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Sudan

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As peace talks aimed at ending the twenty-one-year civil war in southern Sudan were nearing completion, the crisis in the western Darfur region intensified in 2004. The government of Sudan answered the military challenge posed by the two rebel movements in Darfur, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), by arming, training and deploying Arab ethnic militias known as "Janjaweed", who had an additional agenda of land-grabbing. The Janjaweed and Sudanese armed forces continued a campaign begun in earnest in 2003 of ethnic cleansing and forced displacement by bombing and burning villages, killing civilians, and raping women. The first half of 2004 saw a dramatic increase in these atrocities. By year's end hundreds of villages were destroyed, an estimated 2 million civilians were forcibly displaced by the government of Sudan and its militias, and 70,000 died as a direct or indirect cause of this campaign.

The Crisis in Darfur

The government-sponsored death and displacement in Darfur was initially a counterinsurgency tactic of employing ethnic proxy militias to conduct a campaign of ethnic cleansing, as it has done in southern Sudan for much of the last twenty years. The extent of the humanitarian catastrophe produced by government policies in Darfur finally came to the attention of the world as the numbers of internal displaced persons (IDPs) mounted from one to two million.

On April 8, a Humanitarian Ceasefire Agreement was signed in N'Djamena, Chad between the government of Sudan and the two Darfurian rebel movements under Chadian, African Union (A.U.), U.S. and E.U. auspices. This agreement committed the government of Sudan to "neutralize" the Janjaweed militias and called for the A.U. to set up a ceasefire commission (CFC) to monitor and report on ceasefire violations. It took several months, however, for the CFC to become operational.

The government of Sudan again promised, this time signing a Joint Communiqué on July 3 with U.N. Secretary-General Kofi Annan, to disarm the Janjaweed, improve humanitarian access, human rights and security, and to seek a political resolution to the conflict. Pressure increased with the adoption on July 30 of U.N. Security Council Resolution 1556 which reiterated the steps outlined in the Joint Communiqué, called for restrictions on arms transfers to all "non-governmental entities, including the Janjaweed," and imposed a thirty-day deadline on the Sudanese government to disarm the Janjaweed militias.

The continued failure on the part of the government of Sudan to rein in the Janjaweed militias and halt all attacks by them and its other forces on civilians led the Security Council to pass resolution 1564 on September 18. This second resolution threatened sanctions on the government of Sudan if it did not comply fully with this resolution and the previous one, and authorized the establishment of an international Commission of Inquiry "to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable". The resolution also pressed the government of Sudan to accept a larger A.U. ceasefire monitoring force.

The Sudanese government claims that it is unable to neutralize and disarm the Janjaweed, yet it has refused to accept international help to achieve this. Not one Janjaweed leader has been investigated or

accused of a crime. The few prosecutions that the government of Sudan has undertaken have turned out to be against detainees involved in crimes unrelated to the Darfur conflict or convicted of different charges months or years earlier. The government of Sudan set up a national commission of inquiry to investigate crimes committed in the Darfur conflict but it has accomplished nothing to date. The Janjaweed and the Sudanese army share several camps, and there are numerous reports of coordinated attacks on civilians launched from these camps. Members of the Janjaweed are quietly being incorporated into regular police forces, the army and the popular defense forces (government Islamist militia under army jurisdiction). Ceasefire violations are a regular occurrence throughout Darfur and no penalties have been applied to any party. The Security Council, although threatening sanctions if the human rights menace of the Janjaweed was not curbed, let deadlines come and go without imposing any further sanctions or enforcing the sanctions already mandated.

The North-South Peace Process

The twenty-one-year conflict fought largely in the south between the ruling Islamist military government in Khartoum and the rebel Sudan People's Liberation Movement/Army (SPLM/A) inched closer to resolution in 2004. In May, the government of Sudan and the SPLM/A signed the last of six key political protocols in Naivasha, Kenya outlining power and wealth sharing arrangements for southern Sudan for a six-and-a-half-year interim period, after which a self-determination referendum in the south will decide whether the south becomes independent. However, the agreements totally ignore human rights considerations, such as accountability for crimes committed during the war, truth telling, and the enforcement of international human rights and humanitarian law in the future. The Naivasha protocols contemplate national, state and local elections at an undetermined time between the signing of the final agreement and the referendum on succession.

The U.S., U.K. and Norway pushed the almost three-year intensive negotiations between the two parties, then came increasingly under fire for deliberately excluding other rebel and political movements from the peace process. The escalation of the crisis in Darfur highlighted the widespread discontent with the partial resolution, and spawned at least two other rebel movements in the west in 2004. Renewed pressure from the international community to conclude the peace talks as a necessary precursor to addressing the conflict in Darfur brought the two parties back to the table in October, although this peace process was definitely in jeopardy as the Sudanese government's good faith was questioned by its resort to ethnic manipulation and scorched-earth tactics in the west.

The Security Council held a special meeting in Nairobi, Kenya on November 18-19 and passed Resolution 1574 offering economic assistance and debt relief to Sudan if the Comprehensive Peace Agreement is signed by the end of 2004. With respect to Darfur, the Resolution did not threaten "further measures", only a milder warning to "take appropriate action against any party failing to fulfill its commitments". It left out the explicit demand of previous resolutions for Khartoum to disarm and prosecute the government-backed Janjaweed militias.

The Humanitarian Situation

Sudan is home to the world's largest internally displaced persons (IDP) population, which grew in 2004 from 4 million to almost 6 million. The IDPs in Darfur continue to grow in number and face constant insecurity. Those who managed to reach camps accessible to humanitarian assistance were at physical risk, frequently of rape, when venturing outside to collect fodder, food or firewood. Many remained in rural areas inaccessible to aid agencies, including in rebel held zones, and were vulnerable to attacks by the Janjaweed. The U.N.-agreed creation of "safe areas" in Darfur, protected by the government of Sudan, raised the risk of consolidating ethnic cleansing and caused increased clashes between the government and the rebels, who were not consulted on the "safe-areas" plan. More than 200,000 Darfuri refugees were in Chad in 2004.

A combination of insecurity, drought, widespread looting and the missed planting season increased the risk of famine as almost 2 million people in Darfur (estimated population of 5-6 million) were in need of food aid. Lack of sanitation and health services in the IDP camps caused massive outbreaks of diseases such as diarrhea and malaria which caused thousands of deaths, especially in vulnerable groups such as infants and the elderly.

The plans of the estimated 4 million southern war displaced persons to return home were put on hold as the signing of the Naivasha peace agreement was delayed.

Key International Actors

The United States eventually took the lead in the U.N. Security Council which passed four resolutions on Sudan in 2004. The U.S. legislatures passed a joint resolution on July 23 declaring that the Sudanese government and the Janjaweed were guilty of genocide. Secretary of State Colin Powell authorized a survey of Darfuri refugees in Chad and concluded from it that "genocide has been committed and may still be occurring in Darfur".

Because of international resentment over the U.S. war in Iraq, however, the U.S. had difficulty diplomatically in convincing others to take a stronger stand on Darfur. The United Nations Security Council has been divided over sanctions. China and Russia, both with large investments in Sudan, threaten to veto resolutions that called for sanctions against the Sudanese government for failing to disarm the Janjaweed and stop attacks against civilians. Sudan's election to the U.N. Commission on Human Rights on May 5 was another indication of the international community's failure to censure the government of Sudan for abuses in Darfur. On November 24, the UN General Assembly voted down a resolution condemning Sudan.

The Office of the High Commissioner for Human Rights sent eight human rights monitors to Darfur in August and promised in October to double that number. Following her September mission to Sudan, U.N. High Commissioner for Human Rights Louise Arbour recommended the deployment of an international police force in Darfur and denounced the total impunity enjoyed by perpetrators of atrocities in the region. Louise Arbour was accompanied on her mission by Juan Mendez, the U.N. Secretary General's special advisor on the prevention of genocide.

The recently-created African Union deployed up to 136 ceasefire monitors to Darfur and more than 625 Rwandan and Nigerian troops as a protection force for these A.U. monitors. Nigerian President Olusegun Obasanjo hosted A.U. talks in Abuja between Khartoum, the SLA and the JEM in late 2004 but these talks broke down and the ceasefire was in tatters.

The A.U. volunteered to send a civilian protection force of up to 2,341 troops and 815 civilian police, a suggestion seconded by the Security Council. The Sudanese government rejected the proposal but backed down after the language was watered down to provide A.U. protection for civilians within their eyesight.

By many assessments, at the end of 2004 the fledgling A.U. and its member countries still lacked the funds and capacity to mount an effective operation seven times the size of its 2004 force in Darfur, with civilian protection needs remaining unmet.

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