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Sudan's New Army of War Criminals

By Akshaya Kumar and Omer Ismail June 2014



enough

The project to end genocide and crimes against humanity

Satellite Sentinel Project

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COVER PHOTO

Members of the Rapid Support Forces celebrate their victory for the cameras while perched atop a burned dwelling in Sudan's South Kordofan state on May 20, 2014. STR/AFP/GETTY IMAGES

Introduction

One decade after Darfur's Janjaweed militiamen earned global infamy as "devils on horseback," Sudan is experiencing brutal violence at their hands once again.¹ The first six months of 2014 have brought devastating death and destruction on par with any time in recent memory, including the period from 2003 to 2005, which is widely considered the height of the genocide in Darfur.² Even Ali al-Za'tari—the usually reserved U.N. humanitarian coordinator in Sudan—is sounding the alarm. Za'tari recently warned, "If instability and increasing want continue without adequate mitigation, [Sudan] will be looking at unprecedented numbers of people in total crises and need in the rest of the year."³

The U.N. Security Council mandated that the Sudanese government disarm its Janjaweed militias a decade ago.⁴ This never happened.⁵ Now, many of those same men are moving across the country on government command, burning civilian areas to the ground, raping women, and displacing non-Arab civilians from their homes.⁶ The joint African Union-U.N. special representative for Darfur, Mohamed Ibn Chambas, has said that this "new wave of displacements and deliberate emptying of certain areas" bear eerie similarities to the situation in the region in 2003.⁷ Unlike the Janjaweed fighters from the past, however, Sudan is not keeping the Rapid Support Forces (RSF) at arm's length. Instead, these fighters boast full government backing and formal immunity from prosecution due to their new status as members of the National Intelligence and Security Services (NISS).⁸

With the advent of the RSF, the Sudanese government's continued support of Janjaweed groups has become much more clear. After spending years trying to distance themselves from these forces of terror,⁹ the regime is not even bothering to deny their association with these war criminals anymore.¹⁰ In fact, Sudanese diplomats have thrown their political capital behind the group and boast that they successfully blocked the U.N. Security Council from issuing a statement criticizing the RSF.¹¹

This report—the product of nine months of Enough Project research and wide consultation—traces the RSF's movements across Sudan and exposes the civilian targeting that has become the hallmark of their activities. By connecting the Sudanese government's own public statements embracing the RSF with evidence from affected communities on the ground, this report lays out the case for the individual criminal responsibility of high-level Sudanese government officials for both the war crimes and crimes against humanity perpetrated by the RSF.

Notably, these forces have not restricted their crimes against humanity to South Kordofan¹² and Darfur.¹³ In fact, their first act was to lethally suppress peaceful protesters during the September 2013 demonstrations in Khartoum.¹⁴ As of late June 2014, RSF troops were still encircling the capital city.¹⁵ Adding a transnational dimension to their impact, these revitalized Janjaweed fighters have also been linked to regional criminal looting and poaching networks in the Central African Republic and the eastern part of the Democratic Republic of the Congo.¹⁶ The Janjaweed emerged in the period between 2003 and 2005 as a sub-regional problem within Sudan's Darfur region. They now threaten both peace and stability in an arc extending across the Sahel and Central Africa.

The same war criminals, new weapons, and formal guarantees of impunity

To breathe new energy into their fraying alliance with the Janjaweed, the Sudanese government offered a second life to one of its longtime clients: Mohammed Hamdan Dagolo, also known as “Hemmeti.”¹⁷ In exchange for recruiting a new force of 6,000 men, the militia commander was promoted to the rank of brigadier general within the NISS and given state-issued identification cards to sell to recruits.¹⁸ These cards entitle bearers to legal immunity under Sudan's 2010 National Security Services Act and confer financial benefits from the state.¹⁹ In a May 2014 televised statement, the RSF's Khartoum based commander Maj. Gen. Abbas Abdul-Aziz publicly confirmed that a majority of the members in the force “are Darfurians” recruited by Hemmeti.²⁰ Since then, the Sudanese government has announced the creation of a new RSF-2, allegedly mostly composed of recruits from South Kordofan.²¹

Under Hemmeti's command, many original Janjaweed commanders have become officers in the RSF. Today's fighters, however, are operating under vastly different



On March 22, 2014, 300 heavily armed RSF fighters attacked this camp for internally displaced persons in Khor Abeche, South Darfur. The assailants set fire to dozens of shelters, stole livestock, and were implicated in acts of sexual and gender-based violence. African Union - United Nations Mission in Darfur (UNAMID)/ MUBARAK BAKO

circumstances from those under which the rag-tag militias that conducted the first wave of the Sudanese government's genocidal campaign operated. Three significant changes are evident. First, these forces are better equipped. They also come under central command and are fully integrated into the state's security apparatus. Second, they have legal immunity under Sudanese law from prosecution for any acts committed in the course of duty. Finally, although they were recruited in Darfur, the troops have been deployed around the country at the command of the Sudanese government. These forces also play a role in broader transnational criminal looting and poaching networks, adding a regional dynamic to their activities.



RSF Brigadier General Mohammed Hamdan Dagolo, also known as Hemmeti, wears the insignia of the Sudanese government. RSF FACEBOOK PAGE

Complete integration

Today's RSF fighters are far better equipped; they come under central command and are more fully integrated than the Janjaweed militias that the world came to fear in 2003. The newly launched army of war criminals is, however, engaged in the same type of ethnic cleansing campaign as the waves of fighters who came before them and fought under the command of militiamen like Musa Hilal²² and International Criminal Court (ICC) indictee Ali Kushayb.²³

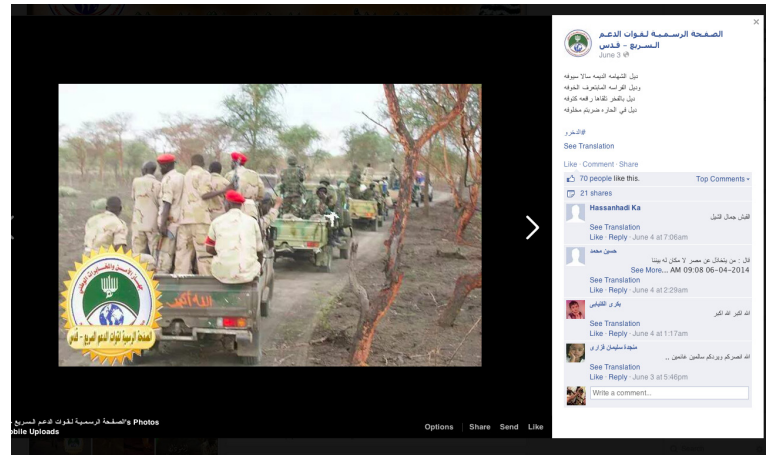
The Sudanese government has previously completely denied association with the Janjaweed militia forces.²⁴ For their part, the feared Janjaweed fighters were difficult to engage, making it hard to challenge the government's assertions. An Australian Broadcasting Corporation documentary sought out members of Janjaweed forces in 2006 to hear their side of the story.²⁵ Seizing the opportunity to speak to a Western audience, Hemmeti—who now commands the RSF—proclaimed to the camera that he was personally recruited by Sudan's President Omar al-Bashir to join the fight.²⁶ In the interview, Hemmeti bragged that President Bashir asked him to carry out campaigns in northern Darfur during a meeting in Khartoum in 2003.²⁷ At the time, this admission was groundbreaking. Up until that point, the Sudanese government had successfully portrayed these fighters as uncontrollable bandits and thugs.²⁸ Later, Julie Flint and other researchers spent months with Hemmeti and other



Official identification cards of the RSF, bearing formal government insignia, in a photo dated June 1, 2014. RASD SUDAN NETWORK

Janjaweed groups, seeking to understand their motivations.²⁹ After a brief rebellion against the government, Hemmeti told International Crisis Group researchers, “We just wanted to attract the government’s attention, tell them we’re here, in order to get our rights: military ranks, political positions, and development in our area.”³⁰

Unlike the first wave of Janjaweed fighters in 2003 through 2005, who were desperate to tell the world about the state’s endorsement of their actions, this incarnation of the forces has no need to seek that type of affirmation. Hemmeti holds the rank of brigadier general.³¹ His RSF fighters carry the symbols of the NISS with them wherever they go. The NISS maintains a Facebook page that showcases the group’s activities.³² The Sudanese Embassy in Washington, D.C., distributes a fact sheet about the force.³³ Senior RSF commanders hold public press conferences at government headquarters to defend their reputations.³⁴



RSF fighters move toward the battlefield. RSF troops wear Sudanese army fatigues, carry government identification, travel in state-issued vehicles, and use government-supplied weapons. RSF FACEBOOK PAGE

The government fact sheet on the RSF insists that the “RSF operates under disciplined military system and orderly chain of command. It’s (sic) movements and operations are fully controlled and governed by military laws and regulations.”³⁵ Following a public parade in honor of the RSF, Ishraqa Sayed Mahmoud, Sudan’s minister of human resources development and labor, announced a financial donation to the RSF, congratulating them on the victories and noting that the “Sudanese people are appreciative of the sacrifices made by these forces.”³⁶ In late May 2014, the Director of NISS operations, Maj.-Gen. Ali Al-Nasih al Galla, the director of NISS support and operations forces, reaffirmed that “more than six thousand [RSF] security personnel are distributed at petroleum sites, co-deployed with the armed forces at borders and co-working with police to protect the national capital and other major towns.”³⁷ Since that time, analysts report that the RSF’s ranks have swelled to at least 10,000 troops, 3,300 of which are stationed in Khartoum.³⁸ The government’s own accounts reference the creation of a second RSF force specially focused on South Kordofan, raising the possibility that additional troops operate under the RSF banner.

The newly recruited RSF troops obtained training from Sudan’s NISS and army high command.³⁹ In early February 2014, Sudan’s opposition Popular Congress Party reported that at least 5,500 Janjaweed fighters received special training at bases north of Khartoum.⁴⁰ Reliable sources confirm that the RSF troops trained with both the NISS and the Sudan Armed Forces (SAF) at the Wadi Seidna and Al Jayli bases north of Omdurman and Khartoum, respectively.⁴¹ According to Hemmeti himself, senior NISS officials, including former Sudanese Prime Minister al-Sadiq al Mahdi’s son Bushra al-Sadiq al-Mahdi, were involved in the forces’ training program.⁴²

Once the RSF formally launched, the SAF actually reassigned its personnel to command the new forces. SAF Maj. Gen. Abdul-Aziz shares control over the forces.⁴³ Additionally, Gen. Ali al-Nasih al-Galla, a senior NISS official, retains overall control as superior to both Hemmeti and Maj. Gen. Abdul-Aziz. In mid-May 2014, Gen. al-Galla evidenced his role as overall commander of the RSF when he promoted 35 Janjaweed officers to higher ranks within the RSF fighting force.⁴⁴ Beyond this, it is difficult to trace command responsibility. According to Magdi el Gizouli, a fellow at the Rift Valley Institute, “The chain of command above [Hemmeti] and his men, it follows, is camouflaged by design to allow the officers at the helm to claim victory when it happens but avoid culpability for the carnage.”⁴⁵



RSF fighters position themselves for battle. RSF troops wear Sudanese army fatigues, carry government identification, travel in state-issued vehicles, and use government-supplied weapons. RSF FACEBOOK PAGE

RSF commander Hemmeti has been pictured with Sudan’s Minister of Defense, Abdelrahim Mohamed Hussein, as well as with Ahmed Haroun, one of the original commanders of the Janjaweed. Both men are wanted by the International Criminal Court (ICC) for war crimes and crimes against humanity in Darfur.⁴⁶

Full immunity

As members of the NISS, the RSF carry formal immunity for all actions. Under Sudan’s 2010 National Security Act, NISS agents are immune from prosecution and disciplinary action for all acts committed in the course of their work.⁴⁷ Although the law does allow for the director of the NISS to waive immunity, this de facto blanket protection creates a climate of impunity. The Sudanese government fact sheet maintains that the “RSF includes discipline and control units such as military police, intelligence and military judiciary.”⁴⁸ In practice, however, NISS agents are seldom taken to court, even in instances where they are alleged to have tortured detainees or committed serious human rights abuses.⁴⁹ As Gizouli explains, “If the Janjaweed operated in a zone of legal immunity, [Hemmeti’s] forces constitute the law.”⁵⁰

In fact, those who have attempted to draw attention to the RSF’s abuses have actually faced prosecution themselves. Leading opposition figure and former Sudanese Prime Minister Sadiq al Mahdi was arrested in mid-May 2014 by the NISS at Hemmeti’s request and charged with libel for daring to criticize the force for its poor human rights record.⁵¹ Al Mahdi’s detention has sparked widespread condemnation⁵² and street protests in cities across the country.⁵³ Sadiq al Mahdi’s daughters were also briefly detained after protesting his prosecution.

For weeks, the Sudanese presidency has refused to drop the case against the opposition leader.⁵⁴ Instead, it permitted the imposition of a media blackout on all discussion around al Mahdi's detention and prosecution.⁵⁵ When al Mahdi was released, almost a month later, Sudanese government controlled SUNA carried a statement by his party leadership stating that they support the country's armed forces and that what al-Mahdi mentioned regarding RSF is derived from complaints and claims "that are not necessarily all true".⁵⁶ Ibrahim al-Sheikh, the head of the Sudanese Congress Party, was arrested on similar charges in early June.⁵⁷ As of late June 2014, al Sheik had not been released. Members of his party say that he remained in detention since, unlike al Mahdi, he refused to recant his critique of the RSF.⁵⁸

Within the context of the ongoing stage-managed national dialogue process,⁵⁹ these arrests of senior and influential political figures are particularly significant. In an atmosphere where the government has a vested interest in maintaining at least the superficial impression of a free political environment, its willingness to make these arrests shows the RSF's deep political capital.⁶⁰ Maj. Gen. Abdul-Aziz, the Khartoum-based official commander of the RSF, has made clear that further critique of the forces would not be tolerated. In public remarks, Abdul-Aziz categorically rejected allegations of human rights abuses, warned that the NISS "will be on the alert to counter fabrications," and demanded that those who had defamed the group "apologize to the Sudanese people."⁶¹



Darfuri rape survivors demand punishment of Janjaweed RSF forces. SUDAN CHANGE NOW

A nationwide and transnational campaign

Finally, the RSF is deployed by the Sudanese government across multiple theaters of war. This is in sharp contrast to the first iteration of the Janjaweed, who were largely restricted to Darfur. As the Sudanese government's own fact sheet explains:

*"The fields where RSF is authorized to work at, are not confined to certain areas, but as of its national nature it can operate anywhere in Sudan. It has already started its operations in South West Kordofan and Darfur states. RSF is now ready to undertake any tasks all over the country."*⁶²

Notably, a contingent of these troops was engaged in violent suppression of peaceful protests in Khartoum in September 2013.⁶³ Currently, in a massive show of force directed by the Sudanese government, RSF forces are cordoning Khartoum and have at least 3,300 troops working at established checkpoints to control traffic in and out of the city.⁶⁴

In both Darfur and South Kordofan, the fighters have directly targeted civilians, particularly those of the Fur, Masalit, Zaghawa, and Nuba ethnic groups.⁶⁵ Credible sources tell the Enough Project that the government's shoot-to-kill instructions to the force seeking to suppress protesters in Khartoum during the September 2013 demonstrations included a special policy of targeting those who looked non-Arab.⁶⁶ Human Rights Watch reports that protesters from marginalized groups were subjected to additional torture and protracted detention.⁶⁷ The RSF's involvement in the suppression of the September protests is particularly notable because it is unlikely that regular army forces would have engaged in such a brutal crackdown.

Janjaweed fighters who are loyal to Sudan's government have been implicated in broader transnational criminal networks. Some are tied to elephant poaching in Garamba National Park in the Democratic Republic of the Congo.⁶⁸ Others have been linked to notorious Lord's Resistance Army warlord Joseph Kony.⁶⁹ Libyan weapons are often trafficked through Chad and the Central African Republic and then into Sudan.⁷⁰ Reciprocally, Sudanese weapons are found all the way to Cote d'Ivoire, Libya, Somalia, Syria.⁷¹

The Sudanese government also leveraged its relationships with Janjaweed fighters to back the Séléka rebels' effort to overthrow the government of the Central African Republic (CAR), where diamond smuggling is a lucrative enticement. Africa Confidential confirms that in some cases, the same men who fought on behalf of the Séléka in CAR are now fully integrated into the RSF.⁷² The Sudanese self-proclaimed "General" Moussa Assimeh—a Janjaweed fighter—was a key Séléka commander who led 2,000 Darfuri mercenaries and helped capture Bangui, according to the U.N. Panel of Experts on the Sudan.⁷³ The Séléka-aligned former leader of CAR, Michel Djotodia, relied on Assimeh's forces in Bangui to fight pockets of resistance.⁷⁴ In October 2013, Djotodia awarded him a Médaille de la Reconnaissance in October 2013 for his efforts to counter Séléka opponents.⁷⁵

Reciprocally, there is anecdotal evidence that not all of those fighting under the banner of the RSF are actually Sudanese. In one notable instance, the wali (deputy state governor) of South Darfur was stopped at a checkpoint outside Nyala, South Darfur by an RSF militiaman.⁷⁶ The man responsible for guarding the checkpoint was not Sudanese and was unfamiliar with the wali's status within the community. A local fighter would not have committed this type of transgression. More broadly, informants

within Sudan report numerous occasions in which they interacted with militiamen who spoke a different style of Arabic from that used by Darfur's Arab communities.

Finally, some analysts suggest that these troops, who have been much more lethally effective than previous iterations, received instruction from Iranian agents on urban combat, crowd control, and counterinsurgency tactics.⁷⁷ The Sudanese government refers to the RSF by their Arabic initials, which shorten to Quds—the Arabic name for Jerusalem. The similarity between Sudan's new nomenclature for its most brutal fighting force and the feared Iranian Quds force may not be accidental.

Rekindling an old flame

For more than a decade, Sudan's government has relied on Arab militiamen to do its proverbial dirty work: attacking civilians, burning villages, and slowly destroying traditional cultural ties within targeted communities in the periphery.⁷⁸ This alliance between the government and the militias was grounded in three key factors: the Arab tribes of Darfur's historic landless status, the government's need for proxies to carry out their fight and thus afford them plausible deniability, and the potential for mutual economic benefit. At the height of the violence in the period from 2003 to 2005, Janjaweed fighters were the primary perpetrators of brutal attacks on non-Arab civilians, particularly those from the Fur, Masalit, and Zaghawa communities. The International Criminal Court (ICC) traced these attacks to the highest levels of Sudan's government, eventually issuing an arrest warrant indicting President Bashir for genocide.⁷⁹

In the intervening years, with the loss of oil revenues from wells in South Sudan, the Sudanese government grew increasingly unable to fulfill its economic commitments to the young Arab men who form the backbone of the Janjaweed.⁸⁰ While some were integrated into the security apparatus as members of the Popular Defense Forces, the Central Reserve Police, or the Border Guard, others were left jockeying for alternate revenue streams. As al-Hadi Adam Hamid, a retired lieutenant general who has intermittently headed Sudan's Border Guards since 2003, told researchers with the International Crisis Group: "Later, many members ... felt the government abandoned them. Before they were given salaries, cars, fuel, and uniforms—now it's over."⁸¹ These "abandoned" Janjaweed often looked to looting, kidnapping, and pillaging to fill the gap. In some cases, their battles took place within Darfur, but in many instances, they tapped into broader transnational criminal poaching and trafficking networks.

The effect of this financial squeeze is vividly illustrated by militiamen Musa Hilal's ongoing campaign against the government.⁸² Hilal's willingness to challenge his erstwhile patrons is best demonstrated by the ongoing struggle over North Darfur's Jebel Amer gold mine.⁸³ Over the past year and a half, northern Darfur has been the site of a massive ethnic cleansing campaign, as both the Sudanese government and its former ally Musa Hilal sought to take control of gold-rich territory from the native custodians, the sedentary Beni Hussein community.⁸⁴ After both the Beni Hussein and thousands of other migrant miners were displaced from the area, both Hilal's forces and government troops are now struggling to retain control of the lucrative mining zone.

When not supplied with their expected compensation, dissatisfied Janjaweed cadres have wrought havoc and committed atrocities. In July 2013, fighting in Nyala, South Darfur between elements of Sudan's state security forces and Arab militiamen in July 2013 exposed these growing fissures and dissatisfaction.⁸⁵ Some analysts believe that this dispute was actually linked to the distribution of war spoils from the Central African Republic, where the Sudanese government dispatched Janjaweed fighters.⁸⁶ More broadly, these clashes show increasing fragmentation of the alliance between the state's security apparatus and Janjaweed militias as patronage networks break down.

For the Sudanese government, forming the RSF was—in part—an attempt to address and counterbalance these other less reliable Janjaweed groups. For the regime, the newly launched RSF is a reliable and dependable force willing to operate across the country.

A single force of terror across the country

For years, President Bashir's regime has faced an armed and political challenge from rebels on the periphery and a burgeoning opposition in the center. In response, the regime has recommitted itself to a narrow and divisive vision of what it means to be Sudanese. As a consequence, its strategy for self-preservation has been grounded in collective punishment of the communities from which a majority of the rebels come. Long-term observers of Sudanese politics agree that displacing and driving away these communities remains a central element of the government's strategy for managing diversity and dealing with the rebellion.

Khartoum in September 2013

The RSF's value to the Sudanese government is not limited to attacking the country's peripheral communities. In fact, their first test occurred in Khartoum itself. When peaceful protesters took to the streets of Khartoum in September 2013, a contingent of the RSF received their first assignment. Human Rights Watch and Amnesty International found that the troops sent in to suppress the protests utilized shoot-to-kill tactics.⁸⁷ This assessment was confirmed by a NISS defector who revealed the group's operating protocol to the larger public in a confessional television interview with the Al Arabiya network.⁸⁸ Since many of the newly recruited RSF fighters were Darfuris who had never been to Khartoum or Omdurman, the forces had to place both a navigator and a driver in each vehicle that was dispatched to quell the protests.

Sources close to Sudanese state security confirmed that the RSF were dispatched to the scene of peaceful demonstrations in Khartoum since both national police and the army were reluctant to engage peaceful demonstrators with live ammunition.⁸⁹ In light of the growing swell of popular protest, the regime needed a reliable force to take the responsibility for suppressing the protesters. As the RSF are loyal to those at the very top of the regime—as opposed to intermediary army officials—the government was able to comfortably rely on these forces to shoot to kill without compunction.

Non-Arabs were often targeted by the RSF troops, either while on the streets or more often after detention during the interrogation process. According to Human Rights Watch, if the interrogation process revealed that a protester was “not Arab,” he or she faced harsher treatment.⁹⁰

South Kordofan in late 2013 and early 2014

After quelling the demonstrations in September 2013, the government sent RSF troops to South Kordofan to participate in a widely publicized campaign against rebel Sudan Revolutionary Front (SRF) forces. Sudanese Minister of Defense Gen. Abdel-Rahim Mohamed Hussein first announced the massive military operations on November 11, 2013.⁹¹ Hussein, who is currently at large despite an arrest warrant from the International Criminal Court for alleged crimes in Darfur, said his troops will “not stop until we crush them.”⁹²

Khartoum struggles to mobilize its own army, which is largely drawn from the same ethnic group as the rebels. The RSF once again provided the solution. 3ayin's citizen journalists elaborate: “Low morale among mid-level officers, the unspoken threat of a coup and a lack of progress against rebel groups have forced the government to rely more heavily on paramilitary units like the RSF.”⁹³ Despite government claims to the

contrary,⁹⁴ this campaign was largely unsuccessful. The RSF force was primarily trained for urban warfare and suffered significant losses to the rebels operating in the region.⁹⁵ Still, they did significant damage to South Kordofan's civilians in the process, especially those living in towns and more urban centers.⁹⁶

Imagery obtained by the Satellite Sentinel Project documents both the aftermath of aerial bombardment and active clashes in Abu Zabad, North Kordofan. Clashes erupted on November 17, 2013 between RSF fighters and the Justice and Equality Movement (JEM).⁹⁷ Witnesses reported machine gun fire and the presence of aircrafts, including helicopters; they said they saw bullet holes in market shops.⁹⁸ DigitalGlobe imagery shows that at least one tukul, one building, and two vehicles were on fire on November 17, 2013.⁹⁹

Paid off to leave El Obeid in February 2014

After their first round of fighting in South Kordofan, the RSF retreated north to El Obeid to collect their payment from Ahmed Haroun, the state governor.¹⁰⁰ In the meantime, the Sudan Armed Forces (SAF) intensified its aerial bombardment campaign against the area's civilian population.¹⁰¹ While in El Obeid, the RSF troops were implicated in gross human rights abuses, looting, and sexual violence.¹⁰² Their behavior was so destructive that Haroun—himself an ICC indictee—was forced to apologize for their actions.¹⁰³ Meanwhile, with Haroun's support, local government officials gathered almost \$3 million to pay the force to move away from their area and return to Darfur.¹⁰⁴

Unleashing terror around Nyala, South Darfur

After retreating from North Kordofan, members of the RSF who had previously been operating in South Kordofan were spotted in Darfur. The forces first stopped in Daien, where they were received by parades and honors from the governor and military zone commander of East Darfur.¹⁰⁵ Before arriving in Nyala, the RSF had burned 38 villages southeast of the city, sending tens of thousands to seek refuge in the wilderness. Analysts describe this operation, which displaced at least 30,000 people within the span of a few days, as an attempt to establish a depopulated ring around Nyala.¹⁰⁶ Local media confirm these assessments.¹⁰⁷

Most notably, in an eerie echo of the past, these forces specifically destroyed villages belonging to targeted ethnic groups, leaving other groups untouched. In late February, the RSF attacked more than 35 towns in South Darfur, including Hijer Tunjo, Afouna, Baraka Tuli, Tukumari, Um Gounja, Thani Dileiba, and Hameidia. The forces killed and raped civilians as they torched homes.¹⁰⁸ Damage visible from satellite imagery

obtained by the Satellite Sentinel Project shows that attacks between March 16 and March 20, 2014 left approximately 126 huts incinerated in Hameidia. Sudan Democracy First Group analysts observe that “this turned into a campaign of forced eviction of predominantly African-origin communities from villages south-east of Nyala and west of al-Fashir, unaffected in earlier cycles of violence.”¹⁰⁹ The Sudanese military issued a statement on efforts by government forces to “purge” the area of rebel “remnants.”¹¹⁰

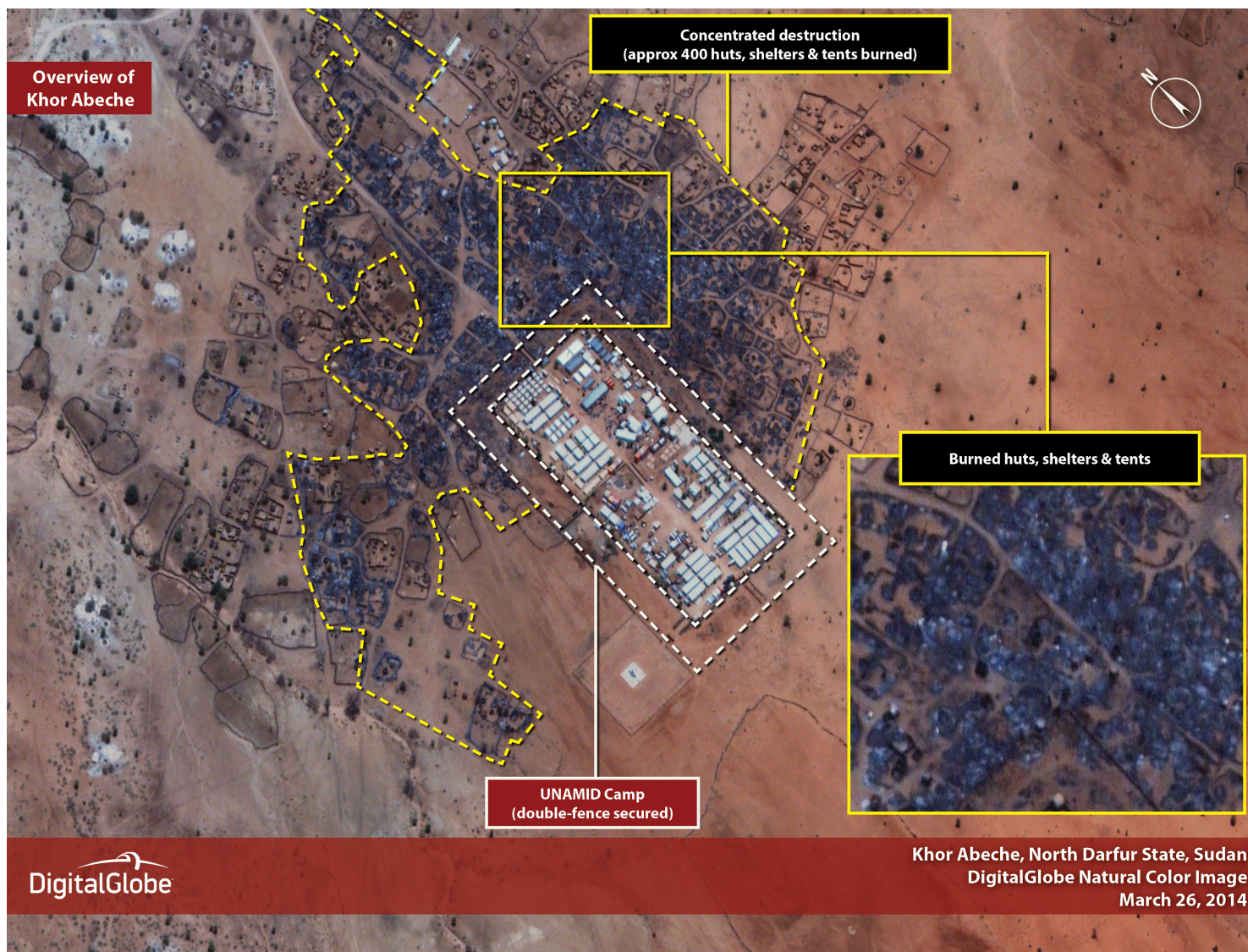
In her report to the UN Security Council, ICC Chief Prosecutor Fatou Bensouda highlighted these incidents, noting that troops under Hemmeti’s command burned down between thirty-five and fifty villages in the area of Hijer Tunjo, Um Gunka, Sani Deleiba, Tukumari, Himeida, Birkatuli and Afona and reportedly raped twenty women and girls, with perpetrators calling the victims “Tora Bora”, accusing them of supporting the rebels.¹¹¹

Brutal attacks across South and Central Darfur

Radio Dabanga described a string of brutal attacks on displaced people in South and Central Darfur, including sexual humiliation through nudity. RSF militiamen assaulted 10 Kalma camp residents while they were collecting firewood at Wadi Birli in late February. The militiamen beat them severely with rifle butts and batons and took all their belongings. The displaced had to return to the camp barefoot and in their underclothes.¹¹² A sheikh who fled Hijer Tunjo told Radio Dabanga that he, together with about 5,000 “extremely exhausted” villagers, had arrived in Kalma camp for the displaced in Nyala after an attack on their homes. According to the sheikh, at least 4,000 “Hemmeti militiamen” (RSF) in Land Cruisers approached the area of Hijer and instantly started to shoot, killing scores of people instantly. The sheikh reported that militiamen looted and set fire to houses. RSF troops seized and raped more than 20 women and girls. According to this account, thousands of villagers were still trapped in the desert after they had been robbed of all their belongings and fled.¹¹³

The ICC Prosecutor’s June 2014 report to the Security Council lists “alleged grave attacks by the Rapid Support Forces” in East Jebel Marra, Kutum, Mellit, Nyala, El Fasher, and Tawila.¹¹⁴ Most disturbingly, contemporaneous imagery posted on the RSF Facebook account confirms the troops’ presence in each of these villages.¹¹⁵ In a televised interview, Hemmeti told news reporters that his forces attacked East Jebel Marra, Sarafaya, Birka, and Bashim, chased the rebels into the wilderness, and left them to die of hunger and thirst.¹¹⁶ The commander’s June 1, 2014 remarks reflect the scorched earth campaign that the RSF was conducting across the region.

The Darfur Relief and Documentation Centre (DRDC) reports that an RSF attack on March 15, 2014 displaced about 10,000 civilians from Tarny, Khartoum Belleil,



and Konjara in East Jebel Marra.¹¹⁷ Satellite Sentinel Project observations of this area confirmed this report.¹¹⁸ The DRDC further notes that after the Janjaweed burned down all the villages, they also looted the belongings and livestock of the victims.¹¹⁹

The ashes of a camp for the internally displaced

From East Jebel Marra, the RSF continued north, where the forces continued their attacks on Darfuri civilian populations, including a dramatic raid on the Khor Abeche camp for internally displaced people next to a U.N. peacekeeping mission. Satellite Sentinel Project imagery from Khor Abeche shows more than 400 huts, tents, and temporary shelters burned by the RSF.¹²⁰ While in the Khor Abeche area, the RSF burned a sheikh to death, abducted local leaders, destroyed water sources, and torched

DigitalGlobe imagery dated March 26, 2014 confirmed local media reports that at least 400 temporary shelters adjacent to the U.N.-African Union Mission in Darfur (UNAMID) camp and a portion of Khor Abeche village in South Darfur suffered significant fire damage. Since the publication of this imagery, UNAMID has released photos showing the human impact of this scorched earth campaign on their doorstep. DIGITALGLOBE/ SATELLITE SENTINEL PROJECT

homes and a hospital.¹²¹ The brazen nature of this RSF attack has raised serious questions about UNAMID's human rights reporting and civilian protection activities. A series of articles in Foreign Policy magazine drawing on materials leaked by Aicha el Basri, a former UNAMID staff member, evidenced the depth of the mission's obfuscation.¹²² In reaction to el Basri's scathing critique of UNAMID's inaction and deliberate cover-up of the facts on the ground in Darfur, the International Criminal Court (ICC) chief prosecutor Fatou Bensouda recently requested that the U.N. Secretary-General undertake a thorough, independent and public inquiry into the allegations around the mission's failures.¹²³

On March 30, 2014, Radio Dabanga reported that at least 15 villages in Kutum, North Darfur were raided and burned to ashes, and "thousands of people fled their homes, most of them women, children, and elderly. They are wandering now in the wilderness, facing the risk of dying of thirst."¹²⁴ These targeted villages housed non-Arab civilians, mostly from the Zaghawa and Fur communities.¹²⁵

Darfuri civil society activists spoke out against RSF actions in April 2014, pleading for the RSF's withdrawal from the region. In a public statement, a coalition of 12 civil society groups said:

*[The RSF] "militias, under the command of the National Intelligence and Security Services, seemingly have been commended for the burning of hundreds of villages in South and North Darfur since February this year; for killing, wounding, raping, and looting the property of innocent civilians, and causing the displacement of hundreds of thousands of Darfuri people."*¹²⁶

April 2014 return to South Kordofan

In April 2014, after a frenzy of ground attacks in Darfur, the RSF returned to South Kordofan and began to target civilians in certain areas, employing not only ground attacks but also air strikes backed by the Sudanese government. Entering from the north, they caused the almost immediate displacement of 70,000 civilians from the Nuba Mountains.¹²⁷



A displaced woman sits on a bed next to the remnants of her burnt house in Khor Abeche, where RSF militiamen burned a camp for the internally displaced to the ground. UNAMID/ALBERT GONZÁLEZ FARRAN



A March 25, 2014 photo of Melit in North Darfur shows the remains of a home burned in a scorched earth campaign. SUDAN CHANGE NOW

The Sudan Consortium reports that from April 12 onward, several locations in Delami county—notably Aberi, Mardis, and Sarafyi—were subject to heavy bombardment on a daily basis by artillery and multiple launch rocket systems (MLRS) deployed by ground forces.¹²⁸ After two weeks of aerial bombardment, the civilians inhabiting these locations were finally forced to abandon their homes on April 27 as the RSF followed up with a ground attack. Sudan Consortium monitors note that the villages where the casualties occurred were at least 10 kilometers from the military front lines and did not contain opposition military forces.¹²⁹

Under international humanitarian law, locations that suffered the brunt of the RSF attacks could not be considered as legitimate military targets. On the heels of these ground attacks, Sudan Armed Forces (SAF) planes deliberately bombed the only hospital in the Nuba Mountains, effectively denying urgent medical care to those affected by the violence.¹³⁰ A few days later, planes dropped a series of bombs on the Nuba Relief, Rehabilitation, and Development Organization, a local civil society group dedicated to providing social services in the area.¹³¹ Then, in June 2014, Sudan Armed Forces planes dropped six bombs on a MSF hospital in South Kordofan.¹³²

Encircling Khartoum while continuing violence on the periphery

Gen. Mohammed Atta, the chief of the NISS, issued a decision in May 2014 ordering the RSF to deploy around the capital city of Khartoum.¹³³ At the same time, the RSF remains active in both Darfur and South Kordofan. The Sudan Consortium reports that during the month of May 2014, the government continued to direct the intense RSF military offensive that it began in April, while also increasing aerial attacks on protected civilian sites, including medical facilities, schools, humanitarian infrastructure, and agricultural activities.¹³⁴ The RSF's offensive attacks resulted in the seizure of Daldako and Alatomor towns near Kauda in South Kordofan.¹³⁵ At the same time, in early July 2014, the SAF bombed Kauda, resulting in almost 60 bombs falling on civilian areas.¹³⁶ Later in the month, according to citizen journalists with Nuba Reports, more than 300 bombs fell in Um Dorein county while RSF troops moved towards Al Latmor.¹³⁷

In Darfur, the U.K. Sudan Social Development Organization (SUDO UK) reports the continued harassment of people living in camps for the internally displaced near Nyala and El Geneina.¹³⁸ Notably, two uniformed members of the RSF killed Abdalla Mohammed Bukhari, the head of chiefs of the Abu Soroog camp, on June 1, 2014 near El Geneina town in West Darfur.¹³⁹ Targeting traditional authorities fits within the broader pattern of RSF attacks meant to disrupt the very fabric of non-Arab Darfuri society. On June 13, SUDO UK documented two brutal acts of rape leading to murder

near Nyala, highlighting the gender based dimension of the RSF's attacks.¹⁴⁰ In her report to the UN Security Council, ICC Chief Prosecutor Fatou Bensouda confirms numerous similar incidents of gender based violence perpetrated specifically by militia/Janjaweed members from the Rapid Support Forces, including the gang rape of a 10 year old girl.¹⁴¹

Continuing genocide and new crimes against humanity

Under the authority granted by U.N. Security Council Resolution 1593, the International Criminal Court (ICC) has the jurisdiction to investigate and prosecute individuals for their responsibility for crimes committed in Darfur.¹⁴² Even though this resolution was passed in 2005, it still applies today. Notably, many of the individuals who have already been charged with crimes as a result of the ICC's prior investigations are also implicated in the current round of war crimes and crimes against humanity unfolding across Sudan. Specifically, Ahmed Haroun and Gen. Abdel Rahim Mohammed Hussein have both been closely tied to the new RSF's command structure. As commander-in-chief of the country's armed forces and leader of its security apparatus, President Bashir bears command responsibility as well. As part of its ongoing crime monitoring efforts, the ICC's chief prosecutor has expressed an interest in considering "new investigations into the Darfur situation."¹⁴³ This is an encouraging step. The Prosecutor should consider amending the charges against existing Accused and applying to the Pre-Trial chamber for new indictments against senior RSF commanders, including Hemmeti, and NISS officials, including Gen. Ali al-Nasih al-Galla.

Non-Arab civilians in Darfur were the direct targets of a genocidal campaign that came to the world's attention in 2003.¹⁴⁴ The same forces continue to inflict collective punishment on those groups to this day. In recent remarks to the U.N. Security Council, ICC chief prosecutor Fatou Bensouda confirmed that "factual indicators seem to illustrate a similar pattern of indiscriminate and disproportionate attacks against civilians by the Rapid Support Forces."¹⁴⁵ She noted that in twelve of the seventeen reported attacks, civilian villages were set ablaze and that in the majority of the attacks, the rebels were not present in the attacked villages.¹⁴⁶ Bensouda described the RSF as the "newest iteration of the Janjaweed" and connected their activities with an "ongoing pattern of aerial bombardments and armed attacks on civilian populations."¹⁴⁷

In working to destabilize what it sees as potential support bases for the armed rebellions challenging its authority, the Sudanese government has adopted an approach of ethnic targeting and land clearing. International humanitarian law's fundamental

tenet of “distinction” demands exempting civilians as targets for armed combat.¹⁴⁸ In complete violation of this principle, the regime has made all members of the Zaghawa, Fur, and Masalit ethnic groups their primary targets in Darfur, regardless of their combatant status.¹⁴⁹ This pattern has not changed over the years. Now, however, there is not a blurred line between the activities carried out by the Janjaweed and those perpetrated by the SAF. The Sudanese government has abandoned the fig leaf that the Janjaweed don’t operate under their command and control.

A similar pattern is unfolding in the Nuba Mountains region of South Kordofan. There, the Sudanese government writes off the heavy toll on civilians as collateral damage from a counterinsurgency campaign against an armed rebellion. However, the violence to which civilians in the Nuba Mountains are subjected is not an unavoidable byproduct of war. The lethal combination of aerial bombardment followed by ground attacks, the deliberate targeting of life-saving medical facilities, and the RSF’s brutal fighting tactics all collectively show a broader strategy of attacks on civilian populations. While the rich diversity of ethnic groups in South Kordofan makes it difficult to make a case for genocidal targeting, the government’s actions do meet the threshold for crimes against humanity.¹⁵⁰

Unfortunately, no international jurisdiction similar to that set forth in U.N. Security Council Resolution 1593 exists for crimes committed outside of Darfur.¹⁵¹ As a consequence, there is no vehicle for international prosecution of crimes that occur in the rest of Sudan. In light of the RSF’s nationwide scope of activities, this artificial division between theaters of jurisdiction is problematic.

The ICC’s Rome Statue defines crimes against humanity as any of the following acts, when committed as part of a “widespread or systematic attack” directed against a civilian population in “furtherance of a state or organizational policy:”¹⁵² These acts include—but are not limited to—murder, torture, rape, and the persecution of an identifiable group on political, racial, ethnic, or cultural grounds. A similar definition is enshrined in customary international law, making it applicable even outside of Darfur.¹⁵³

Notably, to meet the threshold for crimes against humanity, attacks need not be linked to ethnic or racial targeting. Unlike genocide, there need not be discriminatory intent to “destroy” a group in whole or in part. In fact, a crime against humanity occurs as long as one of the aforementioned acts is committed within the context of either a widespread or systematic attack that is directed against a civilian population.¹⁵⁴ The Trial Chamber of the International Criminal Tribunal for Rwanda has clarified that even if some of those living in an area “do not come within the definition of civilians, this does not deprive the population of its civilian character.”¹⁵⁵ The “multiplicity of victims” touched by RSF attacks on Sudan’s civilian populations demands that their bad acts should fall within the broader rubric of crimes against humanity.¹⁵⁶ Under the rules outlined by the ICC in its recent jurisprudence, as long as civilians are

the “primary” target for RSF attacks, rather than “secondary victims,” these attacks constitute crimes against humanity.¹⁵⁷

Finally, prosecutors will need to show that RSF attacks on civilians in South Kordofan and Darfur were part of a “state or organizational policy.”¹⁵⁸ In its decision on the ICC Katanga case, the court softened the rigid contours of this standard, explaining that “any attack which is planned, directed, or organized—as opposed to spontaneous or isolated acts of violence—will satisfy” the organizational policy criterion.¹⁵⁹ More generally, since RSF attacks are planned and publicly announced by the government of Sudan, they meet the organizational policy criteria much more easily than the Janjaweed attacks during the first phase of fighting in 2003 through 2005.

Conclusion

Between 2003 and 2005, Hemmeti and his men led waves of attacks on civilians across Darfur. At that time, international attention was fixated on the problem. This time, these killings are happening under the radar and out of the spotlight due to competing conflicts in both the Central African Republic and South Sudan.

In both Darfur and South Kordofan, the Sudanese government reinforces the RSF by conducting ground attacks between aerial bombing raids. The concentration of RSF attacks, especially in areas inhabited by non-Arab and racially “African” communities, demonstrates the targeting that underpins the force’s current campaign. As Gizouli explains, RSF involvement in the periphery “dispel[s] whatever illusions still linger regarding the capacity of the state to act as a neutral arbiter in the bloody disputes of Sudan’s hinterlands.”¹⁶⁰ The Sudanese government has dropped its fig leaf of plausible deniability. The RSF are indisputably a state organ on a publicly-vaunted state-directed mission to terrorize Sudan’s marginalized communities.

By creating the RSF, the Sudanese government granted the Janjaweed commanders, who formed the backbone of its genocidal campaign a decade ago, a new lease on life. These commanders have taken it as license to kill with impunity. Unlike the national army, which is at least notionally bound by international humanitarian law, the RSF—as members of the NISS—have formal immunity from prosecution. Sudan has replaced its official and professional fighting forces with a cadre of war criminals.

Endnotes

- 1 The term Janjaweed was popularly translated as “devils on horseback” in the mainstream Western media. Janjaweed more accurately translates to “man with a gun on a horse,” akin to a highwayman.
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Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, South Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough conducts intensive field research, develops practical policies to address these crises, and shares sensible tools to empower citizens and groups working for change. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

The Satellite Sentinel Project, co-founded by George Clooney and John Prendergast, is a partnership between the Enough Project and Not On Our Watch. SSP uses satellite imagery and forensic investigation to assess the human security situation, and detect, deter and document war crimes and crimes against humanity. SSP recently announced an expansion of its work to focus on the economic drivers of mass atrocities and human rights abuses, and to encompass some of the world's most violent regions of conflict, including Sudan, South Sudan, the Democratic Republic of the Congo, and the Central African Republic. For more information on the Satellite Sentinel Project, please visit www.satsentinel.org.

