

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: SDN17576
Country: Sudan
Date: 28 September 2005

Keywords: Sudan – Darfur Region – Goraani tribe – State protection

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. What is the situation for Goraani in Dhafur? Are they targeted by hostile tribes and/or the government by reason of ethnicity/imputed political opinion?**
- 2. Is there protection by the authorities?**

RESPONSE

- 1. What is the situation for Goraani in Dhafur? Are they targeted by hostile tribes and/or the government by reason of ethnicity or imputed political opinion?**

An article dated 23 March 2005 in *Sudan Vision* provides information on the Zaghawa tribe. The article also notes that “there are branches and groups of Gura’an that belong to the Zaghawa tribe”:

Zaghawa are multi-tribal people with separate habitats that are connected only through language and religion. This cultural, tribal and geographical diversity was accompanied by multiple names. ...In Libya, Zaghawa are known as “Tibo” which is a collective name that includes “Zaghawa” and Gura’an”. The Gura’an are quite different from Zaghawa, at least in respect of language, despite the fact that there are branches and groups of Gura’an that belong to the Zaghawa tribe. They speak the same Zaghawa language, though quite limitedly. It is quite possible that Zaghawa will have descended from the Tibo. The Zaghawa of North Darfur is a mixture of Hamitic Tibo and Negroes with some ethnic relations with Libyans and Berbers (Abdalla Ali, Professor Issam 2005, ‘Zaghawa Language and History’, *Sudan Vision*, 23 March <http://sudanvisiondaily.com//modules.php?name=News&file=print&sid=5990> – Accessed 27 September 2005 – Attachment 1).

No information on the situation of the Gura’an in Darfur was found amongst the sources consulted; however, there is extensive information on the situation of the Zaghawa in Darfur.

Sources cited below indicate that the *janjaweed* militias, made up of Arab nomadic groups, are targeting the African or non Arab Fur, Masaalit and Zaghawa tribes in Darfur for reasons of ethnicity and land. The Sudanese Government are targeting the African or non Arab Fur, Masaalit and Zaghawa tribes in Darfur by recruiting and supporting the *janjaweed* and denying the Africans access to humanitarian assistance because they are from the same ethnic groups as the Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) rebels. Civilians have been the main targets and victims of the campaign.

A Human Rights Watch report dated April 2004 provides extensive information on the abuses committed by Sudanese Government forces and their allied militias against African or non Arab Fur, Masaalit and Zaghawa tribes in Darfur including killings, rapes, abductions, aerial bombardments, looting of property, destruction of homes, water sources and other civilian property and denial of access to humanitarian assistance. For details please refer directly to the report which is included as Attachment 2:

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.

...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 (Human Rights Watch 2004, *Sudan – Darfur in Flames: Atrocities in Western Sudan*, Vol. 16, No. 5 (A), April – Attachment 2).

A Human Rights Watch briefing paper dated August 2004 provides extensive information on the continuing abuses in Darfur. Please note the sections entitled 'Overlapping agendas in Darfur: national and local stakeholders', 'Ethnic fluidity and polarization in Darfur' and 'Who are the "janjaweed"?'. For details please refer directly to the report which is included as Attachment 3:

Despite increasing media portrayals of the conflict in Darfur as one of "Arabs" against "Africans," these terms have historically had little relevance in the Darfur context. Virtually all the people of Darfur are Muslim and ethnic identity has traditionally been fluid, with much intermarriage between ethnic groups and key distinctions between ethnicities based more on language (those for whom Arabic was the main language and those whose mother tongues are other languages such as Fur, Zaghawa etc.) or profession (nomadic herders or sedentary agriculturalists or town-dwelling merchants). Even within these categories, there has been significant overlap and movement over the decades.

Many Arab nomadic groups in Darfur have not been involved in communal clashes in the past, and are not involved in the current ethnic-based campaign of violence by the government. There are also nuances on the rebel side—while there are three main groups that have formed the backbone of the rebel insurgency—Fur, Zaghawa and Masalit—there are also a number of smaller ethnic groups that have been victims and participants in the conflict on one side or another, such as the Tama, Gimr and Dorok, either drawn into the conflict because of livestock raids or because the activities of the government-backed militias have broadened beyond military purposes into assetstripping. The rebel groups have also sought to widen their alliance with others groups, including certain Arab tribes in neighboring Kordofan state.

The government's use of certain ethnic militias as a counter-insurgency partner has highlighted a new ethnic and racial element to the dynamic of conflict in the region and also polarized ethnic and racial identity in some communities in a way that is new for many Darfurians. In many of the attacks racial and ethnic insults have been routinely voiced, not only by members of government-backed militias but also sometimes by members of local or Chadian Arab communities linked to the militias.

Ethnic polarization raises the potential that what has been, up to now, mainly a counterinsurgency campaign with a clear ethnic dimension that has resulted in acts of ethnic cleansing, could broaden into communally-based ethnic violence in some areas if steps are not taken to end the violence, create conditions for reconciliation, and rein in the government-backed militias known as the Janjaweed. This potential is particularly worrying in areas of "transition" where Arab nomadic or semi-nomadic communities and Fur or Masalit communities live in close proximity, such as parts of West and South Darfur (Human Rights

Watch 2004, *Empty Promises? Continuing Abuses in Darfur Sudan*, 11 August – Attachment 3).

2. Is there protection by the authorities?

Sources cited below indicate that the Sudanese Government is unable to provide protection to the Zaghawa in Darfur.

A Human Rights Watch briefing paper dated 19 July 2004 provides information on Darfur documents which confirm the Sudanese Government's policy of supporting the *janjaweed* and authorising their impunity. For details please refer directly to the report which is included as Attachment 4:

Numerous reports from Human Rights Watch and other sources have described the “hand-in-glove” manner in which the Government of Sudan and the nomadic ethnic militias known as the Janjaweed have operated together to combat a rebel insurgency in Darfur. Hundreds of eyewitnesses and victims of attacks have testified to the close coordination between government forces and their militia partners in the conflict. Militia leaders and members have been supplied with arms, communications equipment, salaries and uniforms by government officials and have participated in joint ground attacks on civilians with government troops, often with aerial bombing and reconnaissance support from government aircraft.

...Since the start of conflict in Darfur, the government has denied any official links with Janjaweed ethnic militias and, in particular, that the Janjaweed militias have been recruited and armed by the government as an auxiliary force. In the initial months of the conflict, Sudanese officials denied that the Janjaweed militias existed. More recently, statements by government officials have acknowledged the existence of militias but have refused to admit the government's responsibility for arming them.

...Human Rights Watch has obtained copies of Sudanese government documents that describe an official policy of support to the Janjaweed militia. These documents, which originate from the offices of the civilian administration in Darfur, implicate government officials ranging a deputy minister from the central government to the highest levels of the Darfur civilian administration—the governor or “wali”—to provincial commissioners and local officials in a policy of support to the Janjaweed.

The documents illustrate the involvement, at the highest levels, of the state bureaucracy in the recruitment and arming of militia and the authorization of their activities that have resulted in crimes against humanity and war crimes.

The documents include orders for additional recruitment of militia, provision of military support to allied ethnic groups, and in one case, provide relative impunity for abuses committed by Janjaweed militia members against civilians (Human Rights Watch 2004, *Darfur Documents Confirm Government Policy of Militia Support*, 19 July – Attachment 4).

An Amnesty International report dated 2 December 2004 provides extensive information on the climate of impunity in Darfur. The report provides information on the problematic access to justice, arbitrary arrests and detentions, torture, government investigations of human rights violations and perpetrators in Darfur and unfair trials. For details please refer directly to the report which is included as Attachment 5:

The rule of law in Darfur is upside down. The security forces detain and torture with impunity and are protected by the law. Victims of human rights violations have little, if any, recourse to

justice and some are even punished for trying to seek justice. The government puts all its efforts into repressing Fur, Masalit and Zaghawa communities; few of those said to have been responsible for human rights violations have been arrested, and this, following pressure from the international community. Unfair trials are the norm.

...The Sudanese government, instead of admitting that it has violated human rights by supporting the nomad militias responsible for much of the devastation of Darfur, and instead of listening to the plight of its citizens, continues to oppress the victims of gross human rights abuses. At the same time, suspected perpetrators of extrajudicial executions, killings, rapes and large-scale attacks on civilians remain at large. One of the arms of government repression is the security laws, which undermine the powers of the judiciary, already weak and often biased, and the prosecutor's office. Another is the atmosphere of fear and distrust created by the presence of security forces that dissuades victims from seeking justice. Victims of human rights violations face obstacles at virtually every stage of their complaint, while perpetrators of violations remain protected by the law and by the practices of law enforcement officials.

...The Sudanese government continues to undermine the rule of law and the very concept of justice.

The cases presented in this report are only a snapshot of the situation in Darfur (Amnesty International 2005, *Sudan – No one to complain to: No respite for the victims, impunity for the perpetrators*, 2 December, AFR 54/138/2004 [http://web.amnesty.org/library/pdf/AFR541382004ENGLISH/\\$File/AFR5413804.pdf](http://web.amnesty.org/library/pdf/AFR541382004ENGLISH/$File/AFR5413804.pdf) – Accessed 27 September 2005 – Attachment 5).

An press release by Amnesty International dated 13 June 2005 reports that the Sudanese Government has set up a special court to try alleged war criminals in Darfur. According to Amnesty International it is “doomed to failure”:

Tomorrow's opening of a special court set up by the Sudanese Government to try alleged Darfur war criminals is “doomed to failure,” Amnesty International said today, unless the country undergoes serious legal reforms ensuring independence of the judiciary and brings about an end to the current climate of intimidation.

“We fear that the establishment of the special court may just be a tactic by the Sudanese government to avoid prosecution by the International Criminal Court,” said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

...Amnesty International said that to ensure fair, impartial and independent trials over the grave crimes committed in Darfur, the Sudanese authorities should:

- abolish Articles 31 and 33 of the National Security Forces Act, which allows the security forces to keep people in prolonged incommunicado detention and gives them immunity for acts of torture;
- abolish the Specialised Criminal Courts in Darfur, which accept evidence obtained under torture, limit the right of appeal of those accused, and can hand down sentences of death, amputation or flogging;
- abolish Article 10 of the Law of Evidence, which allows courts to use evidence obtained under duress;
- provide guarantees for the safety and confidentiality of victims and witnesses of human rights violations in Darfur and the rest of Sudan; and
- ensure that everyone has equal access to justice and that legal fees in criminal cases are not a barrier to obtaining effective remedies (Amnesty International 2005, ‘Sudan: National court for crimes in Darfur lacks credibility’, 13 June, AFR 54/059/2005

<http://web.amnesty.org/library/Index/ENGAFR540592005?open&of=ENG-SDN> – Accessed 27 September 2005 – Attachment 6).

An article dated 26 September 2005 by *BBC News* reports that Juan Mendez, Special UN Advisor on Preventing Genocide, said “Khartoum had done little to disarm militias or end the “culture of impunity”“ in Darfur (Fisher, Jonah 2005, ‘‘Culture of impunity’ in Darfur’, *BBC News*, 26 September <http://news.bbc.co.uk/2/hi/africa/4283956.stm> – Accessed 27 September 2005 – Attachment 7).

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office <http://www.homeoffice.gov.uk>

US Department of State <http://www.homeoffice.gov.uk>

United Nations (UN)

United Nations Homepage <http://www.un.org/>

UNHCR <http://www.unhcr.ch/>

Non-Government Organisations

Amnesty International <http://www.amnesty.org/>

Ethnologue <http://www.ethnologue.com/>

Human Rights Watch <http://www.hrw.org/>

International Crisis Group <http://www.crisisweb.org/>

Relief Web <http://www.reliefweb.int/w/rwb.nsf>

International News & Politics

BBC News <http://news.bbc.co.uk>

Sudan Vision <http://sudanvisiondaily.com/>

Search Engines

Google <http://www.google.com.au/>

UNHCR *REFWORLD* UNHCR Refugee Information Online

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices.</i>
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. Abdalla Ali, Professor Issam 2005, ‘Zaghawa Language and History’, *Sudan Vision*, 23 March. (<http://sudanvisiondaily.com/modules.php?name=News&file=print&sid=5990> – Accessed 27 September 2005)
2. Human Rights Watch 2004, *Sudan – Darfur in Flames: Atrocities in Western Sudan*, Vol. 16, No. 5 (A), April.

3. Human Rights Watch 2004, *Empty Promises? Continuing Abuses in Darfur Sudan*, 11 August.
4. Human Rights Watch 2004, *Darfur Documents Confirm Government Policy of Militia Support*, 19 July.
5. Amnesty International 2005, *Sudan – No one to complain to: No respite for the victims, impunity for the perpetrators*, 2 December, AFR 54/138/2004.
([http://web.amnesty.org/library/pdf/AFR541382004ENGLISH/\\$File/AFR5413804.pdf](http://web.amnesty.org/library/pdf/AFR541382004ENGLISH/$File/AFR5413804.pdf) – Accessed 27 September 2005)
6. Amnesty International 2005, 'Sudan: National court for crimes in Darfur lacks credibility', 13 June, AFR 54/059/2005.
(<http://web.amnesty.org/library/Index/ENGAFR540592005?open&of=ENG-SDN> – Accessed 27 September 2005)
7. Fisher, Jonah 2005, 'Culture of impunity' in Darfur', *BBC News*, 26 September.
(<http://news.bbc.co.uk/2/hi/africa/4283956.stm> – Accessed 27 September 2005)