

Sudan

Darfur in Flames: Atrocities in Western Sudan

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SUMMARY

Militias backed by the government of Sudan are committing crimes against humanity in Darfur, western Sudan, in response to a year-long insurgency. The past three months of escalating violence threaten to turn the current human rights and humanitarian crisis into a man-made famine and humanitarian catastrophe.

Using indiscriminate aerial bombardment, militia and army raiding, and denial of humanitarian assistance the government of Sudan and allied Arab militia, called janjaweed, are implementing a strategy of ethnic-based murder, rape and forcible displacement of civilians in Darfur as well as attacking the rebels.

The African or non-Arab Fur, Masaalit, and Zaghawa communities, from which the rebels are drawn, have been the main targets of this campaign of terror by the government. Almost one million Darfurian civilians have been forced to flee their homes in the past fourteen months and many have lost family members, livestock and all other assets.

The janjaweed militias are drawn from Arab nomadic groups. Their armed encroachment on African Zaghawa, Masaalit and Fur pastures and livestock in past years resulted in local armed self-defense measures by the targeted communities when they realized the government would not protect them. Instead of quelling the friction, the Sudanese government has increased its backing for the Arabs. Khartoum has recruited over 20,000 janjaweed which it pays, arms, uniforms, and with which it conducts joint operations, using the militias as a counterinsurgency force.

While many of the abuses are committed by the janjaweed, the Sudanese government is complicit in these abuses and holds the highest degree of responsibility for pursuing a military policy that has resulted in the commission of crimes against humanity.

The two rebel groups in Darfur—the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM)—claim that they seek redress of decades of grievances over perceived political marginalization, socio-economic neglect, and discrimination towards African Darfurians by successive federal governments in Khartoum. In reaction to the insurgency, government forces and allied Arab militias are implementing a scorched earth campaign that has depopulated and burned hundreds of villages across the region, seeking to destroy any potential support base for the rebels.

More than 110,000 Zaghawa and Masaalit have fled across the border into neighboring Chad and at least 750,000 people, many of them Fur, remain displaced within Darfur, constantly vulnerable to attacks by predatory militia who rape, assault, abduct and kill civilians with full impunity. Attacks are on-going and the number of displaced persons grows by the day.

Amid increasing national and international awareness of the abuses taking place in Darfur, the government of Sudan has denied the existence of this situation and refused to provide protection or assistance to the affected population of Darfur. Despite warnings from the international community, led by the United Nations, that the Sudanese government must take immediate steps to end the abuses and provide security to the targeted villages and persons already displaced, the government's forces continue to recruit new militia members, displace civilians, and burn villages.

The government's recruiting, arming and otherwise backing bands of janjaweed militia has built on and drastically escalated ethnic polarization in Darfur. The janjaweed are encouraged by their freedom and impunity to loot, rape, pillage, and to occupy the lands vacated after attacks, and have even launched cross-border attacks into Chad, which is currently hosting more than 110,000 refugees from Darfur. Chad, itself home to Zaghawa, Masaalit, and Arab ethnic groups currently involved in the Darfur conflict, is receiving the spillover of a conflict believed, by its victims, to be a campaign to destroy them based on their ethnic and racial origin.

The strategy pursued by the government of Sudan now risks destabilizing the region and the ongoing peace talks aimed at ending more than twenty years of war in the south—where the same government strategies of massive forced displacement, scorched earth campaigns, and arming militias have repressed the southern population beyond endurance.

If abuses do not end immediately, the human rights and humanitarian consequences in Darfur, already appalling, will worsen. Food security, always precarious in Darfur, is already seriously affected by the events, and with more than 750,000 persons internally displaced—the bulk of the region's farming community—this year's harvest will sorely decline. There are increasing signs that Darfur could face a man-made famine if no intervention takes place, adding thousands of lives of men, women and children to the unknown number of victims the government of Sudan has already destroyed.

RECOMMENDATIONS

To the Government of Sudan:

- Immediately cease recruiting and supporting the janjaweed militias and take steps to disarm and disband them.
- Order the janjaweed militias to immediately release all abducted civilians and return all looted property.
- Command government forces and janjaweed militia to desist from targeting civilians and objects necessary for civilian survival such as water points, crops, and granaries, in accordance with international humanitarian law.
- Inform all government forces and allied janjaweed that civilians seeking to flee into Chad should be permitted to do so without fear of violence and extortion
- Provide protection to displaced civilians seeking security in Sudanese towns or elsewhere
- Ensure immediate, secure, unhindered access to Darfur for humanitarian agencies seeking to provide assistance to Sudanese civilians, through expedited visa and travel permit procedures.
- Investigate abuses by the janjaweed and the Sudanese army in Darfur, try alleged perpetrators in accordance with international fair trial standards, and require them to divest all their looted property.

To the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM):

- Immediately end the use and recruitment of all children under the age of eighteen in the fighting forces.

To the Government of Chad:

- Ensure that refugees are protected from janjaweed and Sudanese government cross-border attacks and support the United Nations High Commissioner for Refugees in its efforts to relocate refugees away from the Sudanese border.

To the U.N. Security Council:

- Condemn the gross abuses of international humanitarian law and human rights in Darfur.
- Call on the Sudanese government to protect civilians, immediately disband militias, and cease violations of international humanitarian law including indiscriminate bombing and forcible displacement. It should also call on the government to permit unhindered access by humanitarian agencies to all war-affected civilians.

To the U.N. Commission on Human Rights:

- Reinstate the mandate of the commission's special rapporteur on human rights for Sudan under item 9 of the agenda.
- Adopt a resolution condemning the gross abuses of international humanitarian law and human rights by the Sudanese government. The resolution should call on the Sudanese authorities to conduct thorough investigations of all violations of international humanitarian law and human rights in Darfur, and to prosecute all those responsible. It should also call on the Sudanese government to disarm and disband the janjaweed militia and immediately facilitate access to Darfur by humanitarian agencies and human rights investigators.
- Call on the Sudanese government to immediately facilitate access throughout Darfur for all bona fide international and national humanitarian agencies and human rights investigators.

To the U. N. Secretary General:

- Request the Office of the High Commissioner on Human Rights (OHCHR) to immediately dispatch a mission of inquiry to Darfur and report back to the U.N. Commission on Human Rights before the end of its current session on April 23, 2004, and to the U.N. Security Council.

To the Government of the United States:

- Condemn the gross abuses of international humanitarian law and human rights by the Sudanese government and state publicly that U.S. human rights-related sanctions on Sudan cannot be lifted unless the abuses in Darfur cease.

- Insist that the government of Sudan protect civilians, disarm and disband militias, facilitate full, secure and unimpeded access by humanitarian agencies, and investigate and prosecute all those guilty of abuses.

To the European Union and Member States:

- Condemn the gross abuses of international humanitarian law and human rights by the Sudanese government. Suspend any planned development aid to Sudan until the abuses in Darfur cease and the government facilitates access by humanitarian agencies.
- Insist that government of Sudan protect civilians, disarm and disband militias, facilitate full, secure and unimpeded access by humanitarian agencies, and investigate and prosecute all those guilty of abuses.

To Donor Governments:

- Allocate adequate funding of emergency programs by U.N. and nongovernmental humanitarian agencies in Darfur and Chad and ensure that such assistance is delivered in accordance with humanitarian principles of neutrality, impartiality and independence.

To the U.N. High Commissioner for Refugees:

- Ensure that refugees in Chad are swiftly relocated from border areas subject to janjaweed attacks and that no involuntary repatriation of refugees or militarization of refugee camps occurs.

To the World Food Programme and Non-Governmental Organizations Active in Food Distribution:

- Closely monitor the distribution of humanitarian relief to ensure that food and other items are neither diverted by armed forces nor inciting further attacks upon civilians.

BACKGROUND

Greater Darfur, a territory composed of three states (North, South, and West Darfur), is located in the northwestern region of Sudan, bordering Chad to the west, Libya to the northwest, and Central African Republic to the southwest.¹ The people living on both sides of the 1,000 kilometer-long border between Chad and Sudan have much in common. This border region is divided into three ecological bands: desert in the north, which is part of the Sahara and the least densely populated and most ecologically fragile zone; a central, fertile belt which includes the Jebel Marra mountains and is the richest agriculturally; and the southern zone, which, although more stable than the north, is also prone to drought and sensitive to fluctuations in rainfall.

Several of the region's ethnic groups straddle both sides of the frontier between Chad and Sudan, and historically there has been significant migration and trade across the border. While the region's peoples are mostly Muslims, they are diverse ethnically, linguistically, and culturally. Two ways are often used to describe the ethnicity of the people of Darfur: by language and by occupation. The indigenous non-Arab or African peoples historically do not speak Arabic at home and came to Sudan from the Lake Chad area centuries ago; those claiming Arab descent are Arabic speakers. Another classification distinguishes between agriculturalists and pastoralists. While there is some overlap between the two descriptions, there are also important nuances.

Darfur's sedentary agriculturalists are generally composed of non-Arab or African ethnic groups known as "*Zurga*" or blacks, and include groups such as the Fur, Masaalit, Tama, Tunjur, Bergid, and Berti, who live and farm in the central zone.

The region's pastoralists are mainly of Arab descent, and the northern belt, the most arid zone, is inhabited by nomadic and semi-nomadic camel herding tribes, including Arab ethnic groups such as the northern Rizeigat, Mahariya, Irayqat and Beni Hussein, and the African Zaghawa. The southern and eastern zones are largely inhabited by the cattle herding Arab tribes known as the southern Rizeigat (of the Baggara), Habbaniya and Beni Halba.²

¹ Darfur is an enormous region about the size of France, with an estimated population of about four to five million people.

² Each of the indigenous groups has a "dar," a homeland or territory. For instance, Darfur is named for the dar of the Fur, the largest ethnic group in the state which inhabit the central area around the Jebel Marra mountains. The dar of the Fur has been split among North, West and South Darfur by federal government

In the last year, since the conflict in Darfur intensified, the communities under attack, namely the Fur, Masaalit and Zaghawa, have begun to identify themselves as “African” and “marginalized,” in contrast to earlier self-definitions as Sudanese or Darfurian. They increasingly see the attacks on their communities by the Sudanese government as racially and ethnically motivated ones.

Historical Patterns of Conflict

Darfur has been affected by intermittent bouts of conflict for several decades. Pastoralists from the north, including the northern Rizeigat, Mahariya, Zaghawa, and others, typically migrate south in search of water sources and grazing in the dry season (typically November through April). Beginning in the mid-1980s, when much of the Sahel region was hit by recurrent episodes of drought and increasing desertification, the southern migration of the Arab pastoralists provoked land disputes with agricultural communities. These disputes generally started when the camels and cattle of Arab nomads trampled the fields of the non-Arab farmers living in the central and southern areas of Darfur. Often the disputes were resolved through negotiation between traditional leaders on both sides, compensation for lost crops, and agreements on the timing and routes for the annual migration.

In the late-1980s, however, clashes became progressively bloodier through the introduction of automatic weapons. By 1987, many of the incidents involved not only the Arab tribes, but also Zaghawa pastoralists who tried to claim land from Fur farmers, and some Fur leaders were killed. The increase in armed banditry in the region also dates from this period, partly because many pastoralists lost all their animals in the devastating drought in Darfur of 1984-1985 and, in turn, raided others to restock their herds.³

There were also contentious political issues in the region. In Darfur, Arab tribes considered they were not sufficiently represented in the Fur-dominated local administration and in 1986, a number of Arab tribes formed what became known as the “Arab alliance” (*Tujammo al Arabi*) aimed at establishing their political dominance and control of the region. Meanwhile,

administrative redivisions in the 1990s. The Masaalit dar is mainly in West Darfur—around El Geneina and Adré in eastern Chad (the border between Chad and Sudan splits Dar Masaalit). Dar Zaghawa is in North Darfur.

³ Africa Watch (now Human Rights Watch/ Africa), “The Forgotten War in Darfur Flares Again,” *A Human Rights Watch Report*, Vol. 2, No. 11(A), April 1990. This report notes that “In January 1988, the newspaper al Ayyam estimated that there were at least 50,000 modern weapons in Darfur—one for every sixteen adult men,” p. 3. Now, after twenty years of war in southern Sudan and several decades of conflict in Chad, there are no doubt many more weapons in circulation.

Fur leaders distrusted the increasing tendency of the federal government to favor the Arabs. Arabs from the northern Nile Valley controlled the central government since independence.

This fear of Arab domination was exacerbated by the Sadiq El Mahdi government (1986-89) policy of arming Arab Baggara militias from Darfur and Kordofan known as "muraheleen." Similar to the militias currently involved in the Darfur conflict, the muraheleen were a militia based in Darfur, employed by the El Mahdi government and its military successors for almost twenty years as a counterinsurgency force against the southern-based rebels, the Sudan People's Liberation Movement/Army (SPLM/A). The muraheleen primarily focused on raiding, looting, displacing, enslaving, and punishing the Dinka and Nuer civilians living in SPLA territory—from which communities the SPLA forces were in part drawn.⁴ One of the differences in the fighting was that the Sudanese government recruited volunteers to fight in the south on the basis of "jihad," or a religiously-sanctioned war against the largely non-Muslim southerners. In Darfur, in contrast, the communities under assault are Muslim, but that has not proved to protect them from the same abusive tactics.

In 1988-1989, the intermittent clashes in Darfur evolved into full-scale conflict between the Fur and Arab communities. The situation also developed a more political character for a number of reasons. In a pattern that was to be repeated numerous times throughout the 1990s, rather than working to defuse tensions and implement peace agreements, the Khartoum government inflamed tensions by arming the Arab tribes and neglecting the core issues underlying the conflict over resources: the need for rule of law and socio-economic development in the region.

Conflict in 2003: Widening the Divide

The current conflict in Darfur has deep roots. It is but the latest configuration of a protracted problem, yet there are key differences between the 2003-2004 conflict and prior bouts of fighting. The current conflict has developed serious racial and ethnic overtones and clearly risks shattering historic if fragile patterns of co-existence. A number of ethnic groups previously neutral are now positioning themselves along the Arab/African divide, aligning and

⁴ The muraheleen were largely drawn from the Rizeigat and Misseriya Baggara tribes of south Darfur and Kordofan, and also became involved in attacks against the Fur community in Darfur in the late-80s. After taking power in a coup in 1989, the National Islamic Front (NIF, renamed the National Congress) ruling party incorporated many of the muraheleen militias into the Popular Defense Forces, paramilitaries whose atrocious human rights record has been well documented by many organizations.

cooperating with either the rebel movements or the government and its allied militia. Remaining neutral and outside the conflict is becoming impossible, though some groups have tried to do so.

Overtly, the conflict in Darfur pits the government of Sudan and allied militias, the “janjaweed,”⁵ against an insurgency composed of two groups, the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM). Initially, the rebel groups were mainly composed of three ethnic groups: Zaghawa, Fur and Masaalit. Over the past months however, members of some smaller tribes such as the Jebel and Dorok peoples have also joined the rebellion following janjaweed militia attacks on their communities.⁶ Additional Arab tribes and even some non-Arab tribes have also joined the government-backed militia.

The SLA emerged in February 2003. Initially called the Darfur Liberation Front, it captured the town of Gulu, and shortly thereafter changed its name to the SLA. Early political demands included socio-economic development for the region, an end to tribal militias, and a power share with the central government. Khartoum called the group “bandits” and refused to negotiate. In April 2003, the SLA launched a surprise attack on El Fashir, the capital of North Darfur, and damaged several government Antonov aircraft and helicopters and looted fuel and arms depots. The rebels required a captured Sudanese air force colonel to give an interview on the Arab satellite TV news station El Gezira. This was followed by another major attack on Mellit, the second largest town in North Darfur, where the SLA rebels again looted government stocks of food and arms. In May 2003, the Sudanese government dismissed the governors of North and West Darfur and other key officials and increased military strength in Darfur.

The conflict escalated in July 2003, with fighting concentrated in North Darfur. The government launched offensives against the SLA in Um Barou, Tine, and Karnoi, North Darfur, in response to the SLA attacks on El Fasher, Mellit, around Kutum, and Tine (the latter on the border with Chad and an important trade route to Libya). Government response consisted of heavy bombing by

⁵ Numerous spellings of “janjaweed” are circulating. Definitions of the term generally allude to armed horsemen. One Arabic speaker told Human Rights Watch that “jan” referred to a gun and “jaweed” to horse. A Darfuri scholar of Darfur, remarked that “janjaweed” was the term used during his youth to describe outlaws. Dr. Ali Dinar, lecture, Washington, DC, February, 2004.

⁶ In further complications of the ethnic/racial divide, some African groups, such as the Gimr, have aligned themselves with the government, and some Arab groups reportedly sympathize with the SLA and allegedly have refused to collaborate with the janjaweed.

Antonov aircraft plus ground offensives of government troops and heavy equipment, including tanks. Government armament has improved substantially since 1999 when it began to export oil, and it was available for full deployment in the west after it agreed with the southern-based SPLA to a ceasefire in the south in late 2002.⁷

Janjaweed militias were also used, but on a lesser scale than later in 2003 in both North and West Darfur. The bombing raids in North Darfur prompted thousands of civilians to flee the area for Chad, which by August 2003 was host to more than 65,000 Sudanese refugees.⁸

The Chadian Connection

While the government of Sudan, its militias, and the rebel groups are the main actors in the conflict, there are also external influences and involvement. These include Chadian civilian communities aligned with both sides of the conflict, the Chadian authorities, members of the Chadian armed forces, possibly other regional neighbors, and border armed groups profiting from the further collapse in law and order in order to loot and steal goods, cattle and other livestock.

Darfur has traditionally been a staging base for Chadian coups and insurgencies.⁹ Chadian President Idriss Déby, himself a Zaghawa of the Bideyat clan from northeastern Chad, came to power in 1990 through a Darfur-based, Khartoum-supported insurgency that overthrew ex-president Hissène Habré.

The SLA and JEM rebel groups were initially dominated by Zaghawa, and the support of the Chadian Zaghawa community and, unofficially, many Zaghawa whom Déby brought into the Chadian military, has been important for both groups. The SPLA is also alleged to have played a role in supporting the SLA

⁷ Human Rights Watch, *Sudan, Oil, and Human Rights* (Human Rights Watch: New York 2003).

⁸ UNHCR Briefing Notes, January 30, 2004, at <http://www.reliefweb.int/w/rwb.nsf/3a81e21068ec1871c1256633003c1c6f/08fcc96a2b272b0dc1256e2b0052fbe3?OpenDocument> (accessed March 26, 2004).

⁹ Several ethnic groups straddle the border, including the Zaghawa in the north-east, the Masaalit around and south of Adre, and numerous sub-clans of the Iraygat, Rizeigat and Misseriya Arab tribes., a major factor in the cross-border politics. Although Déby's clan is small, other Zaghawa groups are more numerous but are still a minority in Chad.

in its initial stages, although its support is believed to have been minimal since the peace talks began.¹⁰

Despite its entanglement in the situation, the first international negotiations took place in and were mediated by Chad in September 2003--following several failed internal attempts to mediate by Sudanese officials. The Abéché talks (in the Chadian regional capital nearest Darfur) produced an agreement between the government of Sudan and the SLA that provided for a ceasefire, relocation of forces, control of militias, and pledges to increase social and economic development in the region. Although fighting between government forces and the SLA stopped temporarily after the agreement was signed in September 2003, janjaweed militia attacks continued in the Zalingei area in West Darfur and near Nyala, capital of South Darfur, in early September and October 2003. The ceasefire was extended for one month at the beginning of November but by that time the increasing militia activity, including major attacks in West Darfur, had rendered the agreement moot.

Khartoum Responds in Force

Civilian as well as military authorities in the current government are said to consider the Darfur rebellion as a "regime threat." The Darfur rebels pose far greater menace to their hold on office than the SPLA rebellion, confined in its effects to the south, ever did. The JEM, the SLA, and the prospect of a united Darfurian coalition that could garner support among other tribes in the west, and states such as Kordofan, is deeply worrying to the Khartoum government, given that these groups are Muslim, and thus not as easily objectified or inveighed against as the southern "infidels."

The rebels and their communities believe that the real motivation for this conflict is the Arabizing thrust of this and previous Sudanese governments. The rebels are not Arabs, and they have been considered, in Khartoum where they fled to from the Darfur droughts of the 1980s, as uncontrollable and threatening presences and second-class citizens in an Arab city.

Behind much of Khartoum's response to Darfur is the spectre of Dr. Hassan al Turabi,¹¹ the eminence gris and creator of the Islamist movement in Sudan.

¹⁰ Human Rights Watch telephone interview, March 10, 2004. The SPLM/A was warned off involvement in Darfur by the U.S. mediators in the peace talks with Khartoum, held under Inter Governmental Development Authority (IGAD) auspices in Kenya since June 2002.

¹¹ Turabi, the leader of the Islamist movement in Sudan and former leader of the National Assembly, was mentor to President El Bashir until they had a falling out in late 1999, when Turabi wanted to wrest power from President El Bashir through machinations in the National Assembly. His former acolytes, perhaps feeling that it

While his connection with the JEM rebels, many of whom were members of Turabi's political party, is murky and he denies any links, the government fears that, wily politician as he is, he will find a way back into power by using the Darfur conflict—rumors now circulate with the new-found “fact” that Turabi is not really an Arab.

There is the additional strain on the government of a Zaghawa threat, although less pressing than Turabi. It is unclear to some whether the Zaghawa in whole or in part are participating in the Darfur rebellion to redress local grievances or to come to power in Khartoum, as they did in Chad. The Zaghawa, although a poor community, include many transnational traders and are more organized than others in Sudan.

Dominated by Zaghawa, the JEM emerged later in 2003 than the SLA, and was reported to have a stronger political agenda, while the SLA was believed to have greater military force.

The JEM group was not a signatory to the Abéché agreement, and had several clashes with the janjaweed militia during the period of the ceasefire. It also expanded its forces, partly through recruitment of some SLA members unhappy with the concessions made by their leaders. Some analysts suspect that the difference between the JEM and the SLA may have been more a matter of negotiating tactics than ideology, however, and recently, the two groups appear to be increasingly coordinating activities, leading to speculation that they have been or are in the process of merging.¹²

By early December 2003, any pretense at upholding the ceasefire was gone, and ceasefire talks scheduled in the Chadian capital of N'djamena collapsed without any serious dialogue. Shortly afterwards, Sudanese president Omar El Beshir vowed to annihilate the rebellion¹³ and in mid-January 2004 the

was the seventy-year-old's time to move aside while they came into their own, rejected this move. President El Bashir declared a state of emergency and adjourned the National Assembly for a few years. Turabi, who with many Islamist followers formed his own party, the Popular National Congress (PNC), began to challenge the government with strikes by teachers in regional capitals and other similar actions, claiming to represent the true Islamist movement. When Turabi signed an agreement with Col. John Garang, head of the SPLA, in February 2001, his enemies in government seized on this opportunity to throw him in jail for “treason.” Although the Constitutional Court ordered his release later in the year, the government kept him in jail through executive order, in full defiance of national and international human rights norms. He remained in jail, and hundreds of his PNC followers were in and out of jail, until late 2003. The government of Sudan rearrested Turabi and at least 6 PNC officials on March 31, 2004, alleging that they were plotting a coup. March 31 was the opening day of peace talks with the rebels in Chad. The government did not arrive.

¹² Human Rights Watch telephone interview, March 10, 2003.

¹³ Agence France-Presse, “Sudanese president vows to annihilate Darfur rebels,” December 31, 2003.

government launched a major offensive against rebel-held areas in North Darfur, hoping for a military solution. Attacks by janjaweed militia on villages and towns in West Darfur also increased in December 2003, causing new waves of displaced persons to flee villages from along and south of the road between el Geneina and Nyala.

By late February 2004, estimates of displaced persons from Darfur were of more than 750,000 people, the majority of whom continued to experience attacks and looting even after fleeing their homes.¹⁴ In Chad the number of refugees almost doubled to more than 110,000, with close to 30,000 new refugees arriving in December 2003, and more than 18,000 arriving in late January following the government offensive.¹⁵

On February 9, 2004, President El Bashir announced victory and stated that the war was over and that refugees could be swiftly repatriated. To date, however, the fighting between government forces and the rebel groups has continued, with clashes reported around Nyala, Kubum El Fashir and other areas in March 2004.

¹⁴ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), "Relief Supplies being stolen from recipients in Darfur," February 27, 2004.

¹⁵ UNHCR Briefing Notes, January 30, 2004, at <http://www.reliefweb.int/w/rwb.nsf/3a81e21068ec1871c1256633003c1c6f/08fcc96a2b272b0dc1256e2b0052fbe3?OpenDocument> (accessed March 26, 2004).

ABUSES IN DARFUR BY GOVERNMENT FORCES

Since the beginning of the rebel insurgency in February 2003, and particularly since the escalation of the conflict in mid-2003, the government of Sudan has pursued a military strategy that has violated fundamental principles of international humanitarian and human rights law. It has failed to distinguish between military targets and civilians or comply with the principle of proportionality in the use of force.¹⁶ Its strategy deliberately targets the civilian population through a combination of indiscriminate and deliberate aerial bombardment,¹⁷ a “scorched earth” campaign, and denial of access to humanitarian assistance. The results have been dramatic: within one year, more than 750,000 people displaced in Darfur and more than 110,000 across the border into Chad.¹⁸

Sudanese government forces are responsible for hundreds of indiscriminate and targeted attacks on civilians in Darfur amounting to serious violations of international human rights and humanitarian law.¹⁹ In many cases the severity of the crimes committed by government forces and allied militia as well as the widespread and systematic way in which these abuses are carried out amount to war crimes and crimes against humanity.²⁰

¹⁶ The principle of proportionality puts a duty on combatants to choose means of attack that avoid or minimize damage to civilians. In particular, the attacker should refrain from launching an attack if the expected civilian casualties would outweigh the importance of the military target of the attacker. The relevant provision states that prohibited attacks are those that “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage expected.” Article 51 (5) of Protocol I Additional to the Geneva Conventions of August 12, 1949. While Sudan has not ratified Protocol I, which only applies in international armed conflicts, its provisions provides authoritative guidance nevertheless and most of them are part of international customary law.

¹⁷ The rebel groups in Darfur do not have aircraft, so it can be assumed that the Antonov and MiG planes, and helicopters used in the conflict belong to the government of Sudan. In addition, eyewitnesses have reported seeing the Antonovs, MiGs and helicopters at several government-controlled airports in Darfur.

¹⁸ “Sudan: Humanitarian crisis in Darfur deteriorating, U.N. agencies say,” U.N. News, New York, March 30, 2004.

¹⁹ All parties involved in the conflict in Sudan are obliged to respect fundamental principles of international humanitarian law. This body of law demands that all parties to the conflict distinguish at all times between civilians and combatants, and between civilian property and military objectives. Acts or threats of violence intended to spread terror among the civilian population, in particular murder, physical or mental torture, rape, mutilation, pillage, and collective punishment, are prohibited. The destruction of objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for food production, crops, drinking water installations and supplies, is also prohibited.

²⁰ Crimes against humanity are defined both in international customary and conventional law. The following, among others, are crimes against humanity when committed in a massive or systematic manner: murder,

Since the February 2003 official emergence of the Darfur rebel groups, attacks on civilians have increased in scale, number, and brutality and have been conducted on villages and towns in the absence of rebel presence or military targets. Civilians sharing the ethnicity of the rebel movement, namely the Fur, Masaalit, and Zaghawa and a few small tribes, have become the main targets of government military offensives aimed at destroying any real or perceived support base of the rebel forces. Government forces and janjaweed militias have inflicted a campaign of forcible displacement, murder, pillage, and rape on hundreds of thousands of civilians over the past fourteen months.

Dozens of refugees interviewed by Human Rights Watch and others have described repeated attacks on their villages and towns. Hundreds and hundreds of villages have been destroyed, usually burned, with all property looted. Key village assets, such as water points and mills, have been destroyed in an apparent effort to render the villages uninhabitable. Numerous civilians have been killed and injured by aerial bombardment and militia raids. Hundreds of women have reportedly been raped by militia and government troops. Children have been abducted in large numbers. Once they fled their homes, thousands of civilians have been subjected to systematic attacks, looting, and violence by militias in government-controlled towns and at janjaweed checkpoints that dot the roads. Even when displaced persons have reached the larger towns where they hope to find assistance and at least a refuge from further attacks, they continue to be systematically preyed upon by the janjaweed.

The evidence from Darfur points to a systematic campaign by government forces and allied militias to violently force rural civilians from their homes and render them destitute and corralled in government towns and camps.

Patterns of Government Attacks in Darfur

torture, forced disappearances, rape, forcible transfers, persecutions on political, political, racial, national, ethnic, cultural, religious, or other grounds and other inhumane acts.

Crimes against humanity can be committed in peace time or war time. No exceptional circumstances such as state of war, threat of war, political instability etc., can be invoked to justify the commission of crimes against humanity. These crimes carry specific legal consequences: they are not subject to any statute of limitations, the perpetrators cannot claim they were acting under superior orders, those responsible cannot claim asylum and states are able or even obliged to bring the perpetrators to justice regardless of where the crime was committed and regardless of the nationality of the perpetrator or the victim.

The Statute of the International Criminal Court established the jurisdiction of the ICC to prosecute the most serious crimes affecting the international community, including crimes against humanity. Sudan has not yet ratified the ICC Statute.

It appears that the government and janjaweed attacks throughout Darfur became increasingly violent in 2003, especially after the ceasefire unraveled and hopes for a speedy resolution of the conflict dwindled. Numerous civilians interviewed by Human Rights Watch described fleeing their villages into the hills, known as jebels, or neighboring villages after initial attacks in early or mid-2003, waiting several months for the situation to stabilize, then, hopeful that the ceasefire would bring peace, returning to their homes in September 2003. When the brutality of militia attacks worsened in and after October 2003, many civilians were forced to leave their home areas entirely, moving to larger towns in Darfur or crossing into Chad.

Attacks have varied in nature depending on their location but two broad patterns have emerged to date.

Government attacks on villages and towns in northern Darfur consisted of heavy aerial bombardment followed by ground attacks by Sudanese army troops and the Arab militia janjaweed forces. In mid-January 2004, for example, following President Bashir's pledge to "annihilate" the "hirelings, traitors, agents and renegades,"²¹ the government launched a major aerial bombing offensive in Zaghawa areas of North Darfur, causing the flight of thousands of civilians into Chad later that month. Many who survived the bombing and tried to stay in Darfur were later forced to flee the area due to militia and government ground attacks.

In South and West Darfur, by contrast, there has been far less aerial bombardment. Instead, Arab militias appear to have played the most significant role in ground attacks, sometimes accompanied by army troops, in what has become a spiral of increasing violence, robbery, and destruction aimed mainly at the Fur and Masaalit communities, whose homelands are in these states.

A Policy of Forced Displacement

While the government of Sudan may not have planned that events would evolve in quite this manner, they knew or should have known that the military strategy employed would result in forced displacement and massive consequences for civilians. While there are differences in targets and context, similar strategies have been inflicted on civilians in southern Sudan for twenty years.

²¹ Agence France-Presse, "Sudanese president vows to annihilate Darfur rebels," December 31, 2003.

In the initial months of the war, rebel presence and attacks were more concentrated in North Darfur, as were government counterattacks. However, as time passed and the government military campaign failed, it drew increasingly on the allied janjaweed militias to destroy any real or potential support base of the rebels—a strategy of forced displacement of the civilian population. As an incentive, militia were given the opportunity to freely loot and capture the land of communities they had long coveted. The government-backed militias—and armed groups of bandits who took advantage of the conflict to loot—did not confine their attacks to SLA or JEM troops or assets, but went far afield, targeting undefended villages and greatly increasing the numbers of affected civilians.

As the war continued, and particularly following the collapse of ceasefire talks in September 2003, the janjaweed militias grew in size and influence. The patterns of the aerial bombardment and ground attacks, the increasing violence, and the government's clear responsibility for not merely supporting, but encouraging all aspects of the militia activity, point to a brutal and ethnically specific strategy to force the rural Fur, Masaalit and Zaghawa population from their homes.

Article 17 of the Additional Protocol II to the Geneva Conventions of 1977,²² which addresses the protections the warring parties must provide for civilians in non-international armed conflicts, prohibits the forced displacement of civilians for reasons connected with the conflict. It does, however, allow for such displacement if “imperative military reasons” or the “security of the civilians” requires—both of which are facts within the government's control. It has the burden of explaining them, which it has not done.

Here the methods used to accomplish the displacement—attacks on civilians, scorched earth destruction of civilian property, and forced movement without warning—are in violation of international humanitarian law.

In addition, the destruction of water sources, burning of crops and theft of livestock are a key element in the government's campaign. For obvious reasons, cutting off all sources of food and water to civilians in their homes will inevitably lead to their displacement—or starvation. As part of the duty to protect civilians in conflict, the government must not “attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population” Objects considered essential to civilian survival

²² While Sudan has not ratified Protocol II, which only applies in non-international armed conflicts, its provisions provides authoritative guidance nevertheless and most of them are part of international customary law.

include “foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.”²³

A campaign of forced displacement and other abuses amounting to crimes against humanity, and no doubt other serious violations, is taking place. While militias have operated as perhaps the principal perpetrator of direct violence, the character and scale of the abuses would not have been possible without pervasive government sanction and support. Government officials have actively supported the militias and disregarded the pleas of the Zaghawa, Masaalit, and Fur for protection. The Sudanese government thereby has condoned the killings, abductions, and forced displacement of hundreds of thousands of civilians.

The Khartoum government’s role in arming the militias and condoning attacks on civilians was noted by numerous refugees interviewed by Human Rights Watch as the main reason for their flight. They also cited the government’s role as the key difference between the recent militia activity and clashes with Arab militias in prior decades. Commenting on this, an elderly Masaalit refugee told Human Rights Watch:

Well, before there was conflict, it’s true, but now when a village is burned then automatically a helicopter descends to reinforce the Arabs. Whenever a village resists, then the plane comes down, so for me it’s not the Arabs, it’s the government that’s different from before. It has changed its attitude.²⁴

Another man pointed out, when asked whether his village had requested government protection, “It’s the government itself coming to attack, how can we ask them to defend us? Why don’t they come to help us if they’re not involved?”²⁵

Bombing of Civilians in North Darfur

North Darfur state, which contains the “dar” or homeland of the Zaghawa, was the main target of Sudanese government aerial bombing in 2003. The vast majority of refugees interviewed in locations in northeast Chad were Zaghawa who fled their villages and towns and the rural areas in and around

²³ Article 14, Protocol II Additional to the Geneva Conventions of August 12, 1949

²⁴ Human Rights Watch interview, Chad, February 19, 2004.

²⁵ Human Rights Watch interview, Chad, February 18, 2004.

Karnoi, Kepkabiya, and Abu Gamra. These refugees described the government's systematic bombing campaign as one of the main reasons for their flight.

Sudanese government aircraft (mainly Antonov aircraft, although MiGs and attack helicopters have also been used) repeatedly bombed towns and villages, at any time of the day or night, inflicting hundreds of injuries and deaths of civilians, often just prior to ground attacks by Sudanese government soldiers and janjaweed militia.

The Sudanese government's use of Antonov bombing is not new. Human rights and humanitarian organizations have documented an overwhelming pattern of Antonov bombing in the conflict in southern Sudan over the past decade or more. Now that the targeting reportedly has improved, with some forward air control capacity supplied by janjaweed in close communication with the Sudanese army and air force, it is clear that villages are deliberately targeted. By the very quantity of bombs dropped, the Antonovs can be sure of inflicting significant casualties and destruction.

Clearly there was SLA presence in certain villages, which provides military justification for the use of force, however the force must be proportional²⁶ to the expected military gain.

The government's bombing campaign in Karnoi, North Darfur, and other towns in January, 2004, for instance, was a disproportionate use of force in that although there was rebel presence in certain locations, the victims were overwhelmingly civilians. In addition, essential civilian installations such as water sources, vital for the survival of the population, were destroyed, an outcome that cannot be justified by any military advantage of the attacks.

In many other villages there was clearly no military presence or installations that warranted the overwhelming bombing of January 2004.

Based on Human Rights Watch interviews with victims and witnesses, the Antonovs dropped hundreds—if not thousands—of bombs in North Darfur, sometimes repeatedly bombing the same villages with dozens of bombs in a few days. Some civilians dug holes in the ground to use as bomb shelters and managed to survive the campaign for some months until the January 2004 offensive forced them out. A forty-year-old Zaghawa market woman from Karnoi, a town in North Darfur, told Human Rights Watch,

²⁶ See footnote 17.

I left because of the bombing. Every day the airplanes came and hit houses and killed people. I saw the planes; they fly very high and the top is white and the underside is black. From the beginning there was bombing, sometimes there would be a few weeks with no bombing, then it would start again. We made a hole in the floor of the house and when the planes came we went inside and would come out later. Every day people died and were wounded from the bombs: one day eight people killed, another day six people, sometimes two or one person. When we realized the bombing wouldn't stop, and when my own house was hit, that's when I left.²⁷

Witnesses to the attacks gave consistent accounts of a distinct pattern since early 2003: Antonov aircraft heavily bombed villages and water points, followed by ground attacks, often in a matter of minutes. The Antonov bombing was sometimes followed by more precise strikes by MiG planes and attack helicopters on infrastructure, including hospitals, health centers and schools.²⁸ Although most casualties appear to have resulted from Antonov bombing, attacks by MiG planes and attack helicopters have also resulted in civilian death and injuries. Helicopters are used for troop transport as well as targeting civilians—especially when there are no rebel forces around the civilians to shoot back at the helicopters.

A refugee with a medical background who provided basic first aid to many victims of the bombing in and around Karnoi before fleeing to Chad described the impact of the different aircraft to Human Rights Watch:

Most of the civilians were wounded by the Antonov bombing, and also by helicopters. The MiG attacks started in January 2004, and they come very fast and are very dangerous. If an Antonov bombs forty times [drops forty bombs], then it may kill and injure forty to fifty people. But one hit from the MiG can kill the same number. The MiG has rockets and machine guns, and it follows people, it is the most dangerous. The helicopter also comes very near when it bombs—there's no resistance to it.²⁹

²⁷ Human Rights Watch interview, Chad, February 24, 2004.

²⁸ At least nine helicopters are said to be in use in Darfur, and there are reports that the government has purchased another seventeen attack helicopters from an Eastern European country.

²⁹ Human Rights Watch interview, Chad, February 26, 2003.

While there was aerial bombardment through most of 2003, witnesses describe an increase in the type and patterns of aerial bombardment in North Darfur dating from early December 2003. Aerial attacks appear to have peaked during a government offensive between January 15–19, 2004, and Human Rights Watch interviewed more than fifteen victims of aerial bombing from that period. A Zaghawa student from Jorboke, near Karnoi, was injured from shrapnel from a bombing on January 19, 2004:

I was at the well with my animals, about half a kilometer from the village, when the planes came. It was about 8 a.m. and two Antonovs came flying over. It was not the first time we'd seen the planes, but it was the first time they came to Jorboke so we were surprised by the bombs. The Antonovs came first, they were very high, like small birds, and they dropped eight bombs around Jorboke. We have two wells and both were hit, the others landed outside the village. The MiGs came about fifteen minutes later and they bombed two of the houses in the village. The MiG goes up and down and is very fast. It makes noise like thunder and shoots rockets, and it hit two of the biggest compounds in the village. The houses hit by the rockets burned down.

We were a mixed group at the well—men, women and children. There were two people killed and three wounded from the bomb, including me; my leg was broken. An old lady named Mariam was one of the dead, and a five-year-old boy, Ahmed Mohammed. . . . I heard later that the janjaweed came and looted and burned the rest of the village, but I had left by then; my family put me on a camel to come out to Chad.³⁰

The bombing forced many people to leave their villages and move into the *wadis*, the tree-lined riverbeds where people use hand-dug wells to access water under the riverbeds. Even in the wadis, they were continually targeted by air and by ground attacks--indeed, government bombing appears to have specifically targeted the wadis, where people and their livestock are forced to come for water and shelter, given the sparse vegetation and scorching temperatures of the region. A twenty-seven-year-old Zaghawa woman whose four-year-old son lost his feet in one such incident described what happened

³⁰ Human Rights Watch interview, Chad, February 23, 2004.

when her village near Karnoi, North Darfur, was bombed during the January offensive:

We had moved away from the houses when the bombing started around 3 p.m. We were hiding under the trees in the wadi. There were so many places they bombed. The children were hiding in a different place when the bomb caught them, and all of a sudden we heard them screaming.³¹

The bombing in the wadis appears to have been part of a deliberate strategy to destroy the water sources and other civilian installations, such as schools and hospitals. Witnesses reported numerous accounts of the bombing of wadis, but also of wells. "Our wells were broken by the bombing, indeed the whole village was destroyed," said one thirty-eight-year-old Zaghawa man from Fara Wiya, a commercial town and administrative district in North Darfur.³² Another man from Fara Wiya town, which was repeatedly bombed in 2003 and 2004 due to suspected SLA presence, described the bombing in June 2003:

The government bombed us with Antonov, MiG, and helicopters. About 140 bombs dropped on Fara Wiya town in that month. The MiGs specifically hit the school—the hole was more than two meters deep. After that we were afraid and took our children away into the mountains. After the bombing in the morning, we saw about 2,000 soldiers come with tanks in the early afternoon. They surrounded the village on three sides and the janjaweed came on the fourth side. The plane had already destroyed the health clinic. The janjaweed and the soldiers broke into the shops and looted, then they burned the houses. The janjaweed put a dead animal in the well.³³

Some refugees allege that the government used some form of tear gas or chemical agent that was thrown out of helicopters in certain of the attacks. One refugee interviewed by Human Rights Watch stated that "the Antonovs are coming at night and in the day and sometimes there is poison in the

³¹ Human Rights Watch interview, Chad, February 24, 2004.

³² Human Rights Watch interview, Chad, February 23, 2004.

³³ Human Rights Watch interview, Chad, February 25, 2004.

bombing.”³⁴ The details of such incidents remain unclear, however, and these allegations have not been verified to date.

Repeated Raids in West and South Darfur

In West and South Darfur, militia attacks on Masaalit and Fur villages increased and became increasingly brutal over the six months since October 2003. Human Rights Watch interviewed at least a dozen individuals from different villages in El Geneina and Habila provinces who described a similar pattern of attacks. Initial raids by well-armed Arab militia on camel and horseback took place in mid- and late 2003 but consisted mainly of theft of livestock and verbal threats to the population, with few casualties. The nature of the attacks worsened over time, however, becoming much more numerous and much more violent in early 2004. A typical experience was described by a Masaalit refugee from West Darfur:

There have been three attacks [on my village] since October 2003, but the last attack [in early January 2004] was the worst. The first times, the men came on camels and horses and frightened us, but in the third attack they came by car and killed a lot of people. All the inhabitants fled at once after the last attack. The military told us they would erase us. We asked why they wanted to hurt us and they answered that it was none of our business, that orders came from above.³⁵

Another Masaalit refugee in Chad also reported attacks increasing in severity during the same time: “The first time they came was in late December, but it was not so serious. They came on camels and horses and shot in the air and stole some animals, but they didn’t kill anyone. When they came back the second time they came with cars and they killed five people and beat people and took everything, all the cows.”³⁶

A seventy-year-old Masaalit farmer who saw three sons die at the hands of the militia described the attacks as follows:

The first time, it was not such a large group, but when they came the second time, they created a huge dust cloud, those

³⁴ HumanRights Watch interview, Chad, February 23, 2004.

³⁵ Interviewed in Chad, February 11, 2004.

³⁶ Human Rights Watch interview, Chad, February 18, 2004.

janjaweed, they were so many. They were on camel, on horse and on foot. They started shooting even before they arrived. Most of the village was burned, even my hut. Someone gave me these clothes to wear. Almost twenty people were killed in that attack—it was very early in the morning so there were many people at home.³⁷

Many people said they fled their villages, but remained in the general area. They did this to salvage some belongings, remain close to water sources, and in the hope of returning home—if security permitted. Most returned to the villages between attacks, intending to stay, but were finally forced out altogether by the brutal attacks or when the villages and water points were utterly destroyed.

Villages that were destroyed and emptied of their population were generally selected on the basis of ethnicity. Observers in Darfur in February and March 2004 report that burned Fur, Zaghawa and Maasalit villages are sometimes in close proximity to villages belonging to other ethnicities that have not been touched and in which the population continues to live. The intact villages sometimes belong to Arab and other non-Zaghawa, non-Masaalit, or non-Fur African ethnic groups.

Reportedly, some of the other African villages also suffer from the depredations of the militia, although not to the extent of the targeted ethnicities. Some villages pay large sums of money, up to U.S. \$7000 in one such case, to the janjaweed militia to avoid attack.³⁸ Individuals have also been reported to have to pay janjaweed to allow them to farm their own land and return to their home villages. Once returned, however, their villages are attacked again, and in some cases, for instance, these villages have been occupied by settlements of Arab nomads, for instance in the rich agricultural area of Wadi Saleh province.³⁹

Although government forces appear to have had less responsibility for the widespread killings, rape, and assault on civilians during the ground attacks described by these refugees, future investigation may reveal a far greater direct role in abuses. Witnesses overwhelmingly note that government troops

³⁷ Human Rights Watch interview, Chad, February 19, 2004.

³⁸ "Militias ravage Darfur in gangs of hundreds," Integrated Regional Information Network (IRIN), March 2004.

³⁹ Human Rights Watch interview in Chad, February 2004.

regularly participated in joint attacks, and coordinated with militias who plundered civilian property and destroyed infrastructure.

The janjaweed have visibly amassed tens of thousands of heads of Masaalit cattle, held in full view of government authorities in huge cattle camps. The government, by encouraging these reported abuses and by refusing to criminally prosecute any janjaweed, have given the janjaweed militia full impunity.

The Janjaweed Militia and Links to the Government of Sudan

The Arab militia groups known as janjaweed are but the latest incarnation in a longstanding strategy of militia use by successive Sudanese governments.⁴⁰ The militias in Darfur are clearly supported by the Sudanese government, which uses them as a counterinsurgency proxy to attack civilians while somewhat hiding the government's hand.

The Sudanese government is reported to have recruited 20,000 janjaweed militia members.⁴¹ Most are believed to be from Arab camel-herding tribes from North Darfur and Chad. The tribes and clans most frequently mentioned by refugees and other credible sources are the the Irayqat and Ouled Zed subclans of the camel-herding northern Rizeigat, the Mahariya, and the Beni Hussein.⁴² Many of the militia members are believed to be Chadian in citizenship and while some have been attracted to the janjaweed by the increasing ethnic polarization in the region, the prospect of loot apparently has been a greater incentive for most.

Some of the janjaweed members are also known to their victims. Witnesses to attacks in Fur areas of West Darfur stated that they knew their attackers.⁴³

Witnesses and victims of the attacks consistently describe militia members as wearing Sudanese government military uniforms, generally green khaki. They sometimes have insignia of a man on horseback, or a red patch on the shoulder, but the ranks displayed are regular government army ranks, and their two main leaders have the rank of "general."

⁴⁰ See Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes Sudan, Oil, and Human Rights*, (Human Rights Watch: New York, 1999); and other HRW publications.

⁴¹ Human Rights Watch interview with Chadian official, Chad, February 18, 2004.

⁴² Human Rights Watch was told that initially some of the Beni Hussein refused to take part in the janjaweed militia but under pressure from other Arab tribes.

⁴³ Interviewed in Chad, February 2004.

The militia members carry new weapons (including Kalashnikovs, G-3s, and Belgique) and communications equipment such as Thuraya satellite phones. In addition, janjaweed militia sometimes travel in Sudanese government vehicles, although they are typically on horseback or camels. They are invariably present in ground attacks and raids, and sometimes accompanied by Sudanese government troops in attacks.

Human Rights Watch interviewed a former government soldier in Chad who had been forcibly recruited by the government in eastern Sudan in the beginning of 2003 and later captured by the SLA. His description of joint attacks by government forces and the janjaweed militia was telling and confirmed the many witness accounts of government and militia collaboration:

We went to Adar [North Darfur] to fight in early 2003. We weren't told about the SLA, only that we were there to fight robbers. We [the government troops] were in green pickup trucks with red flags. The red flags are especially for the war. We were several thousand and it took ten days to go to Adar. There were janjaweed with us, they came on horseback. We fight together but they [janjaweed] stay together and they camp in separate places. They had their own leader, and before they enter the fighting, their commander would get together with the other commanders and organize the plan for the attack. They also had communications equipment to stay in contact with the other commanders.

The way the attacks go is that first the Antonovs come to bomb and frighten away the SLA and the civilian population, the helicopter usually comes with us, with the soldiers, and the janjaweed attack from a different side. The janjaweed get khaki uniforms and new guns too—G-3s, Doshkas—that come from Khartoum.⁴⁴

Human Rights Watch was told by several credible sources that new recruits to the janjaweed militia received an initial fee that could range from U.S. \$ 100 to U.S. \$ 400 and that relatives were guaranteed continuing support should a militia member be killed in battle.⁴⁵ Many janjaweed also reportedly receive monthly stipends that exceed the salary of army soldiers (about

⁴⁴ Human Rights Watch interview, Chad, February 27, 2003.

⁴⁵ Human Rights Watch interview, Chad, February 19, 2004.

100,000 Sudanese pounds or \$100). Militia members also receive regular supplies of sugar and oil. In addition to arms, uniforms, salaries, communications equipment, and other forms of support, janjaweed apparently also received identity cards from the government, according to documents captured by the SLA in December 2003.⁴⁶

The command structures of the janjaweed are less well understood. Several people interviewed by Human Rights Watch mentioned a janjaweed leader named "Shochortola" who was reportedly killed in fighting in North Darfur in January 2004. A Rizeigat leader from Kutum was also mentioned as a prominent force among the janjaweed. Several sources concurred that janjaweed regularly use El Geneina, the capital of West Darfur, as a base for operations, that training camps are located outside the town, and that ammunition is regularly distributed to the militia by sources within the government's military intelligence unit.⁴⁷

As of March 2004, despite the government's announcement that the war was won, there were new reports of government recruitment of combatants.⁴⁸

Government Responses to Militia Attacks

Government forces not only participated and supported militia attacks on civilians, they also actively refused to provide security to civilians seeking protection from these militia attacks. Human Rights Watch received testimonies indicating that, when the attacks began in 2003, large numbers of civilians fled to towns and villages which housed military barracks and/or police posts, or sent messages to military units alerting them of the attacks and requesting help. The government forces rarely, if ever, responded.

On the contrary, in some cases when civilians fled to towns where army barracks were located, they were told to leave by Sudanese military and police. An elderly Masaalit refugee described the reaction of Sudanese police in Konga when he and other villagers fled there after a janjaweed attack in late 2003:

We took what was left of our belongings and we fled to Konga, where there was a Sudanese military post. It took two days to

⁴⁶ Human Rights Watch telephone interview, February 20, 2004.

⁴⁷ Human Rights Watch interview, Chad, February 20, 2004.

⁴⁸ "Militias ravage Darfur in gangs of hundreds," IRIN, March 10, 2004.

go to Konga—those who went to Konga were mostly the old men, the women. . . . When we got to Konga, there were many people there, people from at least four or five other villages that had been burned. We went to the military, but they said, 'Go away, if you come here then the Arabs will come too and kill you and maybe kill us too, so go away.' That's why we came to Chad, because it was clear the government wouldn't protect us.⁴⁹

Even when displaced people reached a relatively larger town with greater military presence, such as Nyala (capital of South Darfur), El Geneina (capital of West Darfur), or Kepkabiya, there was no guarantee of security. In January 2004, numerous janjaweed militia attacks on displaced communities were reported, even around major towns like El Geneina and Kepkabiya.⁵⁰ In late January 2004 there were at least three militia attacks on Aramata displaced camp alone, just six kilometers from El Geneina town. Over 500 cattle were looted and an unconfirmed number of civilians were apparently killed in these incidents, three of hundreds of attacks on displaced communities in the region.⁵¹

Examples of the government's refusal to provide protection to certain groups of displaced persons abound. In Nyala on January 14, 2003, security forces insisted that the displaced people of Initifadah camp move to another location at least fourteen kilometers away from the town. The majority of the displaced fled the camp before the planned relocation occurred, fearing a lack of security in the new site. Armed police forced persons who remained to move, at gunpoint. Some displaced scattered in panic to escape the forced relocation. Eventually an estimated 600 people were moved, despite their fears of increased vulnerability to attacks and despite the fact that the new site had not been adequately prepared with water and shelter.⁵²

Among the displaced were malnourished children and families who previously fled their burned villages, losing all they possessed only a few weeks earlier. Due to these hardships and the minimal humanitarian assistance available in

⁴⁹ Human Rights Watch interview, Chad, February 19, 2004.

⁵⁰ See U.N. Weekly Humanitarian Roundups, February and March 2004, and U.N. Darfur Task Force Situation Report of 2 March, 2004, U.N. Darfur Task Force Situation Report of 4 March, 2004. All available at www.reliefweb.int (accessed March 24, 2004)

⁵¹ Ibid.

⁵² Ibid.

Nyala town, children under five were estimated to be dying at a rate of 6/10,000 per day in mid-January, a rate that is considered to be alarming in the extreme.⁵³

In yet another telling example of the government's refusal to provide security for civilians, a number of tribal leaders of the Fur, Zaghawa and Masaalit communities reportedly made repeated attempts to inform government authorities of the grave abuses taking place. They appealed to the highest levels of government in Khartoum. They presented documented cases of violations, with no response. In at least one case, the Sudanese government warned the Darfurian representative to stop his appeals.⁵⁴

Abuses by Government-Allied Militias

Killings of Civilians

Witnesses from dozens of villages report that the janjaweed deliberately assaulted and killed civilians, both those perceived as rebel supporters and others lacking any link to the rebel forces. It is estimated that hundreds of civilians have been killed in the conflict thus far, but given the lack of access to most of rural Darfur, this number could be a serious underestimate.

Refugees interviewed in Chad often noted that although the government troops failed to protect them and were clearly responsible for aerial bombing, it was the janjaweed they most feared because "they are uneducated and they don't differentiate between men, women, and children."⁵⁵ The vast majority of the victims in village attacks—indiscriminate and targeted—have been men, many of them between twenty and forty-five years old. An unknown number, perhaps in the hundreds, of women and children have also been killed in direct, deliberate targeting by the militia forces and in crossfire during the attacks.

Some of the casualties in certain attacks are no doubt SLA combatants. Others, especially the young and middle-aged men from the Fur, Zaghawa and Masaalit communities⁵⁶ organized self-defense committees in their

⁵³ "Suite à la fermeture forcée des camps de Nyala par les autorités soudanaises, MSF s'inquiète du sort des populations," Médecins sans Frontières press release, Paris, January 15, 2004.

⁵⁴ Human Rights Watch interview, Netherlands, February 6, 2004 and others.

⁵⁵ Human Rights Watch interview, February 26, 2002.

⁵⁶ Human Rights Watch was told that the Masaalit were initially organized in the early 1990s by the Fur leader Dawood Yaya Bolad. According to this source, the Masaalit were advised to adopt the Fur strategy of buying

villages, taking up arms in the attempt to defend their families and property, and have died in the fighting with the janjaweed. According to the information available to Human Rights Watch, these self-defense groups are a longstanding strategy of deterring Arab attacks on villages that dates from the early 1990s, and they were only lightly armed, rarely possessing more than five or six rifles or non-automatic guns per village.⁵⁷ In almost all cases they were no match in 2003-2004 for the more numerous janjaweed, armed by the government with many modern automatic weapons and rocket propelled grenades and mortars. As one elderly Masaalit man noted, “[My village] is a big village, there were more than 1,000 men there. If we had had arms, we could have defended ourselves, but we had no arms and they are expensive to buy.”⁵⁸

In many cases documented by Human Rights Watch and other credible sources such as Amnesty International, the dead were unarmed civilians—men, women and children—who were killed by fires set to the homes, and by bullets while trying to defend their livestock. The numbers of civilian casualties vary widely from village to village, often depending on whether the village had been previously attacked. For instance, in a typical attack on a village where most residents had already fled, the main casualties included those too old or sick to flee, and those who resisted livestock looting. A thirty-five-year-old Zaghawa man from Adar told Human Rights Watch what happened in his village:

There were no SLA in our village at that time, but when we heard the janjaweed were coming, I myself took a gun to fight with them. I fought because my family was there. The janjaweed came in on horses, maybe 150 of them, with Kalashnikovs and G-3s. They were wearing government uniforms and I and twenty other men, we took the guns we had and prepared to defend the place. But then we heard that big troops were coming from Kepkabiya, we saw the government coming in cars, and they were just too many. Finally we left.

one gun for every family with several hundred head of cattle. Thus when the Arabs came to raid livestock, there would be five or six armed men in the village to defend their property.

⁵⁷ Human Rights Watch interview, Chad, February 20, 2004.

⁵⁸ Human Rights Watch interview, Chad, February 19, 2004. The rising price of small arms due to private purchase was verified by Human Rights Watch. In Adré, the main border town in Chad before crossing into Darfur to El Geneina, a knowledgeable source said the cost of a Kalashnikov (AK-47) had gone up from 60,000 Central African Francs (CFA) in 2003 (about \$120) to 250,000 CFA in 2004 (about \$500). Trafficking in small arms has been a significant source of income in the area for many years.

Everything we left in the houses, they destroyed. The older people, the ones who were unable to leave, they were killed. About twenty-five people were killed. They were mostly old men like Bashar Bahia, he wouldn't leave his house and they shot him and broke his head. Fatima Abdallah, she was blind and her son ran away. She burned to death when they set fire to the [thatch roof of the] house with a match. Others were killed when they tried to stop them taking their camels and cows, or other goods. Daoud Issa, he was in his sixties and he was killed when he tried to stop them looting his shop.⁵⁹

In cases where the attacks came by surprise or there were larger numbers of people still present in the village, men tended to be the most heavily targeted, but in some cases, the militia members killed most of the civilians they found, regardless of age or sex—including some hiding in mosques. An eighteen-year-old Zaghawa man from Goz Naim who survived the janjaweed destruction of his village told Human Rights Watch:

The first attack was in early January [2004]. First the plane bombed and then the janjaweed came. Most people fled but after three or four days they had no water, so they returned to the village for water, especially for the animals. The second attack was two weeks later, in late January. First there was bombing about 9 a.m., then the janjaweed came by horse and car; there were hundreds of them. I was at the well giving water to my animals when I saw them coming. I was on my horse and I was hit by a bullet and I fell off my horse into the bushes. The janjaweed collected all the animals but they didn't see me, otherwise they would have killed me.

They killed fifteen people in the village—three women and twelve men. Two of the women were old women, in their fifties, they were shot while trying to protect their animals from being stolen. The men were in the mosque when they were killed. They had gone to the mosque at 6 a.m. They stayed inside the mosque when the janjaweed came, they were praying for life. The janjaweed shot and killed them there.⁶⁰

⁵⁹ Human Rights Watch interview, Chad, February 24, 2004.

⁶⁰ Human Rights Watch interview, Chad, February 24, 2004.

These are not the only reports Human Rights Watch has received of janjaweed murders of those hiding or praying in mosques.

Human Rights Watch has also received several allegations that cannot be confirmed that in some towns where displaced Fur have fled in Darfur, janjaweed militia are targeting unarmed, displaced civilians and possibly executing them. These reports have not been confirmed to date. There are reports that the janjaweed rounded up civilian men, including community leaders, in groups of a few individuals to dozens or persons, and take them away--never to be seen again. To date, their whereabouts are unknown and it is widely believed that they have been killed by the militia.⁶¹ Similar reports of targeted roundups of community leaders—who are never seen again—have been received from Masaalit areas as well, suggesting there may be a plan for disposing of local leadership.⁶²

There have also been clear reprisal actions against or collective punishment of certain villages in which janjaweed militia summarily executed, assaulted, and committed other acts of violence against whole communities perceived as SLA supporters. Human Rights Watch received information regarding several such incidents, including one in early January 2004 in which, following an SLA attack on a militia position, the government and janjaweed forces jointly attacked the village and killed more than one hundred people. Men were systematically killed, as were some women and children, and some women had their breasts cut with knives. Parents reportedly were given the choice whether they would prefer their children were shot or thrown in the fire.⁶³

Rape and Other Forms of Sexual Violence

There have been numerous reports of rape by janjaweed militias throughout Darfur, but those reports received by Human Rights Watch came particularly from Zaghawa areas of North Darfur. Given the type of trauma involved and the social stigma attached to rape in the Sudanese and Chadian cultures, many women are reluctant to be identified as survivors of rape and of sexual attacks. Many do not recognize the need for medical care following an assault, and even if they do, confidential health care is rarely available in the Darfur context. It is likely that hundreds of women have suffered from rape

⁶¹ Confidential communication to Human Rights Watch.

⁶² Confidential information to Human Rights Watch.

⁶³ Human Rights Watch interview, Chad, February 2004.

during the past year of the conflict. Incidents of rape appear to have increased over the past six months, part of the ever-increasing brutality of attacks. Women have sometimes been abducted by the militias either before or after a rape.

A medical student who had been in North Darfur until late February 2004 told Human Rights Watch that he had treated more than fifty women and girls who had been raped by janjaweed and soldiers around Karnoi. In a particularly brutal incident with clear racial overtones, an eighteen-year-old woman was assaulted by janjaweed who inserted a knife in her vagina, saying, "You get this because you are black."⁶⁴

Human Rights Watch also received at least eight credible reports of rape of women and girls in the Um Barou and Abu Gamra areas in January 2004. There were additional, unconfirmed allegations that ten young boys of "karda" age (shepherds) had also been abducted from Abu Gamra by janjaweed, allegedly for sexual use and domestic labor.

More recently, United Nations and other humanitarian staff in North Darfur reported widespread rape in the Tawila area following janjaweed attacks on the town on February 27, 2004. According to these sources, residents of the town stated that sixty-seven people were killed and forty-one schoolgirls and female teachers were raped by the militia. Some were raped by up to fourteen men and in front of their families. The same reports stated that some women had been branded on the hand following the rapes, apparently in an effort to permanently stigmatize them.⁶⁵

Rapes have also been reported in the displaced camps in Darfur, in the context of continuing militia attacks, although few details are available about specific cases.

Abductions of Children and Adults

Refugees' testimonies have also noted an alarming number of abductions of young girls and boys. It is not possible at this time to obtain an accurate number of children who have been abducted. Access to all the displaced and refugees remains limited, and many families have been separated by the conflict and are unsure whether children and other family members are lost,

⁶⁴ Human Rights Watch interview, Chad, February 26, 2005.

⁶⁵ U.N. Darfur Task Force Situation Report, 4 March, 2004.

dead, or kidnapped by the attackers. At a minimum the numbers of abducted children are likely in the hundreds, ranging in age from infants to adolescents.

Children were sometimes taken directly from their parents, who were then killed if they protested. In an attack on Goz Naim in late January, for instance, a twenty-year old Zaghawa woman named Mecca Hissab was shot to death by janjaweed when she cried and tried to stop the militia from taking her three-year-old son.⁶⁶

Older children were also abducted and sometimes risked death if they resisted. A young man from Jirai, a village some forty-five kilometers from Kepkabiya, saw the bodies of three young boys he knew; they had been shot by the militia during the attack on the village. The boys were aged ten, twelve, and thirteen. All three had been herding their animals on the outskirts of the village when the janjaweed tried to steal the animals and kidnap the boys, who resisted. A twelve-year-old girl who was in the same area at the time of the attack has since disappeared and is believed to have been abducted.

Adults have also been taken away by the janjaweed according to several witnesses interviewed by Human Rights Watch describe men and women of all ages being taken away by the militias after raids on villages. During the government offensive around Tine, on the Chad border, in January and February 2004, government and janjaweed forces abducted as well as killed many civilians. Witnesses provided several dozen names of individuals. One, a Zaghawa woman from Damanic, a small village in North Darfur just kilometers from the Chadian border town of Tine, said that up to fifteen people from her village were taken away by the janjaweed in early February 2004, and gave Human Rights Watch the names of three women aged fifteen to sixty, and six men and boys aged seventeen to seventy who were abducted.⁶⁷

Looting of Civilian Property and Related Violence

The janjaweed militias active in Darfur have systematically looted villages of civilian property. Some looting and accompanying violence is due to economic opportunism—Darfuri and Chadian armed robbers who have long been active in the area take advantage of the current conflict to carry out their own attacks, marauding, looting, and raping. Refugees interviewed in

⁶⁶ Human Rights Watch interview, Chad, February 24, 2004.

⁶⁷ Human Rights Watch interview, Chad, February 24, 2004.

Chad sometimes referred to this second group as “peshmarga” and described them as “looters who come in to steal after the government has come in.”⁶⁸ In some areas they reportedly engage in highway robbery. It is unclear how large a group this and how much overlap there is with janjaweed.

Typically though it is the janjaweed who carry out what has become a campaign of systematic pillage and related violence which occurs particularly if they encounter resistance. Janjaweed even beat and abuse elderly women caught digging up hidden assets—underground grain stocks in their abandoned villages—if they refuse to comply.

The primary target in most cases has been livestock—thousands of camels, cattle, sheep, and goats belonging to Fur, Masaalit, and Zaghawa villagers have been stolen from their owners. Throughout much of the region, pastoral populations count their wealth in the head of livestock they possess. Livestock are also traded and used for family consumption. Internal trade and export of livestock is one of the economic mainstays of the region. The impact of the theft of livestock on the lives and livelihoods of millions of people in the region cannot be overstated. Without restitution or compensation for their losses, thousands of families have already been rendered destitute.

Dozens of witnesses also described militia members looting goods from houses before setting the homes ablaze. Some stolen goods were sold in government towns. Civilians from Tine (Sudan) told Human Rights Watch, “The janjaweed, when they came to Tine, they took all our things, they carried them to El Geneina and people in El Geneina saw our things in the market.”⁶⁹

Civilians who made any attempt to stop the militia from looting their property risked serious injury or death. A Masaalit farmer from a village near Misterei, West Darfur, told Human Rights Watch about the deaths of his wife and one-year-old twin sons during a janjaweed attack in January 2004:

It happened on a Thursday afternoon. I heard shots and a neighbor's child came running over, crying that her father had

⁶⁸ Human Rights Watch interviews, Chad, February 18 and 26, 2004. It appears that the victims have given the marauders the name of the Iraqi Kurdish militia, pesh merga, in the news because of the U.S. war in Iraq. The pesh merga, however, were organized local resistance to the (Arab) Iraqi government troops. Several refugees also sometimes refer to the government-backed militia as peshmarga because they were “even stronger than the janjaweed,” implying, it seemed, that the janjaweed were growing in force.

⁶⁹ Human Rights Watch interview, Chad, February 27, 2004.

been killed. I went out of the house to see what was happening and before I left I gave my wife some money to hide. There were two Arabs outside wearing green khaki. They were untying my two camels from the tree. I tried to stop one of the men untying the rope and the other one shot me. Then they took the camels and left. Some of the men had also gone inside my house and demanded money from my wife. She refused to give it to them and they shot her as well. They threw a match in the house and the house burned with my wife and twin boys inside.⁷⁰

The above account of looting and violence by militia members has been echoed in numerous refugee testimonies and accounts of displaced persons and eyewitnesses within Darfur.

Tens of thousands of families have lost their homes and all assets in these raids, in addition to the deaths and injuries inflicted by the attackers.

Displaced civilians in Darfur and refugees in Chad have continued to be attacked and looted even once they fled their villages—especially if they managed to salvage some livestock and household goods. Civilians en route to Chad have been intercepted by janjaweed patrolling to prevent their escape, and looted of their livestock and belongings. A seventeen-year-old Zaghawa girl who left Fara Wiya, a village in North Darfur, in early February, told Human Rights Watch:

On our way from Fara Wiya, we saw the janjaweed coming. Some of us were walking and others were on donkeys. We ran into the jebel [hill] and left all our luggage and the animals. The janjaweed took everything, our bags and our ten camels.⁷¹

Reports from the few humanitarian workers and other observers able to access Darfur in February and March 2004 describe constant attacks on displaced communities in camps and near towns throughout the region.⁷² These raids not only targeted the remaining livestock of the displaced, they also looted blankets, food, and other items that had been distributed to the

⁷⁰ Human Rights Watch interview, Chad, February 20, 2004.

⁷¹ Human Rights Watch interview, Chad, February 25, 2004.

⁷² See, among others, U.N. Weekly Humanitarian Roundup of 22-29 February, U.N. Darfur Task Force Situation Report of 2 March, 2004, U.N. Darfur Task Force Situation Report of 4 March, 2004. All available at Reliefweb at www.reliefweb.int (accessed March 24, 2004)

displaced by humanitarian agencies. In some areas, displaced communities even requested that no humanitarian assistance be distributed for fear that the food and goods would draw new attacks upon them, a poignant indication of how little protection the displaced receive from any government or agency.⁷³

Deliberate Destruction of Homes, Water Sources, and Other Essential Civilian Property

The accounts of refugees and displaced persons, and the observations of the few international journalists, diplomats, and others who have managed to enter Darfur universally describe scores of empty, burned villages off the main roads of Darfur. No one has accurate figures for the total number of villages that have been destroyed, but even a conservative estimate would be in the hundreds. One eyewitness stated that between the larger towns, “everything you see is burned. In some places there are some walls left, but everything is gone.”

Small details of the destruction indicate a wholesale policy to forcibly displace the original residents. Witnesses describe destroyed granaries, even the underground sites where villagers had stored grain, which were searched for, dug up, and destroyed. Village mango trees were reportedly cut down and the fruit fed to the janjaweed’s camels. Janjaweed also allowed the camels into the fields where they quickly consumed the crops.⁷⁴

Most alarming, given the arid environment, has been the systematic destruction of wells and other water sources, both in bombing and militia raids. Some refugees noted that militia threw bodies in the wells specifically to contaminate the water source and render return impossible.⁷⁵

Denial of Access to Humanitarian Assistance in Darfur

Between October 2003 and January 2004, the Sudanese government almost entirely obstructed international humanitarian assistance to displaced civilians in Darfur—and provided virtually no aid from its own coffers to hundreds of thousands of displaced victims. In addition, for four months, the government sorely restricted the entry permits and movement of international aid workers

⁷³ Ibid.

⁷⁴ Human Rights Watch interviews in Washington DC and other places. February-March 2004.

⁷⁵ Human Rights Watch interviews in Chad, February 2004.

into and around the region. Almost all humanitarian workers were restricted to the pre-existing locations in which they were present by October 2003.

While the Khartoum government cited insecurity as the rationale for barring access, some state government officials—contradicting this rationale—apparently declared large areas accessible and secure for humanitarian access by late December 2003.⁷⁶ The more likely reason for the immovable restrictions is that government officials wished to restrict international access—and witnesses—and further weaken potential civilian support for the SLA by rendering the entire Fur, Masaalit, and Zaghawa populations destitute.

Under increasing international pressure to improve humanitarian access, the government declared in mid-February 2004 that nine locations would be open to relief workers,⁷⁷ but progress was slow. Aid workers were still forced to wait up to six weeks for visas and travel permits in March 2004. On March 6, 2004, in an unusually pointed public statement to the government of Sudan, the president of the International Committee for the Red Cross (ICRC) noted the fact that “the ICRC, under present constraints, is not in a position to carry out a meaningful humanitarian operation [in Darfur].”⁷⁸

When some of these few newly accessible areas were accessed in March 2004, aid workers typically found thousands of newly displaced people in towns along the roads. These people fled attacks in December 2003 and January 2004 and were since been cut off from food, medical, and any other humanitarian aid. Hundreds more surged into small towns and villages, living in the open air without shelter, health care, already traumatized and constantly terrified of further attacks.⁷⁹ Some people fled to Chad, but for many this option was virtually impossible because of the distance and increasing janjaweed and Sudanese government interdictory patrols.

Fleeing Darfur: Another Trauma

As of the writing of this report, more than 110,000 Sudanese civilians, the vast majority Zaghawa and Masaalit, have sought refuge in Chad. For many of these people the decision to flee into Chad was made only after repeated

⁷⁶ Confidential communication to Human Rights Watch.

⁷⁷ British Broadcasting Corporation (BBC), “Sudan ‘opens up aid routes,’” February 13, 2003.

⁷⁸ “ICRC president ends visit,” International Committee of the Red Cross, Geneva, March 6, 2004.

⁷⁹ Human Rights Watch interview, February 2004.

attacks and violence, and at great personal cost. Some stayed in their home areas as long as possible for various reasons. Despite Zaghawa and Masaalit kinship ties across the border, most people were reluctant to leave their houses and lands where they had regular access to water and pasture for the animals. Those who managed to save some of their livestock realized that given the arid regional environment, survival in Chad, particularly for their animals, would be difficult. Others lost their means of transportation—donkeys and camels—and were reluctant to abandon elderly or sick family members who could not travel on foot.

More than 750,000 people, including the bulk of the Fur population targeted so far, are believed to have been displaced within Darfur. Few Fur have entered Chad. For the Fur, it is likely that Chad offered less appeal as a refuge, largely because they have no kinship and ethnic ties with communities in Chad, unlike the Zaghawa and the Masaalit. In addition, the majority of the Fur population resided in central Darfur, around the Jebel Marra massif and further east. The difficulties of traveling to Chad—already immense for many communities far from the border—have only increased over the months. Refugees arriving in Chad routinely described arduous treks of days and weeks to reach the border, often at night; deaths of livestock and sometimes family members along the way looting and attacks by janjaweed patrols.

Obstruction of Refugee Flight and Restrictions on Civilian Movement

The government of Sudan forces moved into towns and villages along the border with Chad in early 2004, having successfully scattered if not defeated the rebels in those towns in the January 2004 offensive. Sudanese refugees have reported increasing difficulty crossing the border to Chad since that time. Reportedly, government troops and janjaweed have deliberately blocked would-be refugees, even beating persons suspected of trying to leave Sudan. Janjaweed roadblocks are common on the roads leading to Chad; five were reported on the road from El Geneina to the Chadian border a few kilometers away.⁸⁰ A thirty-one-year-old Tama woman walked for several days from her village, skirting El Geneina town because of government troop and militia presence in and around the town. She tried to enter Chad from Habila. She said,

⁸⁰ Human Rights Watch interview, Chad, February 18, 2004.

From Habila, I managed to cross the border on foot. I did not take the shortest way to come into Chad, because each time the Arabs were blocking the roads and we could not cross. . . . To cross the border, we stayed hidden in the dark, in the bushes⁸¹

Another refugee who fled his village near El Geneina said that while men had the most difficulty entering Chad, even women risked assault if they were caught by the Arab militia. He reported,

There are Arab checkpoints at the border, I witnessed that myself. I went there and hid. I saw some women who tried to cross the border—they got beaten up with leather whips. The males would be killed, but the females are allowed to go through.⁸²

The description above was repeated by civilians in other locations, who told Human Rights Watch that movement inside Darfur is increasingly difficult in recent months and that people are virtual hostages in the towns. Eyewitnesses reported that large numbers of displaced people in and around El Geneina town, for instance, were unable to leave because they were threatened by the Sudanese government forces there that they would “betray Sudan” if they fled the country.⁸³

Human Rights Watch heard other accounts of janjaweed manning roadblocks and checkpoints along the roads in West Darfur further from the border, demanding that vehicles pay fees for passage; some commercial trucks still ply the road to Chad. Janjaweed have also reportedly requested payments of 500 or 1000 Sudanese pounds (less than U.S. \$1) for letters of authorization which permit the bearer to leave a town and move to another area.⁸⁴

These accounts of the restrictions on movement and the freedom to seek refuge outside Darfur illustrate a government and janjaweed policy and practice of preventing civilians from fleeing from Darfur to Chad. Possibly, Khartoum fears the potential for a large refugee population in Chad to become rebel recruits. Constant displacement, extortion, violence, and

⁸¹ Interviewed in Chad, February 2004.

⁸² Interviewed in Chad, November 2003, on file with Human Right Watch.

⁸³ Human Rights Watch interview, Chad, February 20, 2004.

⁸⁴ Confidential communication to Human Rights Watch.

threats of violence permit the government and its proxies to control civilians through terror. The humanitarian crisis and ethnic tensions brought into Chad are already having a destabilizing effect on that country--and on Khartoum's ally President Déby, whose political position is precarious. Whatever the motivations for this policy and practice, it is illegal under international law.

ABUSES IN DARFUR BY REBEL FORCES

Human Rights Watch had limited access to information about abuses by the JEM and SLA, although a few of the cases are extremely serious.

In one incident the JEM group in and around Kulbous, West Darfur, in November 2003, in which apparently over twenty civilians were killed and seven villages burned.⁶⁵ In another incident in late 2003, SLA rebels apparently attacked a town in West Darfur and killed an Arab prisoner at the police station.

Both the JEM and SLA rebels are using some boys of less than eighteen years of age as fighters. Eyewitnesses who have spent time with both groups report that while they were not seen in large numbers, and are not in separate formations, some of the boys were as young as fourteen years.⁶⁶

⁶⁵ Confidential communication to Human Rights Watch and interviews in Chad, February 2004.

⁶⁶ Human Rights Watch interviews, Chad, February 12 and 20, 2004.

THE SPILLOVER IN CHAD

The continuing conflict in Darfur increasingly threatens the stability of Chad. Since early 2004 janjaweed attacks have extended across the border into Chad, in some cases dozens of kilometers inside Chad.

According to Chadian officials, the highest-level Chadian authorities have repeatedly urged the Sudanese government to control the janjaweed, but with little effect. One official told Human Rights Watch:

We've met with the Sudanese authorities, we need to have peace. The [janjaweed] militias are supported and armed by the government, there are more than 20,000 militia who have been recruited and armed by the [Sudanese] government to combat the rebellion. On the pretext of insecurity, they take the opportunity to loot the villages—we don't know if they're authorized to go loot by the government. We told the Sudanese to send a regular force, we asked them to take the militias and put them somewhere—in Geneina [town] or somewhere. It's very difficult to negotiate or collaborate with the militia.⁸⁷

Some of the attacks in Chad are carried out by militia members and bandits grown greedy for more looted camels, cattle, and other spoils of "war." They raid vulnerable communities of refugees camped along the border. Other attacks are ethnically charged. For instance, militia members specifically target individual unarmed civilians who seek water in the wadis, both Sudanese refugees and Chadians, and reprisal attacks have occurred among Chadian Masaalit and Arab communities.

Attacks on Refugees and Chadians

Initial attacks on the Chadian side by the janjaweed were confined to cattle and camel raids, but in recent months increasing attacks on civilians have occurred just along the border and even several kilometers inside Chad; some attacks appear to have ethnic overtones. Groups of janjaweed have fired upon and killed people who have descended into the dry riverbed to collect water from hand-dug wells. On March 7, 2004, militia crossed over to

⁸⁷ Human Rights Watch interview, Chad, February 18, 2004.

Chad and stole one hundred head of cattle, killing one refugee and wounding another in two sites along the border, according to one report.⁸⁸

Many victims are women, as they are the ones who walk long distances for water and firewood. Reportedly a large number of women have been raped in similar circumstances, but Human Rights Watch could not find women willing to talk about such attacks. A thirty-eight-year old Chadian Masaalit woman from Ouendelou village was shot in the stomach in one incident on February 11, 2004:

I went to get water myself because I was worried about my only son going. It was about 10 in the morning. There were many people there getting water. There are many holes along the wadi and at each hole there's usually a group of men and women. I was at one of the holes when about five men came walking up. They had left their horses further down the wadi, and they were about ten meters away when they shot me in the stomach. They were wearing green khakis and they didn't say anything, they just started shooting. It was a single shot at me, then they collected their horses and left.⁸⁹

Incidents like these have prompted the UNHCR to try to relocate the refugees further in from the border, but the operation is a fraught with logistical challenges. In addition, some refugees who settled with kin near the border indicated that they do not want to move away. Others fear the limited water resources in the camps could mean losing the rest of the livestock that provides the only asset for those families remaining from their previous life in Darfur. Corpses of animals dead from lack of food or water already scatter the refugee settlements in several areas of eastern Chad.

Rising Ethnic Tensions in Chad

The conflict in Darfur has also ignited tensions among Chadian ethnic groups that share blood ties with Darfurians, and who previously coexisted in Chad. The problem is particularly acute around Adré and the southeastern border areas, where villages of Chadian Masaalit and Arabs live in close proximity.

⁸⁸"Cross-border conflict escalates," Integrated Regional Information Network (IRIN), March 16, 2004,

at
<http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/e0f1adb1bfd2b0d985256e590069c777?OpenDocument>

⁸⁹ Human Rights Watch interview, Chad, February 19, 2004.

Many Chadian Masaalit have close family ties with villages just across the border in Darfur, and have hosted their refugee kin and heard their tales of horror. Tension in Adre town between Masaalit and Arab communities was palpable when Human Rights Watch visited in February 2004.

On February 4, 2004, Chadian Masaalit killed a prominent Arab leader named Mohammed Thorolat and another Arab south of Adre. Apparently the Chadian Masaalit were targeting the leader, whose authority stretched into Sudan, because of abuses by janjaweed against Masaalit. The killing immediately caused considerable concern among Chadian authorities, who quickly intervened. According to a Chadian official, "The administration met with both ethnic groups and the population was told not to follow this up or cross the border. We don't want what's happening in Sudan to spill over. We will do everything to control the situation."⁹⁰

The authorities arrested the two individuals responsible for the killings. The mediation of the authorities apparently produced an agreement that the Masaalit would pay compensation of one hundred camels for each victim, but soon after the agreement was concluded there was a further spate of cross-border militia attacks on Chadian Masaalit villages, likely in retaliation. At least eight people were killed. Since these attacks the Masaalit have refused to pay the agreed compensation.

The Masaalit community is increasingly apprehensive about the potential for further Arab attacks, and some have tried to obtain arms. Officially, the Chadian government has refused to arm civilians, aware of how quickly this strategy has spun out of control—or been permitted to go out of control—in neighboring Darfur. For this and other reasons, the Chadian government fears the destabilizing impact of the Darfur conflict. Although Chadian military forces have become more active along the border and are conducting cross-border hot pursuit of the janjaweed into Sudan with the Sudanese government's permission, the tense situation in Chad is growing, not diminishing.

⁹⁰ Human Rights Watch interview, Chad, February 18, 2004.

HUMANITARIAN IMPLICATIONS OF THE CONFLICT

In addition to the on-going human rights crisis in Darfur spilling over into Chad, there are real fears that the situation could drastically deteriorate on the humanitarian level if speedy action is not taken to avert a potential nutritional crisis in Chad and Darfur. Survival in Darfur is a delicate balance with limited room for margin—while most communities have developed complex coping mechanisms to deal with a single bad season of drought or failed harvest, a second failed, ruined, burned, or looted harvest can push families to the edge of survival. Even if willing to assist, resident communities rarely possess the resources to provide long-term food aid to displaced neighbors.

Currently close to a million people—25 to 30 percent of the estimated population of Darfur—have been forcibly evicted from their homes and fields and have lost most or all their assets, including their resources, livestock and crops. Many in the three most affected ethnic groups have been stripped of their assets or have been forced to sell them, and will be dependent on relief. Relief agencies, however, do not have access to most populations in need in Darfur. Dozens of towns across Darfur have now doubled or tripled in size due to the huge influxes of displaced rural villagers who arrive bearing few belongings, and even if they salvaged some goods or livestock, see their last remaining assets stripped by continuing raids on displaced settlements.

More bad times await the displaced. They will probably have no crops to look forward to in 2004. It is highly unlikely that displaced communities will be able to return home and plant, given the continuing war and insecurity permeating the rural areas, the scale of the destruction of their shelters and water systems, and the lack of seeds and tools. Unless they return to their lands and plant within the next planting season, April-June 2004 at the latest, the 2004 harvest due in October will be drastically reduced, an outcome that is almost certain.

In the few areas of Darfur accessed in early 2004 by aid workers, serious rates of malnutrition are already evident among displaced children under five in some of the areas that have been accessed.⁹¹ The status of children under five is always an indicator of potential food crises; children are among the first to deteriorate when conditions worsen. While the nutritional situation is not

⁹¹ "Nutritional screening reveals alarming indicators in Darfur, western Sudan," Médecins sans Frontières, Amsterdam, March 10, 2004.

yet a widespread emergency, hundreds of malnourished children are already presenting at humanitarian feeding centers.

While relatively better in terms of the security situation for refugees, the situation in Chad is also of concern, not because of a lack of political will on the part of the government to address the needs, but because of the failure of the international community to pledge funds for these immediate relief needs. U.N. pleas for funding of the humanitarian operation in Chad have largely fallen on deaf ears, although the U.S. government did pledge \$7 million recently, a welcome development.⁹²

It is also enormously difficult to provide adequate humanitarian relief in this very challenging terrain—a problem shared by both eastern Chad and Darfur. The region's lack of infrastructure and impending rainy season combined will make access to displaced populations more impossible than it already is. Distributions of bulky logistical items such as food will be a challenge, and although the World Food Programme began airlifts of food to the Chadian border for refugees,⁹³ airlifts are notoriously expensive.

The trauma and poor living conditions faced by many of the displaced should also ring alarm bells, as some U.N. and other humanitarian agencies have already begun to do.⁹⁴ History in Darfur has shown that under such conditions, communities can succumb to man-made famine if adequate, timely and appropriate intervention does not take place.

⁹² "Jolie donates to Chad emergency, urges others to follow suit," UNHCR, Geneva, March 9, 2004. UNHCR appealed for \$ 20.7 million and had received \$7.5 million by early March 2004.

⁹³ "As conditions deteriorate, WFP airlifts food aid into Darfur," World Food Programme press release, February 17, 2004.

⁹⁴ "Sudan: Humanitarian Crisis Deteriorating, U.N. Agencies Say," New York, March 30, 2004.

RESPONSES TO THE DARFUR CONFLICT

I've always thought the janjaweed are the wild card. There can't be a peace accord until the janjaweed are under rein. Now you've got a group that is so rich, so emboldened—they've got cars, communications, money. They probably can't be controlled but they can be reined in a bit. They're the wild card in any equation, the ones you have to pay attention to.—Darfur expert⁹⁵

Response of the Government of Sudan

One of the keys for resolution of the conflict in Darfur is control of the militias and other armed gangs who now roam the region with impunity. Some observers have doubts whether the Khartoum government retains control over the “monster” it has created, but others consider this “monster” a foreseeable and designed result of Khartoum's policy.

Regardless, to date the Sudanese government has given no signs whatsoever of its intention to pursue accountability. As long as the government continues to recruit members for its janjaweed and paramilitary units, it sends a clear signal that it will continue with its campaign of terror despite peace talks in Chad at the end of March, 2004.

Response of the Government of Chad

The conflict in Darfur poses serious challenges for the Chadian president, trapped as he is between his Khartoum mentors and the different groups within the Chadian Zaghawa constituency. Déby's position is further complicated by fractures within the Zaghawa community⁹⁶ and by pressure from the Chadian Arab population, far larger than the Zaghawa, with whom he is unpopular. This population, following the precedent set by several previous Chadian regimes, could try to use Darfur as a staging base for an armed insurgency against the Chadian government. Déby is also under pressure from the large influx of Sudanese refugees in the east, which threatens to bring the ethnic tensions of Darfur over to Chad—because the

⁹⁵ Human Rights Watch telephone interview, March 10, 2004.

⁹⁶ The Zaghawa tribe consists of several sub-clans: the Wagi, Kobe, and the Bideyat. The Wagi are only found in Sudan while the other two sub-clans, the Kobe and the Bideyat, straddle the border. It is reported that the Zaghawa in the JEM rebel group are predominantly both Sudanese and Chadian Kobe and Bideyat, while the Wagi are mainly in the SLA faction. Human Rights Watch interview, Netherlands, February 6, 2004.

janjaweed and sometimes Sudanese government forces have raided the Sudanese refugees and their Chadian neighbors. Local versus refugee tensions, so far dormant because of ethnic similarities, may be exacerbated by the continuing drain on resources and the minimal international interest in assisting the Sudanese refugees in Chad.

Well aware of the risks inherent in any course of action, the Chadian government is engaged in a delicate balancing act as it tries to maintain control of the domestic situation as well as resolve the Darfur conflict. So far it has provided the only international forum for negotiations acceptable to the government of Sudan and the rebel groups. The September 2003 ceasefire was brokered by the Chadian government and despite reluctance on the part of the rebel groups to continue with Chad as the mediator since they view Chad as not neutral, a new round of negotiations began there on March 31, 2004.

International Responses

In 1990, Human Rights Watch published a report entitled "The Forgotten War in Darfur Flares Again," that described quite similar patterns of conflict, Sudanese government strategies inflaming the crisis, and total international ignorance and indifference—although that 1990 crisis was much smaller in scale. Sadly, throughout 2003, the Sudanese government, under the same president now as in 1990, reverted to much the same destructive strategies, though with some key differences.

International attention to Darfur has been slow to mobilize, partly due to several factors: the remoteness of the region, the lack of access by international humanitarian agencies, journalists, and other observers,⁹⁷ and the news blackout imposed by Khartoum. Perhaps most critically for many governments, Darfur is considered an unhelpful distraction from the ongoing peace negotiations to settle the twenty-year conflict in southern Sudan. Darfur is viewed as a potential threat to the success of those peace talks as the demands of the Darfur rebellion underlined what critics of the talks have said; that the IGAD negotiations could not lead to real peace because they involved only the government and the southern-based SPLA rebels. Implied also was the threat of the Sudanese government to abandon peace with the south if it would not be allowed to pursue the war in Darfur.

⁹⁷ Amnesty International has been one of the lone voices consistently sounding the alarm on abuses in Darfur since the beginning of 2003.

It was only in January 2004 that growing international media attention and increasing criticism by U.N. agencies began to mobilize Western governments and organizations to become more concerned about the sharp humanitarian deterioration and intensified war in Darfur.

The European Union (E.U.), the United States, and others, including many U.N. agencies lead by calls from the U.N. resident representative in Khartoum, Mukesh Kapila, have gradually voiced concern.⁹⁸ While many in the diplomatic community including in Khartoum seem to be apprised of some of the facts in Darfur, in part thanks to active Darfur representatives in the National Assembly and others in Khartoum, the diplomatic community is not united on a response.

As a result the Sudanese government has been able to escape serious international pressure, while speeding up the war in the expectation of achieving a military victory and presenting the international community with a *fait accompli*. At the end of the January 2004 military campaign, President El Bashir prematurely announced victory and declared the war at an end on February 9, 2004, stating that the armed forces had restored law and order and that arrangements for the return of refugees from Chad could now commence, among other points.⁹⁹ The rebels, it appeared, merely reverted to guerrilla tactics and faded into the countryside, avoiding capture and destruction. They soon resumed ambushes and attacks on military posts. The government, however, managed to recapture many of the border areas.

President El Bashir also pledged full humanitarian access to Darfur, responding minimally to international pressure from the donors. This statement was quickly reversed in practice, however, as is common with such government promises. International relief workers were still waiting six weeks before being granted visas to enter Sudan in March 2004—with more protracted negotiations awaiting each individual's permission to travel to limited areas for limited time periods, among many other impediments.

The U.S. appears to take a more vigorous position than its allies, emphasizing that its six sets of economic sanctions now in place on Sudan—ranging from concerns with human rights to terrorism—cannot be totally lifted if abuses continue as they are in Darfur.¹⁰⁰ Several groups of high-

⁹⁸ "Situation in Darfur," US department of State, Washington DC, March 2, 2004.

⁹⁹ Statement by President El Bashir, February 9, 2004.

¹⁰⁰ Human Rights Watch interview, State department official, February 2004.

ranking State Department and USAID officials have made their way to Khartoum in February 2004, and reportedly pressured the Sudanese government not only to conclude the peace talks with the south and to conclude a ceasefire and enter into negotiations with the Darfur rebels.

The U.S. and the U.K. insist that the U.S.-created and sponsored Civilian Protection Monitoring Team (CPMT) be deployed to monitor attacks on civilians and their infrastructure in Darfur. The CPMT was put in place in 2002 in Khartoum and Rumbek, southern Sudan, pursuant to an agreement between the SPLA and the government of Sudan to refrain from targeting civilians and civilian objects followed up by the Verification Monitoring Team (VMT), reporting to IGAD. So far Khartoum has adamantly refused all CPMT or VTM deployment to Darfur.

The U.K. and other European powers interested in Sudan, however, such as Germany and the Netherlands, seem to be less interested in pushing for an early solution to the Darfur crisis, despite intense lobbying by nongovernmental humanitarian agencies and others. They view the success of the peace talks between the Sudanese government and the southern rebels as the highest priority, and those talks, in progress with forceful mediation by the "Troika" of the U.S., U.K., and Norway, appear to be foundering as various deadlines come and go. Tension continues to build as the parties negotiate, finalizing power sharing, security, and implementation/enforcement provisions, that should extend the negotiations into mid-2004 at least—or longer, if Khartoum senses that it can escape pressure on Darfur by drawing out the southern peace talks.

The power sharing arrangements initialed by the parties so far include the SPLA as a partner in government, with decision-making power at the highest levels. The Europeans and others consider or hope that the SPLA, once it is part of the government, will prevail on the NIF/National Congress to abandon the war in Darfur. This strategy is unlikely to prove successful in the short-term, however, if at all.

As of the writing of this report, the situation remains in flux with the international community being called on to take action by Kapila and a growing number of voices in the international media. Whether the international community will meet the challenge remains unclear. What is clear is that a more united diplomatic front and greater international muscle is essential to bring the suffering of the enormous numbers of affected civilians to an end, and to prevent further atrocities.

METHODOLOGY

This report is based on a three-week Human Rights Watch research trip to Chad in February and March 2004. Research was carried out in N'djamena, Abéché, Adré, Tine, several refugee settlements along the Chad-Sudan border, and two refugee camps. Additional research was conducted in Europe and North America before and after the visit to Chad.

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