman from Kutum, met in Tina refugee camp, told Amnesty International delegates : « In the prison, the prison guards and the prisoners were killed by the bombing. The hospital was also destroyed and the patients killed. I knew two persons who were sick in hospital at the time and who were killed by the bombs. Their names are Mohamed Ali, a 40-year-old farmer and Amina Ishag, a 20-year-old young woman. It is very sad. »

Villages around **Silaya** further south in North Darfur, close to the border with Chad, were also bombed around the time of ground attacks. Refugees from the area met by Amnesty International reported that bombings were still continuing in November. In **Turlili**, a village North of Silaya, at least eight persons were killed in bombings. Animals were also killed.

2.1.2 acts of violence and torture, including rape, against civilians

Ground attacks and the killing of civilians by government and government-aligned militia were often accompanied by brutal acts of violence, including shootings and beatings, and sometimes rape of women and girls. Many villagers reported that the primary targets for killings appeared to be men. While women were shot dead in certain occasions, it seems that the majority of women were beaten rather than killed during attacks.

During an attack in **Kornoy**, Jamal Adam Nukur, 20 years-old, was pursued and allegedly beaten so badly by the Janjawid that he subsequently died of his wounds.

Kaltuma Abdallah, 15, was reportedly directly attacked by Arab militia in **Abu Jidad**. She was in her house when they arrived. She fled and was shot by a gun. Her aunt was shot dead.

Adam Mohamed, aged 40, and his brother, from the Tama ethnic group, were attacked on 14 November in their village **Tutursa**. Adam Mohamed was taken by surprise in his house by a number of militia members. They flogged him while saying "You are all opponents, we will eliminate you." They took all his money. He managed to escape and walked to Chad. The same day, they circled the house of Zara Sheikh, a 28-year-old woman and asked her for money. When she said she did not have any, they beat her with a whip.

When **Murli** was attacked, Jamila Mohamed, a woman, reportedly fled on foot with another woman, Aisha Harun. The attackers pursued them on horseback. They stopped them, beat them with dry bush branches and took her clothes. Then they let them go. In **Tuja**, a village near Murli, Hawauu Hasan Tuja, a woman, was fleeing an attack by Arab militia, with

her seven children. The children managed to escape but she reported that she was beaten and robbed of her clothes and belongings.

In some instances, women found on roads or in the bush while collecting wood, travelling or fleeing attacks were raped.



A group of refugee women from Darfur met by Amnesty International delegates in Chad ©AI

Amnesty International delegates heard accounts of rape of women and girls by the Janjawid. It is difficult, however, to know the extent to which rape is a practice in the conduct of the war in Darfur, because women would report it reluctantly, for fear of being ostracized by their communities.

As women put it to Amnesty International delegates:

“Women will not tell you easily if such a thing happens to them. In our culture, it is a shame, and women will hide this in their hearts so that the men do not hear about it.”

“Women will not tell you spontaneously if they were raped, it is a hidden shame. However, if you are asking, some women will tell you. The women have rights too and we are happy if someone is concerned about this.”

In **Sasa**, near Kornoy, two girls¹², respectively aged 15 and 14, were reportedly raped by Arab militia, according to a woman interviewed by Amnesty International delegates in Tina.

In **Murli**, three girls, aged 10, 15 and 17, who had fled the attack were found by the attackers in the bush and reportedly raped. The girls are said to still be in Sudan where they receive help from traditional healers. Two others, aged 20 and 25, were also reportedly raped by the attackers on the road while they were coming back to the village after fetching water. These reports were given to Amnesty International by two women who came from the same village as these girls and knew them.

A man from **Suani** said: "A lot of women were beaten during the attack, with sticks and gun butts. Some of them were wounded and went to the hospital in Al-Jeneina. But you need money to go to the hospital. There are also ten women in our village who were used by force as wives by the Arabs."

2.1.3 destruction of villages, crops and looting of cattle and property

Ground attacks seemed not only to aim at killing the people, but also their livelihoods and their very means of subsistence. In a region prone to drought and underdevelopment, the destruction of houses and crops bears terrible consequences on the coping strategies of the local population. It means that shelter and food, essential commodities and also economic and social rights are being denied to the population. The displacement triggered by direct attacks on civilian villages is also adding pressure on the populations of towns in Darfur or in Chad where others take refuge.

The testimonies of eye-witnesses to the destruction happening in Darfur were obtained from groups of refugees scattered on more than 300 kilometres over the eastern border in Chad. These testimonies were credible, coherent and put together, formed at a large-scale, if not systematic, pattern of destruction or looting of means of livelihood of those attacked. These, as well as other information obtained by Amnesty International, point at a military strategy on the part of the Janjawid, supported by the government army, to forcibly displace the settled population in Darfur. The testimonies suggest that this strategy may aim at taking control over land or at punishing people suspected to support or sympathise with the armed political groups in Darfur.

People in the rural areas of Darfur depend mainly on subsistence farming and the rearing of cattle, sheep and goats. Some communities also own camels. Cattle and camels in these semi-desert regions often are the main wealth available to people. In some instances,

¹² Names of those allegedly raped are not given in order to protect their identities

people have also been robbed of their blankets, clothes, cooking items and pots and jerrycans used as water containers. When people own little, the looting of their possessions makes essential acts of life such as fetching water, preparing meals or covering against cold nights even more difficult.

Moreover, citing insecurity and the necessity of counter-insurgency, the Sudanese government has restricted the movements of people in Darfur, including merchants and commercial trucks, traditional suppliers of food items, clothes, blankets and medicine to isolated rural villages.

The people of **Turlili** explained how destruction and looting affected them: "First the Arabs burnt the houses and took our animals. Then they took our cooking items, our millet in the fields and even our blankets. This is what made us come here. They took the millet with them, we could not harvest our crops. Their camels ate our crops too. Usually we harvest in September and women cultivate vegetables after the harvest. How are we expected to live now?"

A local chief in the **Abu Gamra** area, between Tina and Kornoy, painted the extent of the destruction in his village :

« The Arabs and the government forces arrived on both sides of the village, with vehicles, on horseback and on camels, and armed with big weapons. I hid in order to see how many they were. The Arabs cordoned the village with more than 1,000 horses. There was also a helicopter and an Antonov plane. They shelled the town with more than 200 shells. We counted 119 persons who were killed by the shelling. Then the Arabs burnt all our houses, took all the goods from the market. A bulldozer destroyed houses. Cars belonging to the merchants were burnt and generators were stolen. They said they wanted to conquer the whole territory and that the Blacks did not have a right to remain in the region. »

Other villagers from around Tina said that the bombings had destroyed water wells. In **Khasan Basao** they alleged that some water wells were poisoned and smelt of sulphur. They also alleged that landmines were planted around the village.

Sudan signed the Mine Ban Treaty in 1997 and on 13 October 2003 it ratified the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction (Ottawa Convention). Amnesty International is calling on the Sudanese government to fully implement the provisions of the Ottawa Convention, including in domestic law and practice.

2.1.4 abductions, arrests, torture and killing of detainees

Ground attacks by the Janjawid have sometimes been followed by abductions of civilians. There is no information as to the whereabouts or the treatment of the following abducted persons. Amnesty International is concerned that these individuals may have "disappeared".

Two women from the village of **Fuja** were allegedly abducted by members of an Arab militia while travelling to Chad in August 2003. They are: Hawa Sabun Ishaq, 25 years-old and Hura Sabun, 40 years-old. Their relatives in Chad have not had any news of them since. They do not know whether they are still alive.

Three men of the Dorok ethnic group were said to have been abducted by the Janjawid after the attack on the village of Abu Jidad at the beginning of August: Ahmed Ibrahim Abdallah, aged 28, Abud Fadl, aged 27 and Musa Ahmed, aged 25. To date, there is no information on their whereabouts.

The mayor Abu Gamra, Kitir Mohamed Adam, told AI delegates of the abductions of two girls by the Janjawid during the attack on Abu Gamra, on market day.

« This man was shot as he was trying to flee the militia on his horse. His daughter and another woman were also fleeing but one saw her father being shot and came back to help him. The father gave a gun that he had to his daughter so that the two women could defend themselves. The Arabs took the gun from the women, hit them and forced them to mount on their horses. They took them away. Their names are Hawa Abdel Rahman Kitir, 28 years-old and Fatima Ahmed Issa, 32 years-old. »

In **Garadai**, near Silaya, the abduction of some thirty men by the Janjawid was reported.

The villagers in Garadai have not had any news of them since : « We do not know why they took them. Maybe to kill them or to obtain information from them. » Their names were given as:

- Abdallah Adam, 40, trader
- Abdallah Abaker, trader, 42
- Musa Isa, farmer, 30
- Ahmed Ishaq, farmer, 37
- Abdallah Ahmed Ibrahim, farmer, 40
- Mohamed Ibrahim Adam, 50, farmer
- Dini Mohamed, 35, farmer
- Yahya Izrik, 45, farmer
- Mohamed Abu Adam, 25, farmer
- Adam Abdu, 45, farmer
- Musa Yaqub, 45, farmer
- Mohamed Abaker, 60, farmer

In **Jizu**, near Silaya, some 12 persons, all farmers, were also abducted after an attack. They were reportedly tied up and made to walk in front of the Janjawid's horses. Their names were given as :

- Abdallah Ali, 35
- Jir Abdallah, 25
- Bashir Suleiman, 27
- Yahya Abdel Rahman, 25
- Abakar Issa, 25
- Mamad Khalil, 45
- Mohamed Suleiman, 45
- Abdallahi Abdallah, 45
- Anwar Ibrahim, 50 ans
- Taher Ahmed Mohamed, 25
- Bishara Abdallah, 35
- Din Ibrahim, 25

In **Turlili**, north of Silaya, twelve persons were reportedly abducted, including **Abaker Adam Omar**, aged 40 and **Abdel Aziz Hassan**, aged 27.

Idris Suleiman, 30, was reportedly abducted by the Janjawid along with other persons in **Usha** village, south of Silaya. The other persons abducted were named as:

- Mohamed Suleiman, 50, trader
- Mohamed Dein, 40, trader
- Adam Abo, 60, trader
- Yahya Issa, 35, farmer
- Yahya Omar, 36, farmer
- Bahar Amer
- Abdel Karim Yaqub
- Dahab Mohamed
- Mohamed Nigui
- And three women whose names are not known

Amnesty International delegates were told of another group of 22 persons who were abducted by the Janjawid at Suani market, near Al-Jeneina and tortured. One of them, Arabi Anjol was summarily killed in what appears to have been a deliberate execution. Amnesty International fears that other persons abducted named in this report may have suffered the same fate.

Two men who were amongst the 22 abducted and who managed to escape, told Amnesty International delegates their ordeal :

« On 12 August, the Arabs cordoned off the market. They wanted to take revenge so they did this to us. At first people started to flee and the Arabs said that they would not do us any harm. So we stopped fleeing. They chose certain people randomly and tied them up in the middle of the market, in front of everyone. They forced us to crouch with rocks behind our knees. They

left us under the sun and started beating us. One of us, Arabi Anjol had his arm broken because of this.

« When the sun set, they forced us to go with them, by running in front of their horses. They took us to their military camp where there were soldiers and a building with canons inside. The camp is headed by someone from the Sudanese army and another one. They left us outside and beat us with rocks and gunbutts. They were saying « We are the Arabs, we have the priority, you are the blacks »; « the government gives us weapons and you can't stay in Sudan, we will kill you and take your possessions ». They asked us some questions. Arabi Anjol, who had his arm broken, did not answer. So he was put on the side and they shot him twice, killing him. Then they talked to their authorities in Al-Jeneina. We were transferred to Al-Jeneina and the chief of the Janjawid asked us if we had weapons. We said no and he let us go. »

« There are five people who still suffer from the torture, including one who was beaten in the eye, we think that they are in Al-Jeneina hospital. The others are still in Al-Jeneina with their families. We heard that there is an accusation pending against them; they will be tried by the authorities, we do not know why. »

Government regular forces, including the army, the military intelligence and the security forces have carried out numerous arrests in Darfur before and since the conflict started. People of Fur, Zaghawa and Masalit ethnicity, in particular community leaders have been targeted. These arrests have been documented in numerous Amnesty International urgent actions over the past few months. Many of those arrested were detained incommunicado and tortured. For instance, Adam Hassan Abdel Rahman was arrested on 2 May 2003 from Tina Sudan and taken by air to the offices of the military intelligence in Al Fasher¹³. He was reportedly detained incommunicado without charge for four months. He was reportedly beaten and and tortured with electric shocks. He was reportedly given poor food and only one cup of water a day and kept with 25 others in one cell which did not have any toilets. Three persons reportedly died in the same place of detention: Sheri' Abdel Rahman, from Tine, Abdel Rahim Taharja, a lawyer from Kutum and Hagar Yusuf Hagar, who reportedly died of sickness without having seen a doctor. Hamed was released on 13 September 2003, as part of the Chadian-sponsored agreement between the Sudanese government and the SLA.

The Sudanese refugees met in Chad told Amnesty International delegates of other arrests. AI has been seeking with the Sudanese authorities a complete list of those they detained in connection with the Darfur conflict, but has not received any answer.

In **Kutum**, the arrests of people were reported before fighting took place between government troops and armed opposition groups at the end of July. Al-Hadi Adam was allegedly arrested by the government and has not been heard of since.

¹³ See *Fear for safety/ Fear of torture and ill-treatment*, Amnesty International Urgent Action, 23 July 2003 (AI Index: AFR 54/064/2003)

Around **Silaya**, other persons were arrested in the months that preceded fighting. They include Adam Abdallah, who was reportedly chained and beaten upon arrest ; Abaker Adum, a 37 years-old farmer, who was arrested on the road to Silaya and Ismail Yahya, a 40 years-old farmer who was arrested on the road to Silaya in July. Their friends have not heard from them since. They suggested that they may be held in A-Jeneina prison. A trader, Ishaq Abdallah, was also arrested in June 2003 in Kongok village, North East of Al-Jeneina, after the Arabs reportedly complained to the government that he was revealing their secrets. He has not been seen since.

As part of the September cease-fire sponsored by the Chadian authorities, the government and the SLA exchanged their prisoners. Those held by the government were not prisoners of war: many were non-combatants, detained merely on suspicion of sympathizing with the ideas of the armed opposition, because they shared the same ethnic group or enjoyed a high status within their community. However, the SLA claims that 28 people arrested have not been released. They fear that they have been extra-judicially executed. Amongst them are reportedly:

- Mohammad Adam Musa (said to have had a broken leg)
- Abaker Tikki Jamus
- Mustafa al-Tom Hari
- Saleh Omar Shaikh al-Din
- Ibrahim Khater Arja
- Al-Damarja Hamed
- Hamed Bijja Ambedda
- Al-Sadeq Ali Abdallah
- Mohammad Jiddu Karkur
- Abdel Majed Hamed
- Ibrahim Jaber Musa
- Yaqub Yunus Har
- Ahmad Issa Nahar
- Ibrahim Ahmad Ismail
- Abdel Rahman Sharif Ali
- Suleiman Ismail Omar
- Khater Ismail Abdallah
- Tukar Ahmad Yaqub
- Yahya Bashir Bush
- Omar Musa Ibrahim
- Ahmad Yaqub Mohammad
- Hassan Bageira Arba
- Bashir Ali Aqid
- Mukhtar Ishaq Saleh
- Musa [last name unknown]

2.2 Human rights abuses by armed political groups

2.2.1 Reported unlawful killings and looting

The UN information network IRIN reported on 30 July that "SLA rebels regularly attacked and looted villages taking food and sometimes killing people," according to humanitarian sources. "On 19 July they attacked Tawila town, 60 km from Al-Fasher, killing two policemen and two civilians. [...] unknown armed raiders attacked a grain bank, health unit and local market in Mado village in the Sayah area, looting food, furniture and medicines, [...]"¹⁴

On 2 January 2004, "the armed opposition reportedly attacked the village of Sharaya in Southern Darfur on 2 January, killing between four and six policemen and soldiers, and looting a local market," according to IRIN. The Governor of West Darfur was quoted as saying that "there were no army troops in the vicinity and the few police and security men were taken by surprise and were unprepared for such an engagement with such a big gang of heavily armed outlaws."¹⁵

Amnesty International has received very little information regarding killings of civilians by the armed opposition the SLA and the JEM. It may be because they did not happen on a large-scale, or because the organization did not meet such victims, or because civilians would only report abuses committed by those they see as the aggressors. Amnesty International asked the Sudanese authorities to provide information regarding abuses by the armed opposition, including on any government soldiers who had been captured and subsequently released, but did not receive a response which included specific examples of abuses. However, in certain cases, the armed political groups appear to have put the lives of civilians at risk. After taking control of some towns or villages it appears to have failed to take basic precautions to limit the effects on civilians of attacks by the government and government-aligned forces. Such precautions include ensuring that military objectives are not located close to densely populated areas. However this apparent failure on the part of the armed opposition in no way changes the obligation of the government and government-aligned forces not to carry out direct, indiscriminate or disproportionate attacks on the civilian population or on civilian objects. Tina and Kornoy have been repeatedly bombed by the Sudanese air force when they were taken by the armed opposition, while civilians were still present in towns. Kutum was also heavily bombed at the end of July and in August. When the SLA withdrew from Kutum on 3 August, it claimed that it was leaving so that civilians would not be bombed by the Sudanese government. Two days later, the Janjawid attacked Kutum and deliberately killed people.

¹⁴ "Widespread insecurity reported in Darfur", IRIN, 30 July 2003

¹⁵ "Six Sudanese security men killed by rebels in Darfur" AFP, 4 January 2004

2.2.2 Arrests and detention by armed opposition groups

Amnesty International sought information with the Sudanese authorities about the number of government soldiers detained and released by the armed opposition and their treatment while detained by the SLA. However, the Sudanese government has not provided any information on these matters.

Amnesty International received information that six persons¹⁶ were arrested and tortured by the Justice and Equality Movement (JEM). On 18 September, armed members of the JEM circled the house where six men were staying in Jirjira, south of Tina, North Darfur. One was hit on the head with gun butts and the others tied up with chains. They were all beaten on their heads and body. JEM members then reportedly put a mixture of acid, chilli and petrol in the mouth, nose and ears of two of the men. The six were transferred to a place in the bush until mid-October. The two men tortured reportedly lost their hair, vomited blood and partly lost sight because of their torture. The four others managed to escape during fighting around Kulbus. Representatives of the JEM told Amnesty International in December that they were made prisoners because they were « government agents » but denied knowing that they had been tortured. In December, the two remaining "prisoners" were set free after being given medicine.

3. The responsibility of the Sudanese authorities in the grave human rights violations committed in Darfur

The numerous and concordant testimonies of the Sudanese refugees in Darfur, as well as other information collected by Amnesty International on the human rights situation in Darfur, clearly point at the responsibility of the Sudanese government in deadly attacks against civilians. Bombings on civilians and civilian objects are conducted by the Sudanese Airforce. Moreover, many eye-witnesses to ground attacks on villages in Darfur have clearly reported the joint presence and coordination of elements of the Sudanese army and the Janjawid in these attacks. Amnesty International holds the Sudanese government accountable for the grave human rights abuses committed by its armed forces and the armed militia aligned to them in Darfur.

Even if some government officials have denied any links between the government and the Janjawid, there is a large amount of information which shows that at least certain elements of the Sudanese army in Darfur are colluding with the Janjawid in committing grave human rights violations. Many of those attacked in Darfur believe that the Sudanese authorities are using the Janjawid as a "proxy" force in their counter-insurgency strategy in

¹⁶ Names of those reportedly arrested are not given in order to protect their identities

Darfur. International law holds parties to a conflict responsible for abuses committed by irregular forces under their "overall control".

Moreover, the Sudanese government has not condemned or conducted transparent and impartial investigations into the numerous and grave human rights abuses committed in Darfur and reported by local civil society activists, community leaders, journalists and non-governmental organisations. Amnesty International thinks that by its silence, the Sudanese government is condoning or encouraging more abuses. The impunity with which the Janjawid militia have acted in Darfur is another sign of the government's unwillingness to be accountable for its responsibility in the human rights crisis in Darfur.

Amnesty International believes that there is clear evidence of co-operation between the Janjawid and the government forces; the government should either cease its support for the Janjawid or it should establish clear chain of command control over them and make them accountable for the grave human rights abuses they have perpetrated. Either way the government should take appropriate steps regarding all reported abuses of human rights or humanitarian law, whether committed by the Janjawid, by other government-aligned militia, by government forces, or by different forces in co-operation with each other. All such reports should be promptly and independently investigated and perpetrators brought to justice.

3.1 Bombings and attacks by government armed forces

Antonov planes and helicopter gunships are the property of the Sudanese army. In this document, Amnesty International has described numerous examples of indiscriminate or direct bombings of civilians. There are many more cases of bombings which are not given in this report but which have been reported by different observers or civil society groups following the situation in Darfur. Each deserves a full, independent and impartial investigation which should lead to those who have committed or ordered grave abuses of international humanitarian law being made accountable.

Even more compelling are the consistent testimonies of countless civilians attacked, in different parts of Darfur, by both the Janjawid and elements of the Sudanese army. At the very least, the Sudanese government should investigate these serious allegations. When soldiers commit such crimes, they constitute violations of national and international human rights law. The collusion between some soldiers and "irregular" militia points at a military strategy aimed at forcibly displacing part of a population seen as sympathising with the armed opposition. The Sudanese government must explain to the Sudanese in Darfur and to the international community the reported presence and participation of its own army members in attacks against villages.

3.2 Information showing links between the Janjawid or "Arab" militias and the government

As said earlier, the conflict seems to take on a racial tone. The armed political groups claim that the "Blacks" have been discriminated against by the government. The rhetoric used by the Janjawid as reported by civilians they have attacked shows that they believe that they act as counter-insurgency armed forces in the Darfur conflict. Their words show that they are confident that the government is supporting their actions.

A refugee farmer from the village of **Kishkish** reported to Amnesty International delegates the words used by the militia: "You are Black and you are opponents. You are our slaves, the Darfur region is in our hands and you are our herders." They also reportedly said: "You are slaves, we will kill you. You are like dust, we will crush you." Another civilian attacked was reportedly told: "You are in the fields, the rest is for our horses. We have the government on our right side, you are on the left side. You have nothing for yourselves."

A civilian from **Jafal** confirmed this when he was reportedly told by the Janjawid: "You are opponents to the regime, we must crush you. As you are Black, you are like slaves. Then all the Darfur region will be in our hands. The government is on our side. The government plane is on our side to give us ammunition and food."

Other information given by victims of the conflict shows that the military actions of the Janjawid are well-organised, and many times coordinated with elements of the Sudanese government army. Several persons of the same village told Amnesty International delegates:

"The chief of the Arabs...gives auxiliaries to the army...the high commander of the Janjaweed...is based in Al Geneina. There is a military camp called Guedera where they train people. It is not a secret. They get organised in Al Geneina and then the planes go to this camp. "

A villager from **Meramta**, near Al-Jeneina explained : « Here the plane does not bomb us. It gives the Janjawid ammunitions, weapons and food. They have camps where they meet: Guedera and Dedengita, about 25 km away from the village. These camps have existed for 4 months, before there was nothing. Helicopters also come to supply them. »

Several sources have pointed at the presence of leaders of the Janjawid in Al-Jeneina, the capital of West Darfur. They allegedly have an office, and are allegedly seen walking in the streets of the town with weapons. There are allegedly twelve military camps of the Janjawid around the same town which would prevent displaced people fleeing the insecure countryside from coming in the town.

All the victims of attacks described the Janjawid as being well-armed and well-equipped. They are in majority dressed in military uniforms and are often accompanied by

soldiers driving military vehicles. The types of weapons described by the refugees are : kalashnikovs, bazookas, rifle guns such as the G3 or the Belgian FAL. Amnesty International is concerned at the level of armament of these irregular troops.

After the Darfur negotiations broke down in Chad, Sudanese President Omar al-Bashir was quoted as saying on state-run Sudanese television: "We will use the army, the police, the mujahidin, the horsemen to get rid of the rebellion."¹⁷ Some representatives of the Sudanese government have told Amnesty International that the term *mujahidin* referred to the Popular Defence Forces, a paramilitary force set up by the government who has fought alongside government troops in the South.

On another occasion, Humanitarian Aid Commissioner, Dr Salaf El Din, seemed to confirm that the government had called on Darfur's ethnic communities to support the government fight against the rebels. He was quoted as saying: "Some are coming forward and some are not. This does not mean that the government is biased against one group".¹⁸

3.3 Failure of the authorities to condemn or investigate abuses

According to the information available to Amnesty International, the government has not, except in three occasions, condemned attacks against civilians and grave human rights violations which have been committed by their soldiers or the Sudanese Air Force during the conflict. The silence of the authorities regarding the atrocities committed by the Janjawid suggests that their actions are condoned, if not encouraged, by the government. Persons who speak out against human rights abuses in Darfur are arrested, detained incommunicado and tortured. Newspapers or journalists who have reported military activity in Darfur have been suspended or interrogated. The level of repression is such that people fear speaking out. The resulting impunity for deliberate executions, unlawful killings, maiming and torture, abductions and arbitrary arrests of civilians can only help to fuel further atrocities in Darfur.

Only twice the government announced that investigations would be held into particular reported cases of killings.

The level of the atrocities committed in Kutum, in particular the summary and targeted killings of well-known merchants by the Janjawid, provoked outrage in Sudan. The governor of North Darfur was quoted on the Sudan radio as denying any link between the government and the Janjawid, and announced the setting up of a Commission of Inquiry to investigate the incident. This Commission of Inquiry was reportedly composed of five members. Amnesty International does not know whether the members of this commission were able to freely access the victims and witnesses of the attacks. Five months later, the findings or the recommendations of this Commission have still not been made public.

¹⁷ "Sudan: Thousands said fleeing renewed fighting in Darfur", IRIN, 4 January 2003

¹⁸ The escalating crisis in Darfur, IRIN 31 December 2003

In Habila, West Darfur, a bombing in August 2003 reportedly killed 26 people, including civilians as well as government army soldiers in a nearby garrison. On 10 September 2003, the Minister of Defence declared that the bombing was a mistake, that those killed were martyrs and created a committee of members of the military to investigate the incident. Amnesty International is concerned at the failure to set up an independent investigation. The findings of this investigation, too, have never been made public.

A statement by the Embassy of the Republic of the Sudan in the United Kingdom on 19 January 2004 condemned abuses committed in Darfur. It said "Groups of armed gunmen are threatening the life, liberty and property of innocent civilians and have been implicated in armed robberies, abduction, kidnapping, widespread indiscriminate killings and terrorization of civilian men, women and children. [...] The infamous Janjawid gangs are the most notorious of these groups and the Government will do all that is necessary to impose law and order in areas affected by these activities." Amnesty International is calling on the government to uphold its commitments and its obligations under international law and immediately open transparent and impartial investigations into the abuses committed both by the Janjawid and its armed forces.

4. A looming humanitarian crisis

The number of civilians affected by the conflict is not limited to those killed or wounded by the attacks. Those who have survived attacks and fled face more abuses of their rights to adequate protection and humanitarian assistance. The level of insecurity in the region, the remoteness of areas in Darfur and Chad where civilians have taken refuge, and Sudanese government restrictions on aid and assistance are all factors which fuel a humanitarian crisis in the region. According to the latest reports of UN and humanitarian agencies, more than 1,100,000 civilians from Darfur are affected by the war.

4.1 The situation of the Sudanese refugees in Chad

4.1.1 continuous insecurity for those seeking safe haven

Civilians fleeing to Chad have been attacked on the road. Those estimated 100,000 who have found refuge across the border in Chad have faced cross-border attacks by Sudanese Arab militia. These attacks seriously undermine the respect for the exclusive civilian and humanitarian character of asylum.

Civilians met by AI delegates reported how dangerous their journey to Chad was.

Sarfa Adam, from Basao said :

« My sister's children had animals; they took the animals to Chad to cross the border. The Arabs were 300, on horseback. They attacked them. They killed three:

Ahmad Suleiman, 30, his brother, Hassan Suleiman, 20, and Dilo Ismail, 30. »

Osman Yahya Kitir, from Garadai said :

« Some of us came here, others fled to Silaya town in Sudan. We went back to the village after the attack to bury our dead and all the survivors had fled. It took us three days to come to Chad. We had to hide during the day and travel at night. There were soldiers and Arab militias all along the road. »



A handicapped Sudanese refugee who fled an attack on his village in Darfur ©AI

Some of the civilians who have fled to Chad were victims of cross-border attacks by the Janjawid, which included killings of people and looting of cattle.

Refugees in **Kolkol**, near Adre, said to Amnesty International delegates : « The Arabs attacked us in Sudan and took our cattle. They also came here in Chad, took 442 cows and killed a woman. Her name is Aisha Idris. »

UNHCR has reported several cross-border attacks of the same type. ¹⁹

Moreover, on 29 January 2004, the Sudanese Air force reportedly bombed Tina on the border with Chad. Bombs reportedly landed on the Chad side of the border, killing two civilians and injuring at least ten, amongst the refugee population.

¹⁹ UNHCR Briefing notes, 9 December 2003

4.1.2 Critical humanitarian conditions for the Sudanese refugees in Chad

While the Sudanese refugees in Chad insisted that they were luckier than the ones who stayed in Sudan, they faced a difficult situation in Chad. Eastern Chad is a remote area, prone to drought and with poor infrastructure and limited presence of aid agencies. Some of the refugees who had been present in Chad since April or May 2003 could not be accessed until the month of August, because of the rainy season. As the wadis were filled by water, Chadian towns such as Tina, Birak and Adre were being cut from the rest of the country.

Although the refugees were welcomed by the local population, who have shared their limited means of subsistence with them for more than seven months at the time of writing, most of them still live in precarious conditions. Amnesty International delegates visited eight locations where refugees were living : Tina 1, Tina 2, Birak, and Adre, Birkengi, Nakuluta, Kolkol and Agan. In Tina 1, the refugees were living in huts made out of fabrics and sticks found in the area. In other locations, they were living in precarious shelters made out of dry branches they could find in this semi-desert region.



Makeshift refugee shelters in Tine 1 ©AI



Refugee shelters made out of dry branches in Adré ©AI

At the time of Amnesty International's field mission in November 2003, relief was distributed by UNHCR only to the most vulnerable and geographically accessible refugee populations. Many suffered from hunger and thirst. Amnesty International delegates saw how refugees had to dig deep in the sand to find water, which was muddy. Many refugees arrived in Chad only with the clothes they had fled with. The extreme weather conditions mean that it is hot during the day and cold at night. Moreover, the refugees arrived in places where there are no toilets or other sanitary facilities. The poor medical infrastructure in the border areas of Chad, even with the setting up of centres and facilities by the aid organization Médecins Sans Frontières (MSF), further compounds the situation. In December 2003, some 20,000 new refugees were reported to have arrived in Chad. On 23 January 2004, 18,000 new refugees were reported to have crossed the border²⁰.

Many refugees have also highlighted the difficulties faced by their children, most importantly the lack of education facilities.



Group of refugee boys around Adré ©AI

In Tina 2, the refugees showed Amnesty International delegates a large hut that they built for the schooling of their children. They were worried that the children had been out of school for months because of the conflict in Darfur. However, they reported that the local authorities were reluctant to help with the education of their children, apparently because the

²⁰ UNHCR Briefing notes, 23 January 2004

education systems in Sudan and Chad were too different. In camps around Adre, parents and students who had fled to Chad also raised concerns at the absence of education facilities for them. They all stressed that they saw the provision of education for children and students as a priority.



Large hut built by the refugees in Tine 2 as a school for their children ©AI

The UNHCR has been hampered in its relief efforts by the poor infrastructure and the sheer number of refugees. In mid-January 2004, the agency started the relocation of Sudanese refugees in sites far enough from the insecure border, in line with international refugee law standards²¹, along with a proper process of registration of individuals. Two camps have been built, Farchana, 55 kilometres away from the border town of Adre, which could welcome between 10 and 12,000 refugees, and Saranh, in the Iriba area, north of Tina, with a capacity of up to 20,000 people, and Kounoungo, near Guereda, which could host 8,000 people²². Other sites will need to be identified and equipped to host more than 100,000 refugees and provide adequate protection and assistance to those who have arrived in the past few days.

Relocation to sites 50 kilometres away from the border is essential for the security of the refugees. Amnesty International believes that the international community must make an urgent and massive effort to complete the relocation of all the refugees before the start of the next rainy season in May 2004. The reported difficulty in finding sites in Chad which have water, the logistical obstacles due to the remoteness of the area and the continuous influx and the sheer number of the refugees have to be overcome to save further lives.

²¹ The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Convention) requires hosting governments to settle refugees at a reasonable distance from the border in the name of security. (Article 2 (6))

²² "Finally, safe refuge for Sudanese in Chadian site", UNHCR, 19 January 2004

4.2 Denial of protection and assistance to the displaced in Darfur

Within Darfur itself hundreds of thousands of displaced have flocked into towns, which have little capacity to cope with the influx of new persons, or sought refuge in the bush or in areas controlled by the armed opposition. Apart from a few assessments made by aid agencies in rural areas or in towns in North Darfur reportedly controlled by the armed opposition during the cease-fire in the region, the displaced have received no assistance.

Those who have sought refuge in towns in Darfur have at times been repelled by government forces or been forced to go back to their villages. Amnesty International has received credible and concordant reports that those displaced within Darfur have been harassed and denied protection by the Sudanese army, the Janjawid or the local authorities.

Scores of civilians fled to **Kabkabiya** town between June and August 2003. Reports alleged that 300 villages had been attacked or burnt to the ground in the area. Many displaced were reportedly living in the open or in the local school in Kabkabiya, having very little or no access to humanitarian aid. For instance hundreds had fled after an attack on **Shoba**, a Fur village situated 7 km south of Kabkabiya on 25 July, by armed militia wearing government army uniforms, in which at least 51 Shoba villagers, including many elders, were killed. They were reportedly prevented for two days from returning to Shoba, to assist the injured and bury their dead, by a road block organized by government soldiers. In December 2003, internally displaced persons camps around Kabkabiya were reportedly attacked by the Janjawid.

Thousands of civilians fled Kutum at the beginning of August 2003 and took refuge in surrounding villages or unknown places or tried to reach El-Fasher, the capital of North Darfur, situated some 80 km south-east of their town. Although a few were said to have reached El-Fasher, most were reportedly stranded in Kafut, a village halfway between both towns, because the Sudanese army stopped more civilians from taking refuge in El-Fasher. Civilians were reportedly living under trees, without any means of subsistence and were in desperate need of food, shelter and clothing, until a preliminary assessment of their conditions was allowed by the Governor of North Darfur.

Between the end of September and the beginning of October 2003, some 24 villages inhabited by the Dajo around Nyala were reportedly attacked and burnt. Amnesty International was given the names of at least 42 persons killed and 20 others wounded in these attacks. Some 3000 persons were said to have fled closer to Nyala town in places called Diraige and Al Nil. The local authorities allegedly put as a condition for assistance to them that they return back to their villages, even though these had been burnt and were located in insecure areas prone to attacks.

Amnesty International also received allegations that persons displaced from villages attacked around Kutum were forced by the local authorities to pretend that they were living in

the houses of people who had fled Kutum town at the time when a USAID official visited the town in October 2003.

Aid agencies in Darfur have been hampered in their efforts to reach the displaced either by insecurity or by government restrictions.

Nine Sudanese workers transporting food aid by truck were reportedly killed in October in an attack by an unidentified armed group²³.

Four Sudanese workers for Medair, an international relief organisation and a government official were abducted around 11 November while they were reportedly distributing kits for displaced people around Silaya and Kulbus, in western Darfur. They were handed over to the local authorities in Chad by the armed opposition the JEM. The JEM said that it had "rescued" the group who had first been abducted by armed militia or bandits²⁴.

The media have reported that despite the government promising access to humanitarian agencies, these are denied travel permits before going to the area.²⁵

Unimpeded and secure access to internally displaced persons by aid organisations is crucial to avert a humanitarian crisis. As the ceasefire talks collapsed in December and fighting was renewed on a large-scale, UN relief agencies left Al-Jeneina, the capital of West Darfur. The Sudanese authorities imposed a curfew in Al-Jeneina and Nyala.

On 2 January, several thousands displaced persons living around Mornay town were allegedly attacked by the Janjawid and government soldiers. The displaced reportedly left Mornay to Al-Jeneina, some 85 kilometres away. Other villages and towns in the area of Al-Jeneina were reportedly attacked in the same period, including Mestero, Beida, Habila. Al-Jeneina is reportedly surrounded by military outposts, and those newly displaced are allegedly not allowed to enter the city.

On 15 January, the local authorities in Nyala reportedly closed camps where persons internally displaced by the conflict were living around the town, after attempting to forcibly move them to other camps situated some 20 kilometres away from the town²⁶. These other camps are reported to be situated in areas unsafe because of the ongoing fighting and this would be the reason why the displaced did not want to be relocated there, fearing for their own safety. Moreover, these new camps are reported to be less accessible to humanitarian agencies present in Nyala and to be ill-equipped in water, food, shelter and latrines to host

²³ "Workers in Sudan aid convoy killed", BBC online, 28 October 2003

²⁴ "Uncertainty surrounding Darfur abductions", IRIN, 25 November 2003

²⁵ "The escalating crisis in Darfur", IRIN, 31 December 2003

²⁶ MSF concerned for displaced following forced closure of camps by Sudanese authorities, MSF, 15 January 2004

people. The forcible relocation of displaced people contravenes the provisions of international humanitarian law.

The UN is advocating a humanitarian ceasefire agreement for Darfur which could protect humanitarian workers and bring critical aid to the victims of the conflict.

5. International human rights and humanitarian law

International human rights law considers extrajudicial executions and other unlawful killings to be gross violations of human rights. Sudan has ratified numerous international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights (African Charter) which guarantee the right to life and prohibit unlawful killings, torture and ill-treatment. According to the ICCPR, these rights are non-derogable and must always be protected. No exceptional circumstances whatsoever, whether a state of war or state of emergency, may be invoked by a government as a justification for violating these rights. Similarly, the African Charter does not allow states to derogate from their treaty obligations even during states of emergency.

International humanitarian law, which includes the Geneva Conventions of 1949 to which Sudan is a state party, governs the conduct of hostilities and provides certain protections for civilians and those taking no active part in hostilities. Common Article 3 to the four Geneva Conventions, applies "in the case of armed conflict not of an international character" and to "each Party to the 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 or who are otherwise *hors de combat*. It requires such persons to be treated humanely, explicitly prohibiting "violence to life and person, in particular murder of all kinds" and the carrying out of executions without certain judicial guarantees. The destruction and looting of civilian property and means of livelihoods are forbidden by the Geneva Conventions.

Parties to an armed conflict are bound to respect international humanitarian law. They will be responsible for violations of this law by their own armed forces. In particular, armed political groups and militia are bound to respect international humanitarian law. Governments' regular armed forces are bound to respect both international human rights and humanitarian law. Moreover, States will also be responsible for violations of international human rights and humanitarian law by other forces that are under their control and authority.

Customary international law codified in *Article 13 (2)* of the Additional Protocol II to the Geneva Conventions (15) generally provides that the civilian population as well as individual civilians shall enjoy protection against the dangers arising from military operations. It prohibits making civilians as such the object of direct attacks, and acts or threats of violence; the primary purpose of which is to spread terror among the civilian population. In

addition, Article 13, by inference, protects civilians from indiscriminate or disproportionate attacks. (16) Civilian status is lost only where the person takes an active part in hostilities, not merely on the basis of support or affiliation.

The Rome Statute of the International Criminal Court includes a list of war crimes (when committed in internal armed conflict) in its jurisdiction. These war crimes include *inter alia*: murder of all kinds, mutilation, cruel treatment, torture and hostage taking, committed against those who take no active part in the conflict, intentionally directing attacks against the civilian population or civilian objects. Additionally, it defines as war crimes "Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated" and "Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives". The international community, through the Rome Statute and other mechanisms, has affirmed that individuals can be held criminally responsible for war crimes.

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

In the context of the conflict in Darfur, Sudanese forces and armed opposition groups must be guided by both human rights and humanitarian law standards. The obligation to protect civilians also means that all parties to the conflict have an obligation to ensure that they are not forced away from their homes.

A government that is responsible for or condones the large-scale internal displacement of its own citizens violates its obligations under the Charter of the United Nations which requires all Member States of the United Nations to "*promote universal respect for and observance of, human rights and fundamental freedoms for all*" (Articles 55 and 56). The rights of those displaced include the whole set of rights enshrined in the Universal Declaration of Human Rights. The norms protecting freedom of movement in Article 12 (1) of the International Covenant on Civil and Political Rights, to which Sudan is a party, point to a general protection against being displaced.

When forcible displacement is committed on a systematic basis or large scale, or, as confirmed in Article 7 of the Rome Statute, when it is committed as part of a widespread or systematic attack directed against any civilian population, it is a crime against humanity.

Those who have been internally displaced remain protected by the laws of their own country and the Government of Sudan would have the primary responsibility for assisting and protecting them. Under human rights law, which remains relevant in all cases of internal displacement, those displaced are entitled to enjoy, in full equality, the same fundamental human rights under domestic and international law as any other Sudanese citizen.

The displaced in Sudan are also protected by international humanitarian law. Article 3, common to the four 1949 Geneva Conventions, is the cornerstone for the protection of civilians, including the internally displaced, and is also applicable to situations of non-international conflicts²⁷. It prohibits "*at any time and in any place whatsoever*" certain acts including violence to life and person, in particular, murder of all kinds, mutilation, cruel treatment and torture, the taking of hostages and humiliating and degrading treatment and summary executions as some of the enumerated grounds. It is important to note that the obligatory provisions of Common Article 3's minimum rules expressly bind both parties to a conflict.

In addition to the prohibition on the Government of Sudan not to arbitrarily displace people there are also obligations flowing from humanitarian law not to harm civilians, including internally displaced persons.

Article 4 of Additional Protocol II to the Geneva Conventions provides fundamental, non derogable guarantees for humane treatment which are relevant to the internally displaced and other victims of the internal conflict in Sudan. It absolutely prohibits a number of abuses of which there is abundant evidence in this conflict.

Sudan has an obligation under the treaties it has ratified and under customary law to protect the rights of everyone in its territory. The active involvement of government forces in human rights violations is not only a failure to fulfil these obligations but also a total disregard for the international treaties it has ratified.

6. Conclusion

Civilians in Darfur are suffering tremendously. When asked by Amnesty International what would alleviate their suffering, this is what some said:

"The conflict is now between the government and the civilians. But people are simple, they have nothing, they are killed without having arms. The problem is that the people are told to go away. *There are too many people killed for no reason*. We are asking the government and the SLA to find another solution, without war for the people and we need development."

"Before there was a conflict between the farmers and the nomads. As the government is now giving arms to the Arabs, these commit mistakes. The local population cannot accept that. Even the Arab children have got arms. We need the international community to see what

²⁷ Common Article 3 automatically applies: "*In the case of armed conflict... each Party to the conflict shall be bound to apply...*". It extends protection to "*persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors des combat by sickness, wounds, detention or any other cause...*".

is happening in Darfur and we need justice for the victims. Also we need freedom, freedom to move, freedom to think, freedom to speak.”

The grave human rights abuses described in this report cannot be ignored any longer, nor justified or excused by a context of armed conflict. The Sudanese government must acknowledge openly the extent of the human rights and humanitarian crisis in Darfur and take immediate steps to end it. It must not allow Sudan to sink into another civil war where atrocities are being committed against civilians like in southern Sudan. It must show to the international community that its professed commitment to peace and human rights in the Sudan peace talks is a reality.

Leaders of armed political groups must also take every step possible to respect the human rights of civilians in Darfur and publicly state their commitment to respect international humanitarian law at all times.

7. Recommendations

To the Sudanese government:

- Publicly condemn all instances of grave abuses of human rights and international humanitarian law committed by its armed forces and militia aligned to them; and set up independent and impartial investigations into all such reported cases;
- Take immediate measures to give adequate protection to civilians in Darfur against deliberate and indiscriminate attacks;
- Ensure that humanitarian organizations have unrestricted and secure access to the whole Darfur region and to all victims of the conflict, including internally displaced persons;
- Cease all support and supplies to any irregular armed forces, including Arab militia and the Janjawid, or establish clear chain of command control over them, giving clear instructions that abuses of human rights and humanitarian law will not be tolerated and making them accountable to these instructions;
- Allow the establishment of a human rights monitoring component in any ceasefire monitoring force in the region which can investigate freely attacks on civilians;
- Agree to an international Commission of Inquiry into the complex human rights crisis in Darfur, which should report publicly and make recommendations to ensure the protection of human rights in the region, in accordance with international human rights and humanitarian law, and which should be implemented immediately;
- Provide or facilitate the provision of information on all persons abducted by the Janjawid and all persons arbitrarily detained by the Sudanese security forces in connection with the conflict;
- Put an end to arbitrary arrests and incommunicado detentions, and release immediately persons detained solely for the peaceful expression of their opinions;

- Charge political prisoners with a recognizably criminal offence and bring them to justice, according to all international standards of fairness and without the application of the death penalty or other cruel, inhumane or degrading punishments, or release them;
- Suspend immediately, pending investigations, any member of the Sudanese armed forces suspected of having committed or ordered human rights violations;
- Promptly and independently investigate all reports of abuses of international human rights and humanitarian law in Darfur by members of its armed forces, of the Janjawid, or any other government-aligned militia and bring to justice any suspected perpetrator in trials which respect international standards of fairness;
- Organize full reparation, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition for the relatives of civilians unlawfully killed or disappeared in the context of the conflict and for the victims of torture, including rape, and other human rights abuses;
- Ratify and implement without delay the Additional Protocols I and II of the 1949 Geneva Conventions.

To the armed groups in Darfur, including the SLA, the JEM and the Janjawid and 'Arab' militia:

- Publicly commit 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 such abuses might recur;
- Publicly commit to ensure safe and unrestricted access to humanitarian organizations and international human rights monitors in all areas of Darfur.

To the Chadian authorities

- Ensure the security of the 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 in Chad before the rainy season starts in May 2004;
- Ensure that all Sudanese refugees have access to Chadian territory and that no Sudanese refugees will be forced to return to areas where they would be at risk of human rights abuses;
- Give particular 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 torture, including rape and address the education needs of refugee children;
- Publicly condemn instances of grave human rights abuses committed by any party in Darfur which come to their attention;

- Address human rights abuses against civilians and the humanitarian conditions of the Darfur population as a priority in any talks with the Sudanese government or armed opposition groups in Darfur.

To the UNHCR

- Increase efforts to, together with the government of Chad, relocate all refugees to safer areas away from the border in Chad before the rainy season starts in May 2004;
- Contribute to ensure that all Sudanese refugees have access to protection in Chad and are not returned to areas where they would be at risk of human rights abuses;
- Give particular 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 torture, including rape; address the education needs of refugee children.

To the United Nations

- Push for unimpeded humanitarian access by United Nations agencies and other aid organisations to all displaced and civilians affected by the conflict in all areas of Darfur;
- Publicly condemn instances of grave human rights abuses committed by any party in Darfur which come to their attention and address such concerns to the parties to the conflict;
- Ensure that human rights form a central part of any mediation or talks aimed at resolving the conflict. Such mediation or talks should include addressing past abuses, providing victims with redress, and the protection of human rights in the future. Ways to address the humanitarian crisis in Darfur must also be incorporated in such talks.
- Support the establishment of a human rights monitoring team in Darfur which could investigate freely attacks against civilians by any party and report publicly on its findings;
- Support the establishment of an independent and impartial Commission of Inquiry into the complex human rights crisis in Darfur.

To the mediators of the Sudan peace talks, including the US, UK, Norway, Italy and Kenya and countries acting as donors in Sudan, such as the European Union and Canada:

- Publicly condemn instances of grave abuses of international human rights and humanitarian law committed by any party in Darfur which come to their attention;
- Encourage all parties to the conflict in Darfur to end the abuses of human rights and humanitarian law in the region;

- Encourage all parties in Darfur to agree on a mechanism to protect civilians from human rights abuses in Darfur;
- Ensure that human rights form a central part of any mediation or talks aimed at resolving the conflict. Such mediation or talks should include addressing past abuses, providing victims with redress, and the protection of human rights in the future. Ways to address the humanitarian crisis in Darfur must also be incorporated in such talks;
- Support the establishment of a human rights monitoring team in Darfur which could investigate freely attacks against civilians by any party and report publicly on its findings;
- Support the establishment of an independent and impartial Commission of Inquiry into the complex human rights crisis in Darfur;
- Ensure that a final agreement to resolve the civil war in the South will also include human rights guarantees and a strong human rights monitoring mechanism for all areas of Sudan, including Darfur;
- In accordance with the principles of international responsibility- and burden-sharing, provide all necessary assistance to the Chadian authorities and to those agencies providing protection and assistance to refugees in Chad and internally displaced persons in Darfur.

To the African Union

- Publicly condemn instances of grave abuses of international human rights and humanitarian law committed by any party in Darfur which come to their attention;
- Encourage the Sudanese government to respect at all times the internationally recognized human rights of the Sudanese people;
- Ensure that human rights form a central part of any mediation or talks aimed at resolving the conflict. Such mediation or talks should include addressing past abuses, providing victims with redress, and the protection of human rights in the future. Ways to address the humanitarian crisis in Darfur must also be incorporated in such talks;
- Support the establishment of a human rights monitoring team in Darfur which could investigate freely attacks against civilians by any party and report publicly on their findings;
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