

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	139
Land:	Sudan
Kilde:	Amnesty International
Titel:	"Crying out for safety"
Udgivet:	10. november 2006
Optaget på baggrundsmaterialet:	2007

[Previous](#)

Sudan

Crying out for safety

1. Introduction

The people of Darfur are crying out for security. Thousands of civilians have been killed, tortured and raped, and hundreds of thousands have been forcibly displaced since 2003. Even as the government of Sudan resists the deployment of international peacekeepers in Darfur, it has launched a new military offensive in the region. Civilians are being killed in aerial bombardments and ground attacks by government forces and Janjawid militia.

The government of Sudan has recently launched a major military offensive, the scale of which Darfur has not witnessed for over a year. The Darfur Peace Agreement of May 2006 was supposed to herald a new era of peace. Instead it has opened up a new conflict, pitting the government and its allies against the non-signatories. Signed by only the government of Sudan, one faction of the opposition Sudan Liberation Army (SLA) led by Minni Minawi, and a few individual commanders from other factions, it was not signed by key opposition groups and factions.

Civilians throughout Darfur now face the threat of new attacks. Those most at risk are mainly in North Darfur, but government and Janjawid attacks are also reported in West and South Darfur. In the areas where fighting is taking place, familiar patterns of the Darfur conflict are being seen again: civilians being killed or injured in targeted attacks, and the fear of attack triggering new displacements.

In violation of international humanitarian law principles, attacks by the government make little or no distinction between combatants and civilians. Civilians are also often specifically targeted on the basis of their association with the non-signatory groups. The armed opposition groups sometimes fail to distinguish themselves from the civilian population. Attacks such as the aerial bombardment of civilians generally demonstrate disproportionate and indiscriminate use of force, and often intentionally target civilians. The increased insecurity has resulted in the total withdrawal of humanitarian aid in some areas. If the fighting spreads, the entire Darfur aid operation is under threat.

In large parts of West Darfur, the Janjawid have almost complete control and are gradually occupying the land which was depopulated by the scorched earth campaign in 2003 and 2004. Hundreds of thousands of people – most of the original population – now live in camps for internally displaced persons (IDPs) or in refugee camps across the border in Chad. The Janjawid presence threatens attack on any IDP movement outside of the camps, making venturing outside extremely difficult and any return of the displaced to their homes impossible. The displaced are effectively imprisoned inside the camps. Even within them, the Janjawid commit killings, rapes, beatings and theft. Rape is a near certainty for women caught outside the camps, and women are sometimes abducted and enslaved in Janjawid households. Men venturing outside the camps are often beaten, tortured or killed.

In eastern Chad, directly across the border from West Darfur, attacks reminiscent of the first wave of Darfur's scorched earth campaign continue unopposed. Amnesty International has documented the cross-border attacks since late 2005, in which the Janjawid have killed and driven from their homes thousands of civilians, targeted according to their ethnicity, and looted whole communities' wealth.⁽¹⁾ Amnesty International warned that the attacks would have wider regional repercussions. As predicted, the targeted populations have begun arming themselves. They have been aided in this by the alliance with some of the DPA non-signatory groups who actively recruit and train soldiers from the targeted population. Conflict in this lawless region could spread further along the Chadian border and potentially into the Central African Republic, where emergent armed groups are reported to have established links with pro-Sudanese government armed groups based in Darfur. The unarmed and unprotected civilians will pay the price for the continuing neglect of this region.

Darfur stands at the brink of chaos. To avert disaster, the government of Sudan must allow UN peacekeepers into Darfur and the African Union peacekeeping force (African Union Mission in Sudan, AMIS) must be bolstered until a handover to the UN is possible. Regular and irregular forces under Sudanese government control must stop indiscriminate attacks, as well as deliberate attacks, on civilians – both are crimes under international law.

Amnesty International is calling on members of the UN Security Council and the African Union to develop a common united position to secure the consent of Sudan to the deployment of UN peacekeepers, and to bolster AMIS in the interim.

What Darfuris want above all else is security: a halt to the fighting, the disarmament of the Janjawid, and, if these conditions are met, to return in safety to their homes. The international community has promised the people of Darfur much but now is the time for action. Effective peacekeeping must be brought to Darfur.

2. Background to the current fighting

Recent decades in Darfur have seen ties grow between certain Arab tribes and the government, as the government's interests in Darfur evolved into a general opposition to the larger and dominant African tribes: the Fur, Masalit and Zaghawa. When conflict in Darfur began in earnest in 2003, the government of Sudan created a proxy militia, now known as the Janjawid, as it had done previously in the armed conflict in South Sudan. This augmented its strength and distanced it from direct implication in some of the conduct of hostilities that constituted war crimes and crimes against humanity. It is widely held by Darfuris that the government secretly agreed with the Arab tribes that would form the majority of the Janjawid that their key demand – land tenure and increased access to natural resources such as water and pasture land – would be met. Land in Darfur was apportioned according to the traditional land ownership system, which disadvantaged some of the Arab tribes that held no land of their own. This system did though offer a workable symbiosis between the largely sedentary African communities and the more nomadic Arabs. However, in recent decades, increasing desertification, the migration of Arabs to Darfur from eastern Chad, the increased arms flow to the region, an Arab supremacist ideology, and disruptive central government policies have

imperilled the region's stability.

In February 2003 the SLA, composed mainly of members of the Fur, Masalit and Zaghawa ethnic groups, began attacking government positions. The SLA said it was protesting at government failures to protect villagers from the Janjawid and at the underdevelopment and marginalization of the region. The Justice and Equality Movement emerged soon after for similar reasons. In response to the SLA's serious military threat, the government initiated a scorched earth campaign. This strategy, utilized at the beginning of the conflict, served dual purposes. Militarily, it struck at the support base of the Darfur rebellion, displacing the African tribes that were seen to support the armed opposition, and destroying the local economy. However, it also cleared the land, potentially for eventual resettlement by the Janjawid. Other smaller tribes, many of them African but similarly disadvantaged by the traditional land and administrative system, have over time joined the Janjawid.

The issue of land ownership and occupation has become more complicated as the conflict has evolved. Currently there are a variety of ways of asserting ownership over occupied land in Darfur. No overarching strategy for the occupation is evident. Rather, in each area where the Janjawid have power and ambitions for land or resource ownership, a region-specific strategy is employed. While Janjawid control is nearly complete in large areas of West Darfur, in other parts of Darfur this is not the case and more specific localized dynamics are determining who controls the land.

After the signing of the Darfur Peace Agreement, the non-signatory groups formed an umbrella alliance, the National Redemption Front (NRF), in late June 2006. Its membership included the SLA Group of 19 faction, the Justice and Equality Movement, and the Sudan Federal Democratic Alliance. This left only the SLA faction led by Minni Minawi and a handful of other commanders as signatories to the agreement, and thereby new allies of the government.

The NRF represents a substantial portion of the fighting forces on the ground. However, the African Union, the Sudanese government and other international "partners" in the Darfur Peace Agreement have not recognized as legitimate the abstention of its constituent groups from the agreement. The NRF's demands centre on a share of political power and representation in various government bodies proportionate to Darfur's population as percentage of Sudan's total population. On the basis that the Darfur Peace Agreement must stand as it is, and is not open for further negotiation, the NRF is left only the option of recanting its demands and signing up to the original agreement. Efforts at implementing the agreement, which requires the participation of all the armed groups, continue despite the exclusion of the NRF. The NRF, which cannot participate in the implementation but also has no option for further negotiations, is caught in limbo. In response, the non-signatories have elected to keep fighting.

The exclusion of the NRF was recently extended further to apply to ceasefire mechanisms set up before the Darfur Peace Agreement. On 16 August 2006 the African Union explained that the Sudanese government had declared that the NRF was a terrorist organization and that it could no longer guarantee the security of its representatives on the Ceasefire Commission and Joint Commission, the key bodies overseeing previous ceasefire agreements in Darfur.(2) After consultation with its international partners, the African Union expelled the non-signatories from both bodies, effectively ending the participation of the NRF in the pre-existing ceasefire agreements.

3. Indiscriminate and targeted attacks on civilians: the military solution

As the government of Sudan stood in defiance of the collective decision of the Security Council to send peacekeepers to Darfur, it put forward its own solution. The "Plan of the Government of the Sudan for the Restoration of Stability and Protection of Civilians in Darfur" proposed that the Sudanese government provide peacekeeping, rather than the UN or the African Union.(3) Simultaneously, the government appeared to be preparing another solution to the peacekeeping problems in Darfur: a military solution.

The government launched a major offensive against the NRF in late August 2006, mainly in North Darfur, but also in areas of West and South Darfur.(4) Ground troop movements, including the Janjawid, are reportedly coordinated with the Minawi faction, which has also participated in the ground attacks. The majority of the NRF military forces, especially in North Darfur, are SLA forces. The NRF is sometimes located in close proximity to the civilian population, and some of its troops and support base are drawn from the civilian population currently under attack. Some NRF troops are sometimes not solely fighters but alternate between civilian and military roles. The offensive has brought a return to aerial bombardment and Janjawid attacks on civilians. Some attacks appear aimed at NRF positions but completely fail to distinguish between civilians and military targets and/or take necessary precautions to spare civilians. Others, especially aerial bombardments and some Janjawid attacks, solely target civilians.

In North Darfur, an aerial bombardment by Antonov planes on 28 August 2006 forced civilians to flee Kulkul and the surrounding villages. A ground offensive followed. Sayah, another town in North Darfur, reportedly also came under heavy aerial bombardment during this time, and the Janjawid attacked the villages of Um Dereisa and Wadi Sikin near Kulkul.

On 31 August 2006 civilians were reported to have been killed and abducted when government and Janjawid forces attacked and captured Um Sidr. Women were among those abducted. At least three people were killed in another attack on Hashaba, about 100km north of al-Fasher, on 1 September. On 5 September army and Janjawid troops reportedly abducted and abused three women and two girls in Tarmekera, near Kulkul.

In early September 2006 government, Janjawid and Minawi forces began attacking areas near Jebel Marra on the border between North and South Darfur. Villages broadly between the areas of Thabit and Korma were bombed or subjected to ground forces attacks. Sources on the ground reported nearly constant Antonov bomber over flights and bombings of the area, even at night. Civilians – including children – were killed and women were abducted. Livestock and other possessions were looted.

The death toll from the current offensive is as yet unclear, as no outsiders can access areas currently under attack. According to the previous population figures for the areas now deserted, displacement must be in the tens of thousands. The displaced are reportedly choosing flight to SLA-controlled Jebel Marra or to nearby villages or unpopulated areas, rather than to established IDP camps in al-Fasher. Newly displaced people reportedly fear harassment by the government in the areas

where IDP camps are established.

Attacks in Korma by the Minawi faction

Attacks by the Minawi faction in the Korma area replicated the tactics of the Janjawid. Attacks on civilians occurred in the Korma region, 70km north-west of al-Fasher, the capital of North Darfur, between 4 and 8 July 2006. Over 70 people were killed, 103 injured and dozens raped in villages around Korma town in the "liberated areas" of North Darfur long controlled by the SLA.⁽⁵⁾ These areas were home to significant numbers of civilians who had returned following earlier attacks, secure in the SLA's protection. The vast majority subsequently fled the area, leaving it nearly deserted.

The Minawi faction, which receives government support, said the SLA groups controlling Korma and its civilian population were "spoilers" of the Darfur Peace Agreement. The attacks were justified as a means of clearing the region of "spoilers" and thereby aiding implementation of the agreement.

4. Captive in the camps

The vast majority of the original residents of large areas of West Darfur, the Masalit, were targeted by the Janjawid attacks at the beginning of the conflict in 2003 and 2004. The Janjawid now have almost absolute control of large areas of West Darfur, where they drove hundreds of thousands of people from their homes. The displaced fled either to Chad or to the nearest urban centres, which quickly developed into massive IDP camps.

The land abandoned did not remain vacant. The Janjawid utilized the land of the displaced for their livestock, passing through villages, making use of the untended water points, taking what was left of the agricultural produce, and attacking any of the original inhabitants who attempted to return – effectively occupying the land. The displaced in the IDP camps in West Darfur and the refugee camps in Chad not only await an end to the fighting in order to return home, but also an end to the occupation of their land. Until the Janjawid are disarmed and have vacated their land, they cannot return.

A large part of the civilian population is now effectively imprisoned within IDP camps. The camps have not been the targets of outright large-scale attacks, but their inhabitants cannot venture outside them or even find safety within them. Rape is reported to be widespread and commonplace – a near certainty for women caught outside the camps. Men who leave the camps are often beaten and tortured, sometimes killed. Even inside the camps, Janjawid and other armed attackers routinely kill, beat and rape residents and steal their belongings.

"The Janjawid drove us out of our houses. They are still there, waiting for us in the khor [a small depression created by a seasonal watercourse]. If a man goes to the field, he would be beaten by them. If it was a woman...they would do everything to women."

A Masalit man from Tomfoga, West Darfur.

"The Janjawid attacked the outskirts of the camp, killing men, raping women and stealing goods. They use camels and are in khaki uniforms. Shortly before I left the Habila camp, I was told, along with other women: 'If you leave the camp, we will kill you'. The Janjawid are at the camp entrance and the army is inside. Those IDPs that can afford to leave the camp do so... But the only way to escape is by night. During the day the Janjawid can find you."

A 24-year-old Masalit woman, who fled an attack on Tullus village, south-west of Beida, West Darfur, in 2004.

Displaced people who had fled camps in West Darfur, including those in Mornei, Habila and Beida, said that Janjawid prowled the peripheries of the camps, preying on people forced to venture out in search of firewood and other essential items.

"The Janjawid are in khaki uniforms, and use cars and horses when attacking the IDPs outside the camps. They attack women who collect the wood and often rape them. Although women complained [to Sudanese security forces] at the camp entrance, no steps were taken to stop these attacks outside the camps. Many women have been raped."

A 25-year-old Masalit woman, from Tullus village, south-west of Beida, West Darfur.

The Janjawid use their control of the camp occupants to assert their ownership of territory and the livestock in it.

"In October 2004 I went to a wadi [seasonal watercourse] with another villager [a man named Gandme, aged about 50] and our cattle. We came across a group of many Janjawid who beat me with rifle butts, breaking my right leg and left arm. Gandme was shot dead. The Janjawid told me: 'You are a Nuba woman, daughter of a whore. You have no right to these cattle and they do not belong to you'. They took away my cattle (seven cows and goats) and Gandme's cattle."

A Masalit woman aged in her fifties, originally from the village of Hajilija near Arara, in West Darfur.

Enslavement of women, though less usual than rape, is also a threat. Numerous women who had fled the IDP camps in Darfur told Amnesty International that the Janjawid took women to serve in their households and to be "used" at will. Women survivors rarely describe in detail their enforced servitude in Janjawid households, but the abuses against them are widely understood to include rape. To avoid such dangers, women try to leave the IDP camps only under the cover of darkness, generally in the early hours, and to return before sunrise. Staying out longer has serious consequences.

"One day at around 6am, when I was out too late collecting wood, three Janjawid came. They were wearing khaki, armed with guns and whips. They said to me 'Come and stay with us'. They meant that I would be theirs, like a slave to them. I refused and then they started to beat me, but I fought back. For three hours they fought with me and threatened me. I was whipped often [indicating a mark on her right arm], and they beat me with their gun butts all over my body. Finally, a group of women hearing the noise came running from nearby to help. The oldest Janjawid then said to the others 'Leave her'. I think it was too much trouble for them. Ever since the attack I get dizzy during the hot parts of the day. I know this is from the blows to my head."

A 30-year-old Masalit woman from Kunjulteh, south of Misteriah, West Darfur.

Women still brave the trip, despite the dangers, because men, having no value as slaves or rape victims, are more likely to be killed.

"The situation in the IDP camp in Habila was very bad. People who left the camp to search for wood were attacked. Men were killed and women were often raped on the spot. The Janjawid killed 18 men who had left the camp. Four of them were shot and the others were beaten to death. I left Habila because, two months before crossing into Chad, as I was leaving the camp to fetch wood, I was warned by the Janjawid: 'When the wadi is full, we will drown you there'."

A 40-year-old Masalit woman from Tullus village, south-west of Beida, West Darfur.

Men consider themselves lucky if they are caught by the Janjawid and not killed, even though many are beaten and tortured.

"I went outside the IDP camp one day, only about 15 minutes' walk from the perimeter, to collect some things to build a rakuba [a type of shelter]. It was close enough to the camp that I thought I could leave safely in the evening. I collected most of the things I needed and brought them back, but I left some behind. The next day at around 7am I went to get the rest. On my way there, three men wearing different kinds of clothes – some khaki, some normal – yelled over to me, 'Come here!' They were armed with whips. When I got closer they took the axe I had with me to cut down trees for the rakuba and my water. After that they beat me. I was beaten three times on my back and told 'Go back, you are not allowed out here'."

A Masalit man aged 33 from Neuah, near Habila, West Darfur.

"The Janjawid caught me. They tied me up. They were wearing khaki and carrying Kalashnikovs. They were riding camels and horses. They looted cattle from the people. I was forced to water the cattle. I was also made to kill a goat. After that, they tied my hands up and pulled me along behind a camel. I was like a slave. They then put a large rock on me and left me. Some women found me and released me. They took me by donkey to the village of Habila and from there to the hospital where I was treated. I still suffer pain."

A Masalit man from Neuah, near Habila, West Darfur.

Janjawid troops are reported to have subjected both men and women to other forms of sexual violence, as well as rape, to degrade and humiliate them.

"Sometimes we go to collect grass, to sell in the market to buy things we need for our children. They [the Janjawid] send two people, and the rest of them set up an ambush. They stop their car in a khor or a hill. Some of them act as guards. The two people then approach us and, when we see them, we run. Some of us succeed in getting away, and some are caught and taken to be raped – gang-raped. Maybe around 20 men rape one woman... Last time a number of women got caught and I do not know what was done to them – we ran."

"But for the men, they put saddles on their backs when they catch them – just like donkeys. My brother was one of them. They put the saddle on his back and fastened it tightly under his belly. They put something in his behind to make it look like he had a tail. They pulled his testicles out for all to see... We found him and took him for treatment to Al-Genaina hospital..."

"These things are normal for us here in Darfur. These things happen all the time. I have seen rapes too. It does not matter who sees them raping the women – they don't care. They rape women in front of their mothers and fathers."

A Masalit woman aged 35 from Habila, West Darfur.

5. The threat of new forces in Chad

Unarmed and unprotected civilians will pay the price for the continuing neglect of the lawless border region and the resulting emergence of new armed groups. In eastern Chad, directly across the border from West Darfur attacks by Janjawid continue unopposed. Since late 2005, the Janjawid have targeted, killed and forcibly displaced civilians on the basis of their ethnic origin. The attackers have carried out mass killings of civilians, looted the wealth of whole communities, and forced thousands to flee the border region.

The massive displacement of people has depopulated a vast strip of eastern Chad along the border with Sudan. While many people have moved away from the border to urban areas such as Goz Beida, others have been unable or unwilling to move far from their homes and are still under immediate threat of attack. Cross-border attacks by the Janjawid continued in August, although at a lower level because of the physical obstructions of the rainy season. Displaced people in the areas south of Adre told Amnesty International that Janjawid were still moving throughout the area, ranging further into Chad in search of new wealth to steal.

Amnesty International is concerned that attacks will resume in force at the end of the rainy season in late October, when traditionally fighting resumes in the region, triggering further civilian displacements. Unless opposed, the Janjawid are likely to follow the pattern of their attacks in Darfur, seeking out areas not yet exhausted of their wealth.

Since Chadian armed opposition groups based in West Darfur and supported by Sudan have become more active, Chad has been increasingly involved in the Darfur conflict. From late 2005 it has openly hosted and sometimes aided Darfuri armed opposition groups in retaliation for Sudan's increased support of the Chadian armed opposition.

To date this has been war by proxy, but the developments in south-eastern Chad, with large parts of the Chadian population drawn into the conflict, represents a new level of involvement. Amnesty International warned of the regional repercussions if the Janjawid were not checked. As a result of these attacks, the region's civilian population, previously largely removed from the Darfur conflict, is being drawn into active participation in it. Conscious of the role ethnicity has played in the targeting of certain communities in Chad, increasingly they see a common cause with the Darfuri armed opposition groups that ignores the nominal international border between Chad and Darfur. There are now some members of the NRF with recruitment and training facilities in south-eastern Chad, and the flow of small arms into the region has increased. In Goz Beida, capital of Dar Silah region, members of the tribes most affected by the Janjawid attacks – most of them from the Dajo community – have begun to be recruited, armed and trained.

The implication of these developments will become apparent after the rainy season, when traditionally fighting resumes in the

region. Ethnic polarization is on the rise, and the victims of the previous Janjawid attacks, no longer unarmed, may retaliate against other Chadian ethnic groups who aligned themselves with the Janjawid during these attacks. The NRF is threatened with expulsion from Chad, under the terms of a new agreement between Sudan and Chad to normalize diplomatic relations of 28 August 2006, but the damage is already done.(6)

The recruitment and training is ostensibly to enable local people to defend themselves. However, recruits are likely to be used in attacks across the border into Darfur as well. The training camps risk attracting reprisal attacks to the civilian population, and the refugee camps, and IDP settlements. To date, attacks by the Janjawid have been limited to the border areas, and Chadian armed opposition groups have focused on Chadian government targets. Future attacks by either force may expand to target IDP settlements or refugee camps and push further into Chad if the Sudanese government estimates that civilians support the armed groups and pose a significant threat.

The Chadian authorities have taken no steps to protect civilians. Rather, their unwillingness or incapacity to deploy troops in response to the killing and displacement of Chadian civilians in part contributed to the continuation of the Janjawid attacks.

There is also the risk of conflict spreading along the Chadian border and potentially into the Central African Republic. Emergent armed groups in the Central African Republic are reported to have established links with pro-Sudanese government armed groups based in Darfur.

6. Who will protect us?

The Sudanese authorities have the primary responsibility to prevent human rights violations and to bring perpetrators to justice. Yet the government has done nothing to halt the Janjawid attacks on communities in Darfur or in Chad, and is itself often the perpetrator of attacks.

The Sudanese police, as agents of the state, are unable or unwilling to take action in response to reports of crimes by the Janjawid in and around the IDP camps. Even where individual attackers have been identifiable, only superficial steps to open case files have been taken but no effective investigation or concrete steps to bring to justice those responsible have been carried out. Police officers are reported as protesting that they have no power to take on the Janjawid, and that orders from above prevent them from taking effective action. However, refugees and IDPs told Amnesty International that members of the Janjawid had been incorporated into the police force in some cases, and that police officers were sometimes implicated in Janjawid crimes.

"The same day I went to see the police [to report a beating and attempted rape by the Janjawid] and they took me to the hospital. I filed a complaint, and told the police about the men. The police said they knew them and would get them. Two weeks later I was in the market and saw the same Janjawid who had beaten me. I told the police, and they went and arrested them. They took me to the police station to get more information and I do not know where they took the Janjawid. I do not know what happened to them. But seven days later I again saw the same Janjawid in the market and I went again to the police. This time the police only said 'They have more power than us. We cannot do anything about this'. After that I decided that I had to leave. I travelled to Chad via Goungour, getting money from my husband's relatives."

A Masalit women aged 30, from Kunjulteh, south of Misteriah, West Darfur.

African Union Mission in Sudan (AMIS)

Darfuris interviewed by Amnesty International have lost faith in the ability of AMIS to protect them; whether inside or around the IDP camps, during ongoing fighting in Darfur or across the border in Chad. They have seen minimal action in response to attacks on communities, and investigations after the attacks provide little comfort when they yield no improvement to the situation. Neither has AMIS been able to stop killings, rapes and other human rights violations within and around the camps for the displaced, simply forwarding IDP complaints of abuses to the Sudanese police. In eastern Chad, it has only a limited presence and is mandated to investigate issues involving the refugee camps only – not cross-border or other attacks on civilians. On the Sudanese side of the border, it has been unable to prevent cross-border attacks.

The perception of inefficacy arises from misunderstandings about the restrictions of the AMIS mandate and problems of capacity. AMIS faces a myriad of obstacles in discharging its duties in terms of capacity. It is subject to government curfew, is often outgunned, lacks vital equipment, and is plagued by internal command and control deficiencies. Problems of funding, logistics, communications, staffing and intelligence have brought AMIS close to the breaking point.

The limitations of the AMIS mandate, not well understood by the local community, have also contributed to negative perceptions. As an example, in policing the IDP camps, AMIS has no authority to initiate criminal investigations, but can only advise the police and monitor their investigations. IDPs, however, see no point in AMIS recording their complaints and submitting them to the Sudanese police, only for no further action to be taken. They conclude, from the lack of results and the close interaction of AMIS with the police, that AMIS has been co-opted by the government.

"In the morning of that day, at 6am, I entered and told [African Union/AMIS] officers what had happened the previous day [when IDPs rioted and clashed with police over the manipulation of government controlled food distribution]. I told them how the police came to my house, how I fled and how they battered my wife and arrested her. I also told them that they broke [a relative]'s hand and leg. The AU officers had some tea and then took us to the police station. There, they had coffee with the police and then they left. I was put in police custody. I was detained for a month and eight days, after which I was instructed to report back. I was reporting every morning and every evening... I decided to stop this torture. I decided to travel and seek asylum. After nine months I arrived here [in Gaga refugee camp, Chad]."

A 39-year-old Masalit man, from Ashtwara, West Darfur.

Generally Darfuris explained that, where AMIS was stationed, its presence prevented direct attacks and criminal acts in its direct sight. However, if Janjawid attackers were not caught in the act of committing a crime, no action was taken by AMIS or the Sudanese police to investigate or take legal action against them.

"The AU is not present in the IDP camp or in Mornei, but they often come to do errands in the town. When they are present, the Janjawid do not dare to attack. The AU is not interested in the displaced. They do not take any action after we complain. When girls are raped in the neighbourhood of the camp, the AU's only action is to bring the girl back to the camp. They do not carry out any investigation into the event. The UN would do a much better job than the AU. A raped girl comes back to her family, and eventually delivers the baby and raises the child, as infanticide would be haram [forbidden]."

A Masalit woman aged 35, from the village of Tungfuka, West Darfur.

However, AMIS does have the mandate to do more than record complaints in certain instances. It can intervene to protect civilians in Darfur (but not in Chad) who are under imminent threat and in its immediate vicinity. While its presence has helped to deter outright armed attacks by the Janjawid on the IDP camps, Amnesty International did not encounter any Darfuris who could testify to AMIS providing protection during attacks on communities in the rest of Darfur. For the IDPs, the failure of AMIS to have a wider presence, patrolling extensively, and to protect civilians when the opportunity arises, makes a mockery of its presence in Darfur.

"The police do not care. They deal with the Arabs. The AU forces just follow roads while people move through fields and open spaces. The AU forces drive their cars to Tulus, Habila and Barja. If we report to them in the station, sometimes they go to see what is happening, sometimes they do not."

A Masalit man, originally from Tomfoga, West Darfur.

Increasingly AMIS has become the target of attack by armed groups. The Darfur Peace Agreement (DPA) non-signatories regard the AU's position on the DPA as intrinsically biased against them. For them, their ejection in August 2006 from ceasefire monitoring bodies and the reported use of AMIS aircraft in support of government forces was further evidence of an AMIS bias towards the government. Further contributing to this perception, during the attacks by the Minawi faction on Korma, its forces did nothing to intervene, and an AMIS helicopter, partially repainted by the Sudanese forces, was involved in the hostilities. AMIS reportedly justified non-intervention on the basis that its role was to monitor the ceasefire between the government and the armed opposition groups, not fighting between the armed opposition groups themselves. During the current military offensive in North Darfur AMIS has reportedly not been present.

AMIS, as the guarantor of the Darfur Peace Agreement, is tied to the government and the Minawi faction as they attempt to implement it. However, as the government and Minawi faction are also actively involved in fighting the NRF, perceptions among the non-signatories and their supporters grow that AMIS is against them.

AMIS was deployed to monitor an effective peace agreement, not to make peace itself, and the situation in Darfur has long since outstripped its limited mandate and capacity. A bolstered AMIS is preferable to the current AMIS force; but it is not the best option. Civilians in Darfur need a new and more effective peacekeeping force, mandated and given the capacity to meet the challenges that Darfur now poses.

7. The urgent need for effective peacekeeping

The combination of resurgent fighting and the failure of AMIS peacekeepers to protect civilians is pushing Darfur to the brink of chaos. A UN peacekeeping force is the best, and perhaps the last, hope for the people of the region.

The UN Security Council proposed the deployment of such a peacekeeping force, with a mandate to protect civilians by all necessary means, in a resolution on 31 August 2006 (Resolution 1706). The Sudanese government has made clear its opposition to the deployment of UN peacekeeping troops and has threatened to expel AMIS forces should the African Union accede to UN peacekeeping.

The need to address the security concerns in Chad and the Central African Republic was recognized by the Security Council. Resolution 1706 authorized the proposed UN peacekeeping mission in Darfur to establish offices in key locations in Chad, including in IDP and refugee camps, and to monitor cross-border incursions into Chad and the Central African Republic. The French government has suggested options for a peacekeeping or gendarmerie force for the region, but these initiatives are stalled.

The African Union and UN decision to strengthen AMIS with UN support and to extend the mandate until the end of 2006 does not solve the problem of peacekeeping in Darfur. The international community must heed the plea of the people of Darfur and act decisively to protect them. A UN peacekeeping force still remains the last and best option to achieve this.

Recommendations

Amnesty International is calling on the government of Sudan to:

- consent to the deployment of UN peacekeepers in Darfur in accordance with Security Council Resolution 1706
- allow AMIS to continue operating in Darfur until the UN peacekeepers are deployed
- halt all violations of international human rights and humanitarian law in the current military offensive

Amnesty International is urging the armed groups within the National Redemption Front to:

- take all necessary measures to ensure that its forces do not violate international humanitarian law, including the obligation not to locate themselves among the civilian populations of Darfur

Amnesty International is appealing to members of the Security Council and the African Union to:

- develop a common united position to secure the consent of Sudan to the deployment of UN peacekeepers
- reinforce AMIS to enable it to discharge its mandate to protect civilians until a UN mission can take over

(1) Amnesty International, Chad/Sudan: Sowing the seeds of Darfur – Ethnic targeting in Chad by Janjawid militias from Sudan, AI Index: AFR 20/006/2006, June 2006.

(2) AMIS statement on the suspension of the DPA non-signatories from the Darfur Ceasefire Commission and the Joint Commission, 16 August 2006, at http://www.sudaneseonline.com/en/article_851.shtml

(3) The plan was submitted by the government of Sudan in August 2006.

(4) See Amnesty International, "Sudan: Government troop build-up in Darfur signals looming human rights crisis", AI Index: AFR 54/043/2006, 28 August 2006.

(5) See Amnesty International, Sudan: Darfur, Korma – Yet more attacks on civilians, AI Index: AFR 54/026/2006, 31 July 2006.

(6) Diplomatic relations broke down after the government of Chad accused Sudan of backing a failed coup attempt and attack on the Chadian capital, N'Djamena, by armed groups on 12 April 2006.

Previous