

PHR

Physicians for
Human Rights



DARFUR

Assault on Survival

A Call for Security,
Justice, and Restitution



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ABOUT PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) mobilizes health professionals to advance the health and dignity of all people through action that promotes respect for, protection of, and fulfillment of human rights.

Since 1986, PHR members have worked to stop torture, disappearances, and political killings by governments and opposition groups and to investigate and expose violations, including: deaths, injuries and trauma inflicted on civilians during conflicts; suffering and deprivation, including denial of access to health care, caused by ethnic and racial discrimination; mental and physical anguish inflicted on women by abuse; exploitation of children in labor practices; loss of life or limb from landmines and other indiscriminate weapons; harsh methods of incarceration in prisons and detention centers; and poor health stemming from vast inequalities in societies.

As one of the original steering committee members of the International Campaign to Ban Landmines, PHR shared the 1997 Nobel Peace Prize.

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GLOSSARY

Amir: Arab term for tribal chief. Equivalent to an omda or shartay

Feddan: Measure of area in Sudan equal to 1.04 acres (or 4,200 square meters).

Fur: The largest non-Arab ethnic group in Darfur, the Fur historically have been concentrated in central and south Darfur. Darfur means “land of the Fur.” The Fur, largely pastoralists, own livestock as well.

Hakura system: The traditional land tenure system in Darfur established in the 18th century which consists of grants of jurisdiction over land to senior chiefs. These chiefs have the authority to allocate land and adjudicate disputes.

Janjaweed: The armed militia group composed of Arab Muslims (mainly Baggara). *Janjaweed* have reportedly been involved in most of the attacks on villages in Darfur and have received financial and military assistance from the Government of Sudan.

Masalit: One of the major non-Arab ethnic groups that lives in north Darfur and in eastern Chad. While largely pastoral, the Masalit also raise livestock and other animals.

Nazir: Arab term for the head of a hakura.

Nuba: “Nuba” is a derogatory term used by Sudanese Arabs to describe the non-Arab, black Africans. The term originates in “nub” meaning “black,” used in variant forms to refer to black people (hence Nubians, Nuba, Nubi, who are unrelated but considered “black” by dominant Arabized groups).

Omda: Community or tribal leader.

Shartay: Fur term for the head of a hakura.

Sheikh: Local tribal chief (usually village level).

Suk: Market.

Sultan: Masalit term for the head of a hakura.

Tukul: Round huts with thatched roofs.

Wadi: Valley of a stream that is usually dry except during the rainy season.

Zaghawa: One of the major non-Arab ethnic groups in Darfur who historically have lived in northern Darfur and in Chad. The Zaghawa are mainly camel herders, but many cultivate crops as well.

ACRONYMS

AU African Union

EU European Union

GOS Government of Sudan

HHI Harvard Humanitarian Initiative

ICC International Criminal Court. Established in 2002 as a permanent tribunal to prosecute and try individuals for the crimes of genocide, crimes against humanity and war crimes

IDP Internally Displaced Persons. People who have left or forced to leave their homes who have not crossed an international boundary

JEM Justice and Equality Movement. A non-Arab rebel group involved in the Darfur conflict fighting against the government and the government-supported *Janjaweed* militias

MDM Médecins du Monde

MSF Médecins sans Frontières

NGO Non-Governmental Organization

PHR Physicians for Human Rights

PTSD Post-Traumatic Stress Disorder

SLA Sudan Liberation Army/Movement. A rebel group in Darfur fighting against the government and government-supported *Janjaweed* militias

ACKNOWLEDGMENTS

This report was written by John Heffernan, MPA, Senior Investigator, Physicians for Human Rights (PHR); Jennifer Leaning, MD, SMH, Co-Director, Harvard Humanitarian Initiative (HHI); Michael Van Rooyen, MD, MPH, Co-Director, HHI; David Tuller, University of California at Berkeley, School of Public Health; Susannah Sirkin, PHR Deputy Director; Kirsten Johnson, MD, MPH, Fellow at HHI; Karen Hirschfeld, MIA, PHR Sudan Coordinator, and Andrew Loewenstein, legal consultant for PHR. It was reviewed by Leonard Rubenstein, PHR Executive Director; Alicia Ely Yamin, PHR Director of Research and Investigations; Barbara Ayotte, PHR Director of Communications; Alex de Waal, Director of Justice Africa in London and a Fellow of the Global Equity Initiative and a Research Associate with HHI, both at Harvard University; Kelly Askin, Open Society Justice Initiative; Eric Reeves, Professor, Smith College; and Physicians for Human Rights Board Members Richard Goldstone, Frank Davidoff and Carola Eisenberg. The report was edited by Tuller, Heffernan and Hirschfeld. Ayotte and Hirschfeld prepared the report for publication.

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This report is dedicated to the hundreds of thousands of Darfurians who have been forced to flee their villages and have suffered the death of loved ones. They have lost their homes, their land, their livestock and all of their possessions, and are now surviving under difficult circumstances. We hope that this report will, in some small way, help them attain what they yearn for—the restoration of their ways of life and livelihoods.

I. EXECUTIVE SUMMARY

For over two years, the Government of Sudan (GOS) and their ruthless proxy militias, the *Janjaweed*¹, have carried out a systematic campaign of destruction against specific population groups, their way of life and all that sustains them. This report tells the story of Darfurian lives and livelihoods obliterated in three of the thousands of villages literally wiped off the map by the genocidal killers who also pillaged, plundered, and pursued men, women and children in an all-out assault on the very survival of a population. By delving deeply into the experiences and accounts of eyewitnesses from the villages of Furawiya, Terbeba and Bendisi, Physicians for Human Rights (PHR) is adding to the mounting evidence of war crimes, crimes against humanity and genocide perpetrated against non-Arab² civilians in Darfur.

Other studies of the atrocities committed in Darfur since early 2003 have focused primarily, and with good

reason, on killings, rape and other acts of violence inflicted during the attacks. To complement and expand upon those findings, PHR has paid particular attention to the intense destruction of land holdings, communities, families, as well as the disruption of all means of sustaining livelihoods and procuring basic necessities. By eliminating access to food, water and medicine, expelling people into inhospitable terrain and then, in many cases, blocking crucial outside assistance, the GOS and the *Janjaweed* have created conditions calculated to destroy the non-Arab people of Darfur in contravention of the "Convention on the Prevention and Punishment of the Crime of Genocide" (hereafter referred to as the Genocide Convention)³.

To comprehend fully the magnitude of loss, it is important to understand the traditional way of life in the region. Located between central Sudan and the country's border with Chad, Darfur has a semi-arid climate with limited arable land and little annual rainfall. While many of Darfur's Arabs are nomadic herders, almost all of the region's non-Arab residents owned and cultivated plots of land, and stored sacks of grains and seeds to survive through dry periods and occasional droughts. Almost all families owned livestock, including cows, sheep, goats and chickens; those who were better off also owned horses and camels. Animals not only provided food and transportation but were also considered disposable income and could be used in times of need to pay for necessary or unforeseen expenses, such as healthcare. Villagers flourished in a web of intricate bonds, their lives enmeshed with one another and their communities. Generations of families helped each other through difficult times, including famine and drought. And now, on top of the death and

¹ The International Crisis Group has described the *Janjaweed* as follows: The term "*Janjaweed*" has been used for decades to describe bandits who prey on the rural populations through cattle rustling and highway robbery...Building on the tradition of banditry, government security planners gave their new proxy militias the old name for psychological effect. From the start, many of the official *Janjaweed* were directly recruited by the military and issued identification cards, uniforms, and arms. The ranks included convicted felons released from prison, the "Ta'ibeen," (those who repented) as well as fighters from neighboring countries, primarily Chad...Some members are largely interested in looting and crime, while others are driven by an ethnic supremacist ideology. The government gave both tendencies the green light to engage in the worst behavior imaginable." International Crisis Group. *Darfur Deadline: A New International Action Plan*. Nairobi/Brussels, August 23, 2004; at 8. PHR's use of the term *Janjaweed* to describe the perpetrators of the attacks on the non-Arab Darfurians reflects the use of the term by the victims themselves. PHR recognizes the possibility that some of the perpetrators are not formally part of the *Janjaweed*.

² The people of Darfur have been Muslim for centuries. They are distinguished by their language, occupation, ethnicity and culture. Although there are important nuances among the different tribes, much of the recent conflict has arisen between the nomadic cattle-herding or pastoralist groups of Arab descent or who self-identify as "Arab," and the sedentary agriculturalist, mostly non-Arab indigenous peoples (represented primarily by the three major ethnic groups, Fur, Zaghawa and Masaslit) often referred to as "zurga" or blacks. Arab residents of Darfur speak Arabic as their primary language, while many non-Arabs also speak Arabic, they speak their tribal languages in their homes. Most non-Arab agriculturalists, while sedentary, also own livestock, and the Arab herders sometimes cultivate land even as they seek grazing areas for their herds.

³ In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

"Convention on the Prevention and Punishment of the Crime of Genocide". Adopted by Resolution 260 (III) A of the United Nations General Assembly on December 9, 1948.

the terror that has been inflicted on them, the majority of those who have survived have been stripped of everything they had, from land to livestock to the very social structures that bound them together.

It is also important to understand that outside of village life, Darfur is an extremely difficult place to survive. At the foot of the expanding Sahara desert, it is known for its searing heat, recurrent drought and minimal infrastructure. While Darfurians have developed complex coping mechanisms enabling them to thrive within their villages, when people are herded from their homes and chased into a land that offers little shelter from the forbidding sun and penetrating winds, no potable water and no animals for food, milk and transport, they succumb to starvation, dehydration and disease.

During three trips to the region—in May 2004, and January and July 2005—investigators for PHR collected first-hand testimony from dozens of survivors of the attacks on three villages and surrounding areas with a total population of 30,000 to 40,000 inhabitants. The three were chosen to represent the ethnic and geographical diversity of Darfur itself. Furawiya, in north Darfur, was a village with a population drawn from the Zaghawa, one of the three main non-Arab tribes in the region. Terbeba, a Masalit village, and Bendisi, a Fur village, were both located in the state of west Darfur, the latter right next to the border with Chad and the former much deeper within Sudan. Survivors of all three villages were interviewed in Chad by PHR. Heads of households were selected at random from among those who had managed to reach the refugee camps. By compiling facts, figures and detailed accounts from each of the villages, PHR developed a composite picture of massive destruction. The numerical data, while stark and compelling, is included to amplify and augment our qualitative findings and should not be taken as representative of larger populations.

From these interviews, PHR has concluded that the GOS forces and the *Janjaweed* engaged in the systematic, intentional and widespread destruction of a time-honored way of life, in which close cooperation and interdependent relationships among village residents were a critical means of survival. Though Furawiya, Terbeba and Bendisi were far from one another and attacked at different times, eyewitness accounts of the assaults were strikingly similar. The *Janjaweed* swept into the village early in the morning, usually around 6 a.m., on camels and horses and on foot. In Bendisi and Terbeba, 20 out of 34 respondents reported that the attackers yelled racial epithets, such as “Exterminate the Nuba!”⁴ Government troops often followed close behind; 44% of respondents in Bendisi and Terbeba reported GOS troops in vehicles mounted with rocket launchers entering after the *Janjaweed*, and many

respondents in all three villages reported aerial bombing of villages by GOS Antonov airplanes and helicopters. The GOS and *Janjaweed* shot indiscriminately, set compounds and public buildings on fire, looted homes and shops in the market, and drove survivors out of the villages, in many cases scattering families. Prior to the attacks, the 46 men and women PHR interviewed had a total of 558 people in their households. Of these, 141 were “confirmed dead” –their deaths were witnessed or their bodies found – while 251 were “killed or missing” –meaning their whereabouts were unknown. The average household⁵ size before the attacks was 12.1; after it was 6.7.

The great majority of people PHR interviewed reported the complete loss of their livestock, farmland, homes, and all possessions except the clothing they were wearing when they fled. They reported that the GOS and *Janjaweed* forces either stole or killed thousands of camels, horses, cattle, donkeys, sheep, goats and chickens. They also reported the collective loss of thousands of sacks of sorghum, millet, ground nuts and other food stocks; the torching of scores of acres of prime farmland; the burning of their compounds to the ground; and the looting and theft of rugs, beds, Korans, mats, personal documents and household items.

The *Janjaweed* chased the Darfurians into the harsh desert, aware that this would potentially lead to death. One woman said she overheard one attacker say to another:

“Don’t bother, don’t waste the bullet, they’ve got nothing to eat and they’ll die from hunger.”

Many survivors wandered through the bleak landscape for weeks or months, often with infants or elderly parents in tow. They escaped death by eating wild foods growing in the desert and eventually found their way to refugee camps in Chad, where humanitarian groups established refugee camps providing basic services. Others weren’t so lucky; PHR found that many households experienced a substantial drop in size due to death and separation while making their way to Chad.

Many died during the attacks and many died afterwards, of starvation, disease, and exposure. Moreover, many deaths can be attributable to the Government of Sudan’s actions in obstructing, stealing or diverting aid and denying visas to humanitarian workers.⁶ Many Dar-

⁴ *Nuba* is a collective term used for the peoples who inhabit the Nuba Mountains, in Kordofan province of Sudan, but in this sense “Nuba” is a derogatory term used by Sudanese Arabs to describe the non-Arab, black Africans.

⁵ “Household” was defined as ‘people who eat out of the same pot.’

⁶ Both the United Nations and the United States have accused the GOS of obstruction of assistance to the victims of violence in Darfur.

furians are still dying. Millions of Darfurians are living in squalid conditions in “IDP”⁷ camps in Darfur with little assistance from the Sudanese authorities, and under security conditions that render the delivery of international assistance impossible⁸. Another 200,000 are still living in Chad, the majority in refugee camps not far from the border. Although life as a refugee in Chad is almost certainly better than that of their compatriots inside Sudan, these people remain bereft by loss and yearning to go home and increasingly subject to insecurity largely due to competition for scarce resources in an economically and politically fragile Chad. One of these refugees, a 33-year-old mother from Furawiya told PHR investigators her story:

After traveling for five days on foot, we finally arrived at the border. Thousands of people were scattered along the river bed trying to find shelter. We lived off berries and a little food supplied by the international organizations. They also gave us blue tarps for protection from the wind and the sand, but they didn't work. There was a well in the wadi, but we had to share it with people from the town [Bahay] and animals too. Sometimes, I would

USAID Administrator, Andrew Natsios, “accused the Sudanese government of creating roadblocks that are preventing US and international aid workers from delivering vital food supplies and other relief aid to thousands of displaced persons in Darfur,” while the United Nations’ emergency relief coordinator, Jan Egeland, said that Sudanese officials were insisting that the government in Khartoum was creating obstacles to the delivery of aid, including requiring the testing of medical supplies shipped into the country at Sudanese laboratories, transporting food and other relief supplies on Sudanese trucks and distributed the aid exclusively by Sudanese charities or government agencies”. Available at: <http://www.usinfo.state.gov/af/Archive/2004/Sep/22-710492.html> [Accessed October 27, 2005] and <http://www.washingtonpost.com/wp-dyn/articles/A61612-2004May27.html> [Accessed October 27, 2005], respectively.

⁷ Internally Displaced Persons: “Internally Displaced Persons [IDPs] are persons or groups of persons who have been forced or obliged to flee or to leave their homes or their places of habitual residence, in particular as a result or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized state border.” Available at http://www.idp-project.org/IDP_definition.htm. Accessed October 14, 2005.

⁸ According to the United Nations, about 85 percent of the 900,000 war-affected Darfurians are inaccessible to humanitarian aid, mainly because of insecurity. In January 2004, following the forced closure by GOS authorities of two IDP camps near Nyala, the capital of South Darfur, Médecins sans Frontières released a statement claiming that the camps were located in areas rendered unsafe by ongoing fighting, were difficult to access by humanitarian workers, and located where there was neither shelter, food, nor sufficient access to water and latrines. MSF also reported that their teams were being prevented from distributing drinking water and that malnourished children were prevented from receiving the vital care they needed. Available at: <http://www.irinnews.org/print.asp?ReportID=38962>. Accessed September 18, 2005.

have to wait in line all day just for one bucket of water. After two months my donkey died from not having enough food. And then my youngest child, a three-year-old girl, got sick. There were no medicines to help her. She died about a month before they moved us to the camp.⁹”

Many previous reports on Darfur present ample evidence of genocide under Articles II(a) and (b) of the Genocide Convention, which defines the crime as the intent to destroy, in whole or in part, a national, ethnic, religious, or racial group, by (a) “killing members” of that group and (b) by “causing serious bodily or mental harm” to members of the group. PHR’s findings bolster these past claims *and* also illuminate Article II(c), a critical but often overlooked clause of the Genocide Convention, which defines genocide as including the deliberate infliction on a group of “conditions of life calculated to bring about its physical destruction in whole or part.”¹⁰ This clause ensures that genocide encompasses situations in which the perpetrators do not seek to kill all members of a group immediately but instead intentionally subject them to such harsh circumstances that death would be virtually assured without outside intervention and aid. Under international law, the fact that most of those forced from their homes did not die does not mitigate the responsibility of the GOS and *Janjaweed* forces for their genocidal actions.

The people of Darfur must be compensated for the loss of life and destruction of their livelihoods at the hands of the GOS forces and the *Janjaweed*. The United Nations Commission of Inquiry on Darfur, which was released in January 2005, called for the establishment of a Compensation Commission to redress the rights of the Darfurian victims. While the specifics of how such a mechanism could be established would need to be decided as a part of a wider political settlement of the problems of Darfur, there are five critical elements which must be incorporated:

Restitution: The restoration of the Darfurians’ land and property, as well as their liberty, legal rights and citizenship

Rehabilitation: The provision of or access to medical,

⁹ A study by the Centers for Disease Control and Prevention of crisis-affected populations in Darfur undertaken in August-September 2004 reported a global acute malnutrition rate of 21.8% and stated that the nutritional status among [those 1.6 million crisis-affected people] is “alarming,” and that the “coverage of nutrition and essential health programs is poor.” The Centers for Disease Control and Prevention. *Nutrition and Mortality Survey, Darfur Region, Sudan, July-August 2004; at 3-5.*

¹⁰ “Convention on the Prevention and Punishment of the Crime of Genocide”. Adopted by Resolution 260 (III) A of the United Nations General Assembly on December 9, 1948. Article II(c).

legal, psychological and other services necessary to help restore their well-being

Compensation: Monetary reparations for damage to homes, possessions and the death or theft of livestock, as well as less quantifiable damage, i.e. pain and suffering, loss of economic or educational opportunities, damage to reputation and costs required for legal, psychological or medical services

Satisfaction: An enforceable ceasefire and perhaps a truth commission or another mechanism designed to acknowledge the facts and hold perpetrators responsible

Guarantees of Non-Repetition: To enable the Darfurians to return to their land without fear that they will once again be subjected to genocidal attacks.

Reparations for violence and destruction committed by the GOS forces or the *Janjaweed* should come from the coffers of the GOS itself; victims of crimes committed by the rebels should be compensated through voluntary contributions of the international community.

Despite the UN's calls for a Compensation Commission nearly a year ago, the international community has taken little action to date towards the establishment of such a mechanism. The GOS has set up its own Compensation Commission, which, given the nature of the conflict and the fact that the GOS itself is one of the main perpetrators of the crimes against the Darfurians, is an insult to the survivors.

In spite of international condemnation, UN resolutions and the US government declaring that genocide has been committed in Darfur and that the Government of Sudan and the *Janjaweed* bear responsibility, the GOS and the *Janjaweed* continue their assault on survival. Armed attacks on civilians continue, rendering large swaths of land insecure for passage and therefore essentially uninhabitable. In the current environment, the protection of civilians, wherever they are currently living, remains paramount. The African Union¹¹ force, AMIS, lacking in capacity and meaningful mandate, cannot protect these people alone. Additional international presence on the ground, complementing the AU force, will give Darfurians the assurance they need to return to their homes. Moreover, it is not premature to begin discussing the issue of reparations and compensation for the victims of these crimes. Victims need something to return to so that they can rebuild and

restore their lives. Holding the GOS and the *Janjaweed* accountable and ensuring that the surviving non-Arab Darfurians are made as whole as possible are critical elements of any effort to foster peace, stability, reconciliation and recovery of this war-ravaged region.

Recommendations Include:

I. To the International Community

Peace and Security

1. The international community should press for a UN Security Council resolution to immediately authorize a multinational intervention force in Darfur under Chapter 7 of the UN Charter. This "blue helmeted" international force would supplement the AU's current troop level of 7,000. Experts estimate that three times this amount are needed to protect civilians in the region, an area the size of Texas. Furthermore, the AU lacks a mandate and financial and logistical support to protect civilians. Without a meaningful intervention that includes additional international troops, thousands more could die and those displaced will not be able to return to their homes.

2. A no-fly zone should be imposed over Darfur. The presence of GOS Antonovs and helicopters above villages, whether engaged in bombardments or not, pose a major threat to the protection of civilians in camps and for those who eventually return home.

3. Donors must continue to provide sufficient financial and logistical assistance to the AMIS.

4. NATO should continue to provide logistical support and transport to the AU. This assistance should be given according to a schedule that is observed and publicly disclosed.

Accountability

1. As proposed by the UN's Commission of Inquiry¹² report, a Compensation Commission, with members appointed by the UN Secretary-General and an independent Sudanese body, to hold the Sudanese Government and its proxy militias, the *Janjaweed*, accountable for its actions should be established. The United Nations Security Council should pass a resolution mandating that profits from the sale of Sudanese oil or other commodities should be used for compensation, restitution and rehabilitation; withdrawn from the

¹¹ The African Union was established in 1999 by the Heads of State and Government of the Organization of African Unity "with a view, inter alia, to accelerating the process of integration in the continent to enable it to play its rightful role in the global economy while addressing multifaceted social, economic and political problems." <http://www.africa-union.org/home/Welcome.htm>. Accessed December 2, 2005.

¹² http://www.un.org/News/dh/sudan/com_inq_darfur.pdf.

¹³ Under the peace agreement reached between the North and South in January 2004, the new Unity Government splits equally oil profits derived from the sale of oil. Available at: <http://www.news.bbc.co.uk/1/hi/world/africa/3370931.stm>. Accessed September 30, 2005.

North's profits from oil, not those of the South.¹³ Because of the GOS' complicity in these crimes, it should have no role in the administration of reparations other than providing the actual compensation.

All intelligence held by the international community, including the US, should be made available to ICC investigators.

Humanitarian Assistance

1. The international community must continue to provide humanitarian aid – shelter, food, water, medicine – until it is safe for refugees and IDPs to return to their land.

2. Aid organizations must address the reports of rampant sexual assault of women and girls by implementing all possible measures to prevent such violence, such as working with AMIS to guarantee protection when they leave the camps to gather materials for cooking.

3. Aid organizations must provide medical care and psychological counseling to those women and girls who have been victims of sexual assault and to others suffering the effect of trauma.

II. To the Government of Sudan and Rebel Forces

1. GOS and the *Janjaweed* militias it supports must immediately cease violent attacks on civilians and their

property in Darfur including military overflights aimed to harm or intimidate civilians.

2. GOS must cease funding and providing arms to Janjaweed militias and cooperate with AMIS in a disarmament plan.

3 Rebel groups must cease violations of human rights and international humanitarian law.

4. Internally displaced persons and refugees must not be forced to return to their homes without enforceable guarantees of security.

5. The GOS and the rebel groups must engage in meaningful negotiations through the international processes of conflict resolution at Abuja. To bolster the current process, which is under the auspices of the AU and has seen little meaningful progress, a greater international involvement is needed. To succeed, any political solution must address the historical marginalization of Darfur as well as the intensifying competition for scarce resources.

6. Given its failure to adhere to UN resolutions and repeated violations of the ceasefire agreement, the GOS should not assume the scheduled leadership of the African Union in 2006.

7. The GOS must cooperate fully with the International Criminal Court (ICC) and grant investigators and other personnel unimpeded access to Darfur and to all relevant documentation.

II. INTRODUCTION

In Darfur, Sudan, a way of life has been annihilated. Families have fled homesteads that belonged to their families for generations. Hundreds of thousands have been beaten, raped, and killed. The villages they have lived in since they were born, the attributes of their civil society, and the intimate social structures that bound them together have been obliterated.

The massive assault by GOS and *Janjaweed* forces on the non-Arab Darfurian population, which began in early 2003 and escalated during late 2003 and early 2004, has included the sweeping destruction of homes, community structures, wells, crops, livestock, and personal assets. It is a distinctively egregious series of crimes for two reasons: 1) the perpetrators have sought to kill people and to destroy the livelihoods and life sources of entire communities that depend on the land for survival; and 2) they have knowingly driven a large portion of non-Arabs into an environment in which survival would not have been possible without outside assistance, and have then overtly restricted access to humanitarian aid.

The 1948 Genocide Convention forbids perpetrators from committing such acts, which it defines as “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” Yet governments, the international community, the media, human rights groups and international organizations have, understandably, paid less attention to this aspect of the genocidal campaign than they have to the indiscriminate killing.

In May 2004, PHR collected eyewitness testimony from dozens of Darfurian refugees in Chad and found ample evidence of an organized attempt to destroy non-Arab groups. PHR called the actions of the perpetrators genocide, and identified indicators of genocide, including consistent patterns of targeting non-Arabs, destruction of villages, pursuing non-Arabs with intent to make them leave their villages, raping non-Arab women, and forcing everyone out of their villages into hostile terrain.

To investigate the situation in greater detail and to explore the impact of this devastation on prospects for life and livelihoods throughout the region, PHR returned to the Chad/Sudan border in January and July 2005 to talk with survivors from three once-thriving Darfurian villages—Furawiya, Terbeba and Bendisi. Through interviews with these women and men, both young and old, PHR compiled information about their lives before the attacks, about the attacks themselves — the scale and scope of destruction, the theft and torching of property and possessions— and about their current existence in the refugee camps.

At this juncture, with the conflict in Darfur ongoing, the highest priority for the international community must be to continue to try to protect Darfurian refugees and internally displaced persons, who remain vulnerable to attack. Yet a focus on restoration of livelihood possibilities and compensation for incurred losses is also essential if people are to return home and have any hope of reclaiming and rebuilding their communities.

III. OVERVIEW OF THE DARFUR CONFLICT

Sudan, the largest country in Africa, was ruled by Turko-Egyptians for much of the 19th century (1820-1885), by the British during the first half of the 20th century (1899-1956), and gained its independence in 1956. Despite its oil wealth, it is one of the poorest countries in the world, ranking 141 out of 177 on the United Nations Development Programme’s Human Development Index¹⁴. Successive central governments have pursued a development policy favoring the riverian regions and metropolitan centers at the expense of the rural populations. Sudan has been wracked by civil war for most of its nearly 50 years as an independent country, with the longest conflict, between the Muslim north and the Christian and Animist south, beginning in 1983. The war, which was recently ended by an historic peace agreement¹⁵, has nevertheless devastated the south’s infrastructure and created deep mistrust of the government in Khartoum on the part of the southerners.

Brig. Omar Hassan Ahmed El Bashir has ruled Sudan since 1989 when he took over the government in a bloodless coup. Bashir formed a 15-member Revolutionary Command Council for National Salvation and quickly dismantled civilian rule, suspended the constitution and dissolved all political institutions. He held and won (with 86.5% of the vote) presidential elections in December 2000 which were widely dismissed as fraudulent.¹⁶ Since his rise to power, Bashir’s repressive regime has been criticized for orchestrating widespread human rights abuses throughout the country¹⁷.

Historically, the geographically remote Darfur region, 1,000 miles from Khartoum, has been neg-



lected. During the period of the British rule, Darfur was ruled by commissioners exported from Khartoum who neglected the needs of the people while advancing the aims of the central government.¹⁸ This continued when Sudan gained its independence, with the central government running non-Darfurian candidates for the parliamentary seats in Darfur, and staffing the police, military and judiciary in Darfur with non-Darfurians who were unresponsive to their constituents. Throughout the 1990s, the Government of Sudan began its policy of arming Arab herders in Darfur as a way to control

¹⁴ UN Human Development Index (HDI) is a comparative measure of poverty, literacy, education, life expectancy, and other factors for countries worldwide, with 1 being the “most developed country” (Norway in 2004) and 177 being the “least developed country” (Sierra Leone, 2004). Available at: http://www.hdr.undp.org/docs/statistics/indices/index_tables.pdf. Accessed September 15, 2005.

¹⁵ A final Naivasha peace treaty of January 2005 created a “National Unity Government” and granted the southern rebels autonomy for six years, after which a referendum for independence is scheduled to be held. Available at: www.cia.gov/cia/publications/factbook/geos/su.html. Accessed October 1, 2005.

¹⁶ The World Factbook (CIA Publication) states: “[The] election [was] widely viewed as rigged: all popular opposition parties boycotted elections because of a lack of guarantees for a free and fair election.” <http://www.cia.gov/cia/publications/factbook/geos/su.html>. Accessed December 23, 2005.

¹⁷ A Human Rights Watch report in 1996 accused the regime of restricting freedom of the press, assembly, movement and religion, conducting arbitrary arrests and torture, and the commission of abuses in the war, including indiscriminately bombing civilian areas in the south, interrupting the delivery of humanitarian aid, conducting scorched earth campaigns against southern villages and civilians, looting and kidnapping women and children for use as slave or forced domestic labor. From *No Protection for Human Rights in Sudan*. Human Rights Watch. May 29, 1996.

¹⁸ Some statistics from the mid-20th century: In 1939, there were 17 maternity clinics in Sudan; none in Darfur. In 1951, there were 23 government-run intermediate schools in Sudan; only one of those was in Darfur. From Young H, Osman AM, Aklilu Y, Badri B, and Fuddle AJA. *Darfur – Livelihoods under Siege*. Feinstein International Famine Center. Tufts University, Medford, MA. 2005, at 19-20.

the region (these armed men became known as the *Janjaweed*), and turned a blind eye when the *Janjaweed* began raiding and burning down non-Arab villages in Darfur.¹⁹

Darfur, which covers a 150,000 square-mile expanse of desert and savannah about the size of France, was once home to an estimated six million people. The long history of internal conflict among the various ethnic groups, often characterized as Arab versus non-Arab, is politically and socially complex but reflects an underlying tension over scarce resources. The processes of desertification, drought, and population growth have fostered increased competition for scarce water sources, grazing areas, and arable land.²⁰ In recent years, Darfur's nomadic herders, generally Arabs, have moved further and further south to escape the desert and to find fertile feeding grounds for their animals, in the process encroaching on the land of Darfur's non-Arab pastoralists.

In the current conflict in Darfur, Sudanese military forces and *Janjaweed* militias have systematically assaulted, raped, tortured tens of thousands of civilians belonging to the Fur, Masalit, Zaghawa and other non-Arab ethnic groups who have lived in the western region of Sudan for generations. They have also destroyed their homes and villages. Although tension among the populations that inhabit Darfur has long-standing historical roots, the present phase began in early 2003, when two rebel groups, the Sudan Liberation Movement/Army (SLA) and the Justice and Equality

¹⁹ This information on the marginalization of Darfur comes from conversations between PHR investigators and Eltigani Seisi M. Ateem, former governor of Darfur, now living in exile in London, in May 2004 and January 2005.

²⁰ Slim H. "Dithering Over Darfur? A Preliminary Review of the International Response," *International Affairs*. Vol. 80. no. 5. 2004, at 811-833.

²¹ "The following reports— Human Rights Watch. *Darfur in Flames: Atrocities in Western Sudan*. Vol.16, No.5 (A), April 2004; *Report of the High Commissioner on the Situation of Human Rights in the Darfur Region of the Sudan*, E/CN.4/2005/3, UN Office of the High Commissioner of Human Rights. May 3, 2004; among others --have described the "hand-in-glove" manner in which the Government of Sudan and 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. Human Rights Watch has obtained copies of government documents whose contents "indicate a government policy of militia recruitment, support and impunity that has been implemented from high levels of the civilian administration." Available at: <http://www.hrw.org/english/docs/2004/07/19/darfur9096.htm>. Accessed September 16, 2005.

Movement (JEM), attacked outposts of the Arab government. The rebels, who are largely members of the non-Arab Fur, Masalit and Zaghawa tribes, had demanded greater political and economic representation by the Arab-controlled Sudanese state. The insurgency began just as it appeared that negotiations in Sudan's decades-old civil war between the central government and the South could finally bring that conflict to a close.

When rebel forces launched their insurgency with an attack on Government of Sudan (GOS) military compounds at El Fasher in North Darfur, the GOS, along with the *Janjaweed*,²¹ countered with a scorched-earth response. Throughout 2003, the armed conflict escalated, with the GOS and *Janjaweed* forces launching massive and unprovoked assaults on non-Arab villages all across the region. Through coordinated land and air attacks, the burning of homes and crops, the rounding up of livestock, the destruction of wells, granaries, and irrigation works, the uprooting of trees, and the theft of possessions, the GOS and the *Janjaweed* managed to kill hundreds of thousands and displace over 2.5 million people between early 2003 and October 2005.²² At the same time, the GOS employed a number of tactics to render it difficult for humanitarian aid to reach those in need within Darfur, including denying visas to NGO officials and workers and delaying, halting or stealing deliveries of food, medical supplies and other forms of urgently needed assistance.²³

In April 2004, Chad and the African Union (AU), Africa's main intergovernmental body, supported by the US and European Union (EU), facilitated the negotiation of a 45-day ceasefire between the rebel groups and the GOS. The agreement included a commitment from the GOS to disarm the *Janjaweed*. The AU sent 400 soldiers to monitor the ceasefire. The agreement was never honored, and serious violations continued unabated. On July 3, 2004, after a four-day visit to Chad and Sudan by United Nations (UN) Secretary-General Kofi Annan, the GOS agreed to a joint communiqué that contained a commitment to improve humanitarian access. However, over the next several weeks, the situation deteriorated further and reports of ongoing attacks continued. On July 30, 2004, members of the UN Security Council

²² United States Agency for International Development. *Sudan: Darfur—Humanitarian Emergency Fact Sheet #36*. May 27, 2005.

²³ A December 2003 *BBC* article reported on the Government of Sudan's preventing of food and medical supplies from reaching Darfur. The article quotes the UN's Humanitarian Coordinator in Sudan, Mukesh Kapila, who stated, "One must say there is a prima facie case that some of the denials of access may well be related to the discomfort of the parties concerned to allow international witnesses." Available at: <http://www.news.bbc.co.uk/1/hi/world/africa/3310697.stm>. Accessed September 14, 2005. Many other articles have documented the Government's obstruction of aid.

adopted Resolution 1556, enacted under Chapter VII of the UN Charter,²⁴ which demanded that the GOS fulfill its commitments to disarm the *Janjaweed* and bring the militia's "leaders and associates" to justice within a 30-day period. The resolution stated that, in the event of non-compliance, the Security Council would consider further actions, and it included a reference to Article 41 of the UN Charter, which permits the imposition of sanctions.²⁵

By September 1, 2004, reliable reports from UN officials in Darfur, human rights organizations, government delegations, and the media indicated that the GOS had failed to comply with UN Resolution 1556 and, in fact, the humanitarian situation had worsened again.²⁶ In an August 25 report, the US Agency for International Development stated that the GOS "continues to restrict humanitarian access through bureaucratic obstruction."²⁷

In response to Sudan's failure to comply fully with the obligations noted in UN Resolution 1556, the Security Council approved another resolution aimed at ending the suffering of the people of Darfur. Resolution 1564, adopted on September 18, 2004, called for the expansion of the AU monitoring force and declared that the UN Security Council "shall consider" imposing sanctions under Article 41 of the UN Charter if full compliance is not forthcoming.

A number of international human rights and monitoring organizations, including Physicians for Human Rights (in June 2004), have determined that the atrocities, human rights violations and manner in which the war has been waged constitutes genocide.²⁸ On September 9, 2004, US Secretary of State Colin Powell, drawing on the results of a survey done by the Coalition for International Justice for the US Department of State, declared that "genocide has been committed in Darfur and that the Government of Sudan and the Jin-

gaweit bear responsibility—and that genocide may still be occurring."²⁹ This statement represents the first time a signatory to the Geneva Convention has ever formally invoked the convention with regard to an unfolding genocide in a third country. On October 7, 2004, UN Secretary-General Annan established an International Commission of Inquiry on Darfur (known as the ICID or COI, hereafter referred to as COI) to investigate the situation in Darfur.

Although the COI January 2005 report left open whether or not the situation constitutes genocide, the Commission determined that the GOS and *Janjaweed* were responsible for "serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, [they] committed indiscriminate acts, including killing of civilians,

²⁸ These organizations include Physicians for Human Rights (PHR), Africa Action, the Coalition for International Justice (CIJ), the Committee on Conscience of the US Holocaust Memorial Museum, the Public International Law & Policy Group, Refugees International and the US Committee for Refugees (USCR). Physicians for Human Rights. "PHR Calls for Intervention to Save Lives in Sudan: Field Team Compiles Indicators of Genocide", June 23, 2004, at 5. Available at: www.phrusa.org/research/sudan/pdf/sudan_genocide_report.pdf. Accessed September 20, 2005. Africa Action, "Africa Action Rejects Conclusion of UN Report on Darfur," February 1, 2005. Available at: <http://www.africaaction.org/newsroom/release.php?op=read&documentid=754&type=2&issues=1024>. Accessed September 21, 2005.

Documenting Atrocities in Darfur. State Publication 11182. Coalition for International Justice. Released by the Bureau of Democracy, Human Rights, and Labor and the Bureau of Intelligence and Research, US Department of State, September 2004. US Holocaust Memorial Museum, "Holocaust Museum Declares 'Genocide Emergency' in Sudan." Press release. July 26, 2004. Available at: www.ushmm.org/conscience/sudan/darfur/index.php?content=main.php#TopWorldNews. Accessed August 29, 2005. Bacon K. Refugees International. "Stop the Genocide in Sudan," *Pittsburgh Post-Gazette*, August 29, 2004. US Committee for Refugees, "USCR Urges President Bush to Condemn Khartoum's Genocide and Act Now to Save Hundreds of Thousands of Lives in Darfur," Press release. June 28, 2004. Public International Law & Policy Group, *Genocide in Darfur: A Legal Analysis*. September 2004.

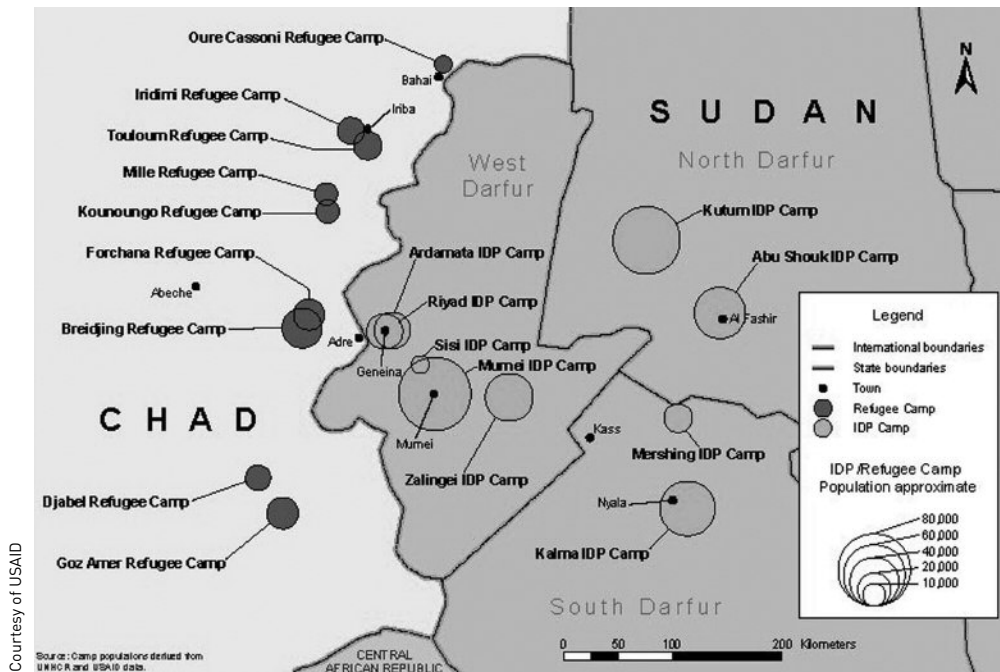
²⁹ The Coalition for International Justice (CIJ) became actively involved in Darfur in the summer of 2004 through a joint project with the US State Department and the Office of Transition Initiatives (USAID). CIJ assembled and led an Atrocities Documentation Team of approximately thirty interviewers from around the world who, over a six-week period in July and August, conducted over 1,200 interviews in Chad with refugees from Darfur. With training from CIJ and State Department experts in survey methodology, the team obtained firsthand accounts from the refugees of what they saw and experienced in Darfur before fleeing. Based on the data extrapolated from these interviews, the State Department's Bureau of Intelligence and Research (INR) produced a final report: *Documenting Atrocities in Darfur*. Released by the Bureau of Democracy, Human Rights, and Labor and the Bureau of Intelligence and Research. State Publication 11182. September 2004. Available at: <http://www.state.gov/g/drl/rls/36028.htm>. Accessed December 23, 2005

²⁴ United Nations, Charter of the United Nations (1945), chap. 7. Available at: www.un.org/aboutun/charter/. Accessed August 20, 2005.

²⁵ *Id.* at art. 41. ("The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.")

²⁶ In its report *Empty Promises: Continuing Abuses in Darfur, Sudan*, Human Rights Watch accused the GOS of attacks on civilians including the rape of women and girls, harassment of IDPs returning home to insecure villages, no legitimate attempt to bring the *Janjaweed* perpetrators to justice, and failure to adequately facilitate the distribution of humanitarian aid. August 11, 2004.

²⁷ USAID, *Darfur: Humanitarian Emergency Fact Sheet #20*. FY 2000, August 27, 2004.



Courtesy of USAID

Source: Camp populations derived from UNHCR and USAID data.

International Criminal Court. Despite its long-established opposition to the ICC, the United States abstained from voting on the Security Council's referral, allowing the ICC to initiate an investigation in June. The ICC's involvement opens the door to potential international indictments of accused war criminals, including 51 individuals whose names have not been disclosed but who have been recommended for investigation by the UN Commission of Inquiry.

During this period of UN deliberation on Darfur, the signing of a Comprehensive Peace Agreement on January

9, 2005, formally brought the North-South conflict to an end, and on July 9, 2005, SPLA/M leader John Garang was sworn in as first vice president of the "Government of National Unity." Garang died in a helicopter crash a few weeks later and was succeeded by Salva Kiir, who was Garang's second-in-command and the SPLA/M's deputy leader. The effectiveness of the new government in resolving the crisis remains to be seen. As of this writing, the populations of IDPs in Darfur and refugees in Chad and elsewhere remain threatened by an ongoing climate of insecurity in the region.

torture, enforced disappearances, destruction of villages, rape and other sexual violence, pillaging and forced displacement...conducted on a widespread and systematic basis... and therefore may amount to crimes against humanity." It stated that "in some instances individuals, including Government officials, may commit acts with genocidal intent. Whether or not this was the case in Darfur, however, is a determination that only a competent court can make on a case by case basis." The Commission's report further stated that "the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide."³⁰ In addition to recommending that the crimes committed in Darfur be referred to the International Criminal Court (ICC) for prosecution, the Commission also recommended the establishment of a Compensation Commission, saying "While a Compensation Commission does not constitute a mechanism for ensuring that those responsible are held accountable, its establishment would be vital to redressing the rights of the victims of serious violations committed in Darfur".³¹

UN Security Council resolution 1593, adopted in March 2005, referred the situation in Darfur to the

³⁰ From the "Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General". Geneva, 25 January 2005; at 3.

³¹ *Id.* at para 590. "For the reasons that will be set out below, the Commission also proposes to the Security Council the establishment of a Compensation Commission, not as an alternative, but rather as a measure complementary to the referral to the ICC. States have the obligation to act not only against perpetrators but also on behalf of victims." Available at: <http://www.state.gov/outofdate/bgn/s/50246.htm>. Accessed September 18, 2005.

By the spring of 2005 there were approximately 3,000 AU troops in Darfur. However, the relatively small number of troops and the weakness of their mandate— they are only allowed to protect civilians who are "under imminent threat and in the immediate vicinity, within the limits of mission capability, (as the protection of civilians is technically the responsibility of the GOS)³²" — impedes the forces' efficacy. A plan to increase the number of AU troops from 3,000 to more than 7,000 by the end of September 2005, was delayed due to logistical, administrative and transportation difficulties; as of September 26, there were 5,540 troops and 850 civilian police in theater.³³ By October 2005, the African Union was warning that it would soon run out of funds, and that, while the international community had provided aircraft, transport for troops, accommodation and mili-

ary 9, 2005, formally brought the North-South conflict to an end, and on July 9, 2005, SPLA/M leader John Garang was sworn in as first vice president of the "Government of National Unity." Garang died in a helicopter crash a few weeks later and was succeeded by Salva Kiir, who was Garang's second-in-command and the SPLA/M's deputy leader. The effectiveness of the new government in resolving the crisis remains to be seen. As of this writing, the populations of IDPs in Darfur and refugees in Chad and elsewhere remain threatened by an ongoing climate of insecurity in the region.

³² Available at: www.irinnews.org/report.asp?ReportID=48634&SelectRegion=East_Africa&SelectCountry=SUDAN. Accessed October 19, 2005.

³³ Mendez J. *Report of the Special Advisor on the Prevention of Genocide: Visit to Darfur, Sudan*. October 4, 2005, at 3.

tary hardware, only \$79 million of the \$252 million needed for a year of operations had actually been pledged.³⁴ In November, after the US Senate passed a bill providing \$50 million for the AU mission, the foreign operations appropriations conference cut the funding.³⁵

The AU's original deployment time-frame, beyond the 7,000 originally intended to be in place by the fall of 2005, called for a force of 12,000 by spring 2006. The proof that the foreign military presence in Darfur has reached an adequate level will be when the Darfurians who have lost their homes can be assured that they can return home without being attacked. Whatever the final size of the AU force, an additional robust international presence on the ground is essential to ensure peace and security. Moreover, the AU will be able to protect Darfurians more effectively when its mandate is expanded to explicitly include protecting civilians and facilitating the return to their villages.³⁶

An increase in diplomatic pressure and worldwide attention to the situation in Darfur has forced the GOS to loosen its constraints on humanitarian access. However, the May 2005 arrest of two workers from Médecins sans Frontières (MSF), in response to their organization's report on rape and sexual violence in Darfur, demonstrated the GOS' ongoing resistance to efforts to stop violations and ease suffering in the region. The forbidding countryside and intermittent obstruction, which has included attacks on humanitarian convoys by GOS military and *Janjaweed* forces, have continued to make it very difficult for NGOs to move through the area and maintain uninterrupted deliveries of aid to people in need.

While it is impossible to know exactly how many people have died in Darfur since early 2003, the estimated number ranges from a low of between 60,000 and 120,000 to a high of 380,000 to 400,000.³⁷ The estimates include both those slaughtered in the assaults and those who died later from starvation, exposure or disease. Nearly two million people have been uprooted

and displaced,³⁸ and an estimated 90 percent of non-Arab villages in the region have been attacked, looted, or razed to the ground. Survivors have been forced to flee their homes: currently, 2.5 million are living in over 200 camps in Darfur itself, while another 200,000 are subsisting in refugee camps in neighboring Chad.³⁹

Aerial attacks on villages had all but ended and the number of GOS and *Janjaweed* ground attacks on villages were very limited by the spring and summer of 2005, perhaps because so few intact targets remained. But it would be wrong to interpret a decrease in assaults as a sign of acceptable overall safety. Refugees and IDPs are still subject to attacks once they step outside the camp boundaries, and the security climate inside and outside the camps continues to deteriorate.⁴⁰ People are not returning to the site of their former homes to rebuild. Analysts have referred to the conflict in Darfur as "a genocide in slow motion."⁴¹

While large-scale attacks on Darfurian villages were rare in the second half of 2005, the security situation continues to deteriorate. African Union troops have been killed and kidnapped, humanitarian aid workers have been attacked and incidents of rape are on rise. Crucial supply routes have been closed, which means that hundreds of thousands of Darfurians are beyond the reach of humanitarian aid. Many humanitarian aid groups report serious difficulties in receiving and renewing visas from Khartoum, and the United Nations has withdrawn some of its staff in west Darfur because of the rising violence. Finally, infighting among the two

³⁸ Available at: http://www.boston.com/news/world/africa/articles/2005/08/30/displaced_in_darfur_still_fearful_about_returning. Accessed September 8, 2005.

³⁹ "Rice Defends US Response to Ethnic Violence in Sudan," *The Washington Post*, July 21, 2005.

⁴⁰ According to the UN High Commissioner for Refugees, on September 28, 2005, an unprecedented attack by the GOS supported *Janjaweed* on an undefended camp for Internally Displaced Persons in Aro Sharow killed 34 men and destroyed approximately one quarter of the living quarters for between 4,000 and 5,000 IDPs. The camp, Aro Sharow, is approximately 15 kilometers north of the town of Saleah, which is approximately 60 kilometers north of El-Geneina Darfur. Additionally, according to Darfurian refugees interviewed by PHR, women and girls have experienced rape or assault when leaving the camps to collect firewood or bring goods to market.

⁴¹ Anthony Lake and John Prendergast used the term in a May 2004 *Boston Globe* Op-ed (Lake was President Clinton's National Security Adviser from 1993 to 1997 and Prendergast is special adviser to the president of the International Crisis Group). Available at: http://www.boston.com/news/globe/editorial_opinion/oped/articles/2004/05/20/stopping_sudans_slow_motion_genocide/. Accessed October 20, 2005. *Washington Post* reporter Emily Wax, whose reporting on Darfur has earned her a nomination for the Pulitzer Prize, then repeated the phrase at a speech at DePauw University on May 23, 2005. Available at: <http://www.depauw.edu/news/index.asp?id=15802>. Accessed October 10, 2005.

³⁴ Available at: www.irinnews.org/report.asp?ReportID=48634&SelectRegion=East_Africa&SelectCountry=SUDAN. Accessed October 19, 2005.

³⁵ "US Pushes Sudan to Do More in Darfur," Reuters Foundation AlertNet, November 2, 2005. <http://www.alertnet.org/thenews/newsdesk/N0127156.htm>. Accessed December 23, 2005.

³⁶ Mendez J. *Report of the Special Advisor on the Prevention of Genocide: Visit to Darfur, Sudan*. October 4, 2005, at 12.

³⁷ US State Department figures cited by Robert Zoellick, the US Deputy Secretary of State (low), and the CIJ report (high), respectively. A report by the World Health Organization estimated that 70,000 had died from disease and/or malnutrition alone during a seven-month period in 2004. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2005/04/23/AR2005042301032.html>. Accessed September 8, 2005.

main rebel groups, the JEM and the SLA, have been plagued by infighting, causing serious disruptions for the AU-sponsored Darfur peace talks between GOS and rebels in the Nigerian capital of Abuja.⁴²

⁴² Available at: http://news.yahoo.com/s/nm/20051013/wl_nm/sudan_evacuation_dc_1. Accessed November 8, 2005.

IV. INVESTIGATION AND TECHNIQUES

Investigation

Since the Government of Sudan initiated its genocidal campaign against Darfurian civilians, PHR, in coordination with the Harvard Humanitarian Initiative (HHI) at the Harvard School of Public Health, has deployed three fact-finding delegations of medical, public health and war crimes experts to Darfur and the Chad/Sudan border. The investigations have documented a full range of genocidal actions on the part of the GOS and its proxy forces, the *Janjaweed* militias. This report incorporates information from the three investigations over the 14-month period from May 2004 to July 2005.

May 2004 Investigation

In May, 2004, HHI's co-director and PHR board member, Dr. Jennifer Leaning, traveled to Chad with PHR's lead investigator, John Heffernan. They collected information on the humanitarian crisis within Chad and documented past and ongoing atrocities and alleged violations of international humanitarian and human rights law. PHR gathered eyewitness testimony from refugees in camps and settlement locations along the border that provided indicators of an unfolding genocide. These included: consistent patterns of attacks on villages, consistent patterns of destruction of villages, the targeting of non-Arabs, hot pursuit with intent to eradicate villagers, the systematic rape of women, and the destruction of livelihoods and the means of survival. On the basis of the testimonies, PHR also noted that the GOS and the *Janjaweed* appeared to be intentionally imposing "conditions of life"—referring to phrasing of Article II/c of the Genocide Convention—calculated to bring about the demise of non-Arab Darfurians by destroying their means of survival, driving them without resources into a potential desert death-trap, obstructing the delivery of international aid, and scattering whole families.

During this investigation, the PHR team witnessed thousands of refugees from north Darfur, many of them from the village of Furawiya, huddled under straggly trees seeking refuge from the sun and wind in Bahay, Chad. While some residents managed to flee with livestock, many of these animals had since died from lack of food and water. To avoid a health crisis, villagers were burning the animal carcasses in large heaps.

According to a joint report of the US Centers for Disease Control and Prevention and the United Nations World Food Program, many people who reached this area had already fallen ill or died from malnutrition or water-borne diseases.⁴³ Little international humanitarian aid had reached Bahay.

January 2005 Investigation

PHR sent John Heffernan, Dr. Michael Van Rooyen, Harvard Humanitarian Initiative's co-director, and photographer/filmmaker Michael Wadleigh to the Chad-Darfur region in January 2005 to interview Darfurian survivors about their livelihoods and means of survival. PHR planned to assess the destruction of three villages, each located in a different part of Darfur and inhabited mostly by one of the area's three main non-Arab tribal groups, but due to security and logistical challenges, PHR was able to access refugees from only one of them—Furawiya, a Zaghawa village—in north Darfur.

The Furawiyans were among those encountered by PHR in May 2004. Now they were among those staying in the Oure Cassoni refugee camp, established by the International Rescue Committee in July 2004 and located 20 km northeast of Bahay. In the camp, PHR investigators used a population map to determine the distribution of refugees from Furawiya. This subset served as the sample population from which twelve households were randomly selected. Using a semi-structured questionnaire, investigators conducted these twelve interviews with male or female heads of households in the presence of other family members.⁴⁴ They conducted two meetings with approximately 12 village sheikhs, or elders, in each group. Additionally, three focus groups, each composed of three to four villagers, were conducted, utilizing semi-structured

⁴³ A joint report of the US Centers for Disease Control and Prevention (CDC) and the United Nations World Food Programme (WFP). *Emergency Nutrition Assessment of Crisis-Affected Populations: Darfur, Sudan*. August-September 2004; at 5-8.

⁴⁴ The five-page questionnaire, included as Appendix A, was used as a general guide for investigators during the Head of Household interviews. It was broken down into eight major topic areas (Demographics, Patterns of attacks on villages, Patterns of rape and sexual abuse of women, etc.) with more detailed questions under each topic. Every interview did not include all questions.

questions, proportional piling⁴⁵ and diagrams to describe circumstances of flight, asset loss and distribution of wealth. PHR researchers then traveled to north Darfur to collect extensive photographic evidence of what remained of Furawiya and to conduct additional key informant interviews with residents who had fled but had since returned as members of the SLA.

On the same trip, PHR researchers, accompanied by African Union representatives and representatives from the SLA, JEM and the GOS, also flew in an AU helicopter from EL-Geneina, Sudan, a regional population center and the capital of West Darfur, to visit the border village of Terbeba. While in Terbeba, PHR interviewed ten former residents who had temporarily returned from the Chad side of the border and took more than five hundred photographs of what remained of the village.

July 2005 Investigation

In July 2005, a third investigative team, led by John Hefernan and including Dr. Kirsten Johnson, of HHI and David Tuller, a journalist and candidate for a Masters of Public Health from the University of California at Berkeley, traveled to the Chad-Darfur border region to document the destruction of livelihoods and other crimes in two additional villages, Terbeba and Bendisi. Because attempts to secure Sudanese visas were unsuccessful, the team was unable to cross the border to visit IDP camps or view the ruined villages, but they did interview survivors of the attacks in three refugee camps in Eastern, Chad.

Investigators met with community leaders at the Treging and Bredjing refugee camps in fact-finding sessions and determined that 200 families from Terbeba were living in Treging and 23 families in Bredjing. To ensure that every head of household from Terbeba residing in one of the two camps had the same chance of being selected, investigators sampled the camps separately and proportionately, randomly selecting sixteen respondents from Treging and two from Bredjing.⁴⁶

⁴⁵ Proportional piling is a system whereby, using a pile of beans, marbles, stones or other like objects, you are able to “determine the relative importance of different items compared to each other.” For example, when discussing food security, people are asked to identify their main sources of food, or methods of acquiring food. “So, if [the respondent] puts 50 beans against crop production, this means it accounts for approximately 50 percent of the respondents’ source of food”. From Young et al. “Food-security assessments in emergencies: a livelihoods approach.” *Humanitarian Practice Network*. June 2001, at 32.

⁴⁶ Investigators used a modified and expanded version of the questionnaire from the January 2005 investigation to guide their interviews. This questionnaire was more detailed about the conditions of life before the attack and what was destroyed during the attacks and what happened to survivors after the attacks. This version is included as Appendix B.

The PHR investigators then traveled to the Djabal refugee camp near the town of Goz Beida in southeastern Chad to interview Fur refugees from the village of Bendisi. According to a March 2005 census conducted by the Italian NGO, InterSOS, which was managing the camp, 99 families from Bendisi resided in the Djabal camp. A total of 16 interviews were conducted with randomly selected heads of household in the Djabal camp.

Techniques

The following methods were used to gather a detailed picture of life before, during and since the violent attacks on the three villages: key informant interviews with international aid workers and village and camp leaders, focus groups with refugees who fled the violence, semi-structured interviews with a total of 46 heads of household in the three villages and visual documentation, including more than 700 aerial and land images of refugees and destroyed villages.

While this report provides some numerical data based on respondents’ answers, this quantitative information serves only to amplify qualitative findings and cannot be used to extrapolate beyond the actual households in the survey. The study design followed as closely as possible standard practice for survey interviews within refugee camps, with random selection of heads of households as informants. The goal was to obtain representation from members of the three main non-Arab ethnic groups, the Zaghawa, Masalit and Fur to determine if the pattern of attacks on non-Arab Darfurians varied from tribe to tribe, as well as from villages in each of the region’s three states, north, west and south Darfur. However, the PHR investigators’ difficulties in obtaining visas for the third investigation⁴⁷ forced the team to abandon its attempt at geographic representation. Because South Darfur villages are farther from the Chad border and most people who fled ended up at IDP camps, the restriction on PHR investigators’ movements rendered it impossible to document the destruction of a village from that state for this study.

Participants from the Zaghawa, Masalit and Fur tribes were solicited from the three villages of Furawiya, Terbeba, and Bendisi, respectively. Furawiya was chosen based on the availability of data and background information from previous studies of the village and surrounding area. Thousands of former residents were gathered in the Oure Cassoni camp, 25 kilometers

⁴⁷ By July 2005, the Government of Sudan had changed its rules regarding visas, such that all applications had to first be approved by the Foreign Ministry in Khartoum. The Foreign Ministry did not deny PHR’s application, but did not respond to the request for several months, forcing PHR to abandon its plans to travel to Darfur on the third investigation.

north of Bahay, along the Chad-Sudan border. Terbeba, populated by Masalit, was selected subsequent to a PHR team visit to the site in Darfur where the decimated village was located. Hundreds of people from Terbeba were living in the Bredjing and Treging camps near Hadjer Hadid, Chad. Finally, Bendisi was selected because it was one of the only Fur villages close enough to Chad to enable significant numbers of residents to reach the safety of the border. Villagers from Bendisi were interviewed in the Djabal camp near Goz Beida in the south of Chad.

Use of Translators

PHR used local translators to conduct the focus groups and semi-structured interviews. Attempts were made to secure the most skilled translators available, based on recommendations from international NGOs and UN agencies, and then interviews by the PHR investigators. PHR utilized interpreters who translated between Arabic and English and Arabic and French, and occasion-

ally translated into the tribal languages if the respondent did not speak Arabic.

Limitations

Because PHR was not able to enter Sudan on its third investigation, the study was restricted in its selection of villages to those with a significant number of former residents living in refugee camps in Chad. Time constraints prohibited accessing all of the refugee camps that had populations from the villages being investigated. Consequently, there is a risk that the actual destruction of livelihoods in these three villages is under- or over-estimated in the sample interviewed in this study, and it is not possible to generalize from these results to other villages in Darfur or to populations that did not manage to reach refugee camps in Chad. Because the questionnaire was expanded between the second and third investigations, PHR does not have full results from Furawiya (as noted in the tables).

V. FINDINGS

Village Narratives

Through detailed interviews with heads of households and discussions with village leaders, PHR was able to reconstruct the contours of village life before the attacks, the chronology of events during them, and the stories of flight and survival.

Attack on Furawiya

Furawiya was a relatively prosperous Zaghawa village in northern Darfur, located about 60 kilometers east of the Chad border. Furawiya and the smaller surrounding villages were inhabited by an estimated 13,000 people, according to tallies of villagers and other sources. Furawiya proper had a population of about 7,000. The village was divided by a dry river bed, or *wadi*, lined with enormous trees. The *wadi* was dry much of the year, but at times during the rainy season it was difficult to cross. On both sides of the *wadi*, the village extended to the slopes of surrounding hills.

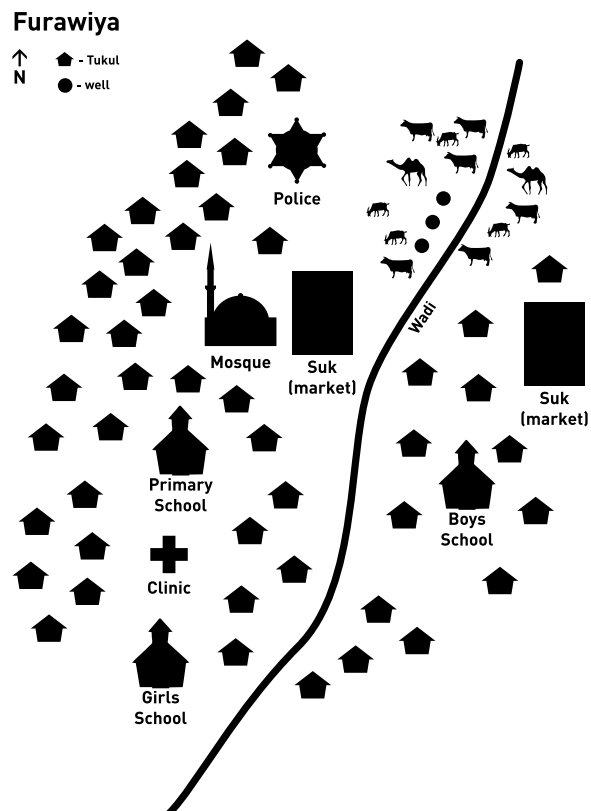
Furawiya had two markets, a police station, a health clinic, two mosques and two schools. Ascending from the *wadi* on the east side was a small market area, behind which were stone-bordered family compounds with mud and -thatched-roof huts inside. The main market, or *suk*, was also on the east side of the river, situated not far from the *wadi*. There were permanent mud-brick shops with metal roofs surrounding open-air temporary shelters of sticks and straw. One of the schools, the police station, the health clinic, a large mosque and a neighborhood of mud-brick houses surrounded the market area. Northwest of the market in the dry river bed, three wells served as Furawiya's primary water source during the dry season. These wells were not accessible during the rainy season.

Furawiya's families depended heavily on their village and regional network for trade, social and financial exchange, maintenance of livestock, and pooling of resources to maintain mosques, clinics and schools. Families and communities were linked by common religious, social, tribal roots that extended back for centuries. Attesting to the relative wealth of Furawiya, several villagers told PHR about nighttime gatherings in front of the generator-powered television near the market area.

In February 2003, people in Furawiya heard news of clashes between SLA rebels and GOS troops in the

towns of Tine and Kutum, (district headquarters) about 150 kilometers away to the west and south, respectively. Shortly after, the SLA attacked El Fasher, the state capital of north Darfur. One of the GOS commanders was captured and brought to Furawiya for interrogation, which had become an SLA stronghold. In May 2003, eight months before the major assault on Furawiya in late January 2004, GOS Antonov airplanes started flying over the village, sometimes dropping bombs, other times simply passing overhead, perhaps in an effort to intimidate those below. A thirty-six-year-old mother of seven told PHR investigators that, during this time, "many people tried to protect themselves from the bombs in Furawiya while many others fled to the hills outside of the village, taking their livestock with them." At night, she said, "some of the villagers who fled to the hills would return."

According to village leaders, in December 2003 the GOS dropped an estimated two dozen bombs on a large



herd of animals near the three wells in the *wadi*, killing hundreds of camels, cows, sheep and goats and destroying one of the wells. On January 29, 2004, people in Furawiya learned of GOS and *Janjaweed* ground assaults on nearby villages from survivors seeking refuge there. At 6:00 a.m. the following morning, low-flying GOS Antonov bombers passed over the region but did not drop bombs. In the distance, people could see smoke rising from villages south of Furawiya. Women and children from the nearby villages of Sirkunkok, Kolkul and Hangala ran into the bush to hide and then headed northwest toward the Chad border. Older children and some villagers out tending the herds were separated from their families and forced to flee to the southwest. At 7:30 a.m. that same morning, GOS Antonov bombers flew overhead once more. Eyewitnesses reported that approximately 25 GOS Toyota Land Cruisers with mounted rocket launchers and other GOS vehicles carrying uniformed troops surrounded and entered the village of Sirkunkok. GOS and *Janjaweed* fighters followed them on horseback and several large transport lorries.

"[In Sirkunkok], the Janjaweed rode into the mostly deserted town and captured eight people before they could flee," said one eyewitness. "They looted the homes, taking any new clothing, mattresses, blankets, pots, pans and valuables they could load onto trucks to sell at nearby markets. They found safes and metal lock boxes and broke them open, taking valuables and burning other documents. They set Sirkunkok on fire while four GOS tanks moved in to demolish the mud brick buildings."

By 8:30 a.m., the GOS and *Janjaweed* troops had split up and headed toward Furawiya. One of the Furawiya leaders told PHR that he hid atop the small mountain just east of the village and could see the advance from his perch. By mid-morning, the southern part of Furawiya was being pillaged and set aflame. GOS militia surrounded the area while *Janjaweed* forces looted and destroyed homes.

One village elder who remained in Furawiya recounted an incident in which twenty civilians were captured and interrogated by the GOS, after which they were brought to an area near Towaisha, 10 km from Furawiya, and murdered. Following the ground assault and the almost complete evacuation of Furawiya by its inhabitants, the *Janjaweed* occupied the village for several days, he reported. Although the exact number of people who were injured or killed in Furawiya is unknown, the assault left devastation in its wake. PHR investigators calculated that the aerial bombing that occurred over several months killed an estimated 40

percent of the total livestock and that an additional 20 percent were either stolen or eaten by the *Janjaweed* while they occupied Furawiya. During the protracted air attacks the villagers herded out the remaining 40 percent of the animals, many of which died during flight or from lack of food in the border region, where villagers stayed while waiting to be resettled in refugee camps in Chad.

Many of the survivors ended up in Chad. One woman from Furawiya told PHR investigators that it took four days on foot to get from Furawiya to the Chadian border town of Bahay. She said that people would move at night and hide during the day. *"We fed our children berries that we collected from trees along the way,"* she said.

In May 2004, PHR investigators spoke to humanitarian groups in Bahay, Chad, who reported that there were plans to build a camp to accommodate an estimated 18,000 to 20,000 refugees who had fled villages in north Darfur and were living in the dry river bed nearby, with minimal shelter and access to food, water and medical care. In August 2004, about six months after the ground assault on Furawiya, an estimated 8,000 people from the village and the surrounding area were relocated to the Oure Cassoni camp in Chad, a short distance north of Bahay.

Ishaq, a 76-year-old farmer from Furawiya currently living in Oure Cassoni refugee camp, told PHR that he longed to return home, but would only do so when it was safe.

"We will not return to our homes unless we can be guaranteed that we will not be attacked again," he said. "I lost my home, my camels, my cows, and my crops have been burned. Here [in the refugee camp] I have security, food, and medical care. I can't go home unless I can be assured that I can get access to medicines and all the things we can get here in the refugee camp."

Attack on Terbeba

Until it was attacked on February 15, 2004, Terbeba was a thriving Masalit village, a commercial and social hub that hugged Darfur's western flank. According to Mohammed Hassan a leader of the survivors living at Bredjing camp in Chad, between 1,800 and 2,000 families lived in Terbeba, with a total estimated population of about 12,000 people. About 35 smaller villages, with populations ranging from dozens to more than a thousand, dotted the surrounding countryside. A large *wadi* snaked along the western edge of Terbeba, marking the border between Sudan and Chad. A north-south road bisected the village, linking it to larger population centers. Many residents of the Terbeba region had family

It is Not Our Home

In the early morning of January 30, 2004, Zeinab, a 35-year-old mother of eight, heard the approach of the GOS military and *Janjaweed*. She quickly gathered five of her eight children and ran into hiding in the barren countryside northeast of her village of Hangala, a few kilometers from Furawiya, north Darfur. Her other three children were tending the cattle at the *wadi* near Towaisha, too far away for her to retrieve them. With no food and no possessions, she hid in the brush until nightfall to avoid marauding soldiers. Many of the villagers joined her on the road heading to Bahay, Chad sixty kilometers away. They traveled by night for four days, and during the day they hid far off the road in the brush, where they foraged for nuts and small berries. She set up temporary camp in a dry *wadi* on the Chad side of the border near Bahay. By cobbling together small sticks and scrub bush, she sheltered her five children from wind, sand and sun for two months before relocating to Oure Cassoni refugee camp.

Living in a refugee camp, she echoed the sentiments of many others when she said: “*We have things we need to live, but it is not our home.*” Zeinab’s primary requirements for returning to what remains of her village are security and protection from the *Janjaweed* and the GOS militia, as well as the company of her family and friends. “*I will stay with my people, and go where they go,*” she insisted. When asked what she hoped for the future, she replied, “*I only know I have to get my life back, to return and start again.*”

members and friends scattered throughout the area as well as across the *wadi* in Katabu, Chad, a Masalit village.

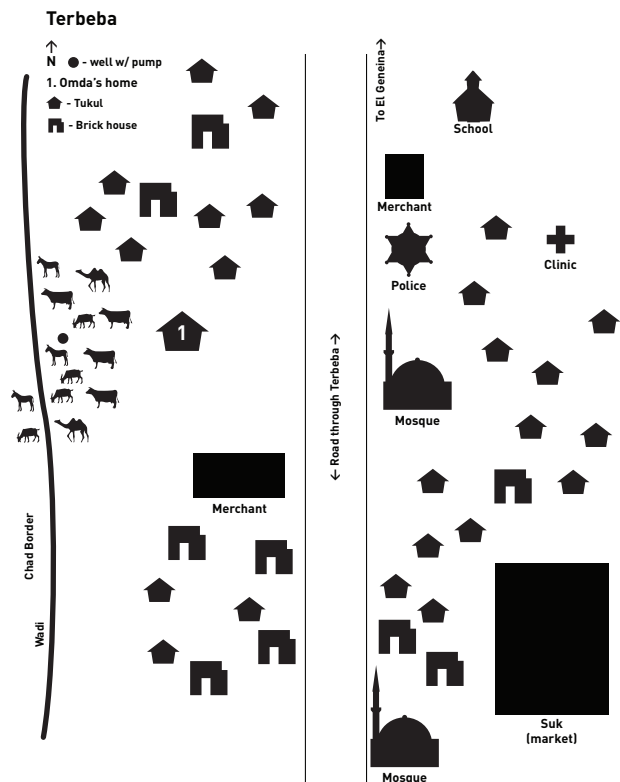
The market and economy of Terbeba dominated the life of the nearby area, with those living in the smaller villages traveling there regularly to buy and sell goods, conduct other business, meet with acquaintances and catch up with local news. According to Sheik Hassan, the residents of the village collectively owned 5,000 camels, 10,000 cows, 40,000 goats and sheep, 1,000 horses and 8,000 donkeys. They also farmed a total of about 2000 *feddans*⁴⁸ of arable land, growing a variety of grains and other staples, including sorghum, beans, millet, ground nuts, cucumbers, potatoes, mangos and

⁴⁸ The official measure of area in Sudan is called a *feddan* (fd), and is equal to 1.04 acres (or 4,200 square meters). Available at: <http://www.sizes.com/units/feddan.htm>. Accessed September 2, 2005.

guava. “*You could grow every kind of fruit and vegetable in Terbeba,*” said Sheik Hassan. “*We were never hungry there.*”

The village’s infrastructure included two mosques, a large market, and a school. Although those with serious medical conditions went to a hospital in the provincial capital of west Darfur, El- Geneina, or other larger communities, Terbeba had a medical clinic with some trained personnel that served those in the village and nearby villages. There were two wells for general use—one hand-drawn, the other with a pump— although many families drew their water from temporary wells they dug each year in the *wadi*. Because of Terbeba’s size, there were several sheiks, each one overseeing a particular neighborhood, and an *omda*⁴⁹ who helped resolve difficult disputes for residents of Terbeba as well as surrounding villages.

Terbeba residents interviewed by PHR noted that tensions between them and Arab tribes living in the region had been on the rise over the months preceding the assault. According to multiple sources, small villages in the Terbeba vicinity had been attacked in the preceding months, with the largest incident occurring a month or so earlier at Gorybeida and other villages to the southeast of town. Sheik Hassan estimated that about 200 people were killed in those incidents, and



⁴⁹ Administrative “chief”.

many of the survivors fled to Terbeba itself, assuming—or at least hoping – that the village’s larger population would provide a degree of protection from assault.

Respondents observed numerous aerial reconnaissance flights, sometimes as many as three a day, in the weeks before the mid-February attack. And many reported hearing of dozens of beatings, rapes and killings of individuals gathering firewood in the countryside or traveling between villages, which caused many people to restrict their movements and activities as a precautionary measure.

The major assault on Terbeba began early in the morning on February 15, 2004. By all accounts, hundreds of armed GOS and *Janjaweed* soldiers swept into the village on camels and horses and on foot, with Land Cruisers and trucks filled with armed men entering from the north. Many residents were still asleep and awoke to hear gunfire, braying horses, and screams; others were already engaged in prayer, preparing breakfast, or tending their livestock. Respondents said that the attackers shouted, “We will kill you, Nuba, and rape your women!” “We will exterminate the Nuba!” “Get out, slaves!” and “This land is for the Arabs, not the blacks!” One respondent reported hearing: “Go and call your father, America—he can come to help you!”

“I woke to the sounds of shots being fired, and I went out on the street to see and it was total chaos,” said a 40-year-old shopkeeper. *“I heard planes and helicopters flying overhead and saw men riding in on horseback and then in vehicles.”* A 63-year-old farmer, whose 17-year-old son had been killed in a previous attack outside of Terbeba, said: *“I heard shots and screaming. Everyone was running. Bullets were coming down like rain.”* Said an 18-year-old woman whose husband was working in Libya at the time of the attack: *“I was awakened by shots and went outside to see. The Janjaweed were everywhere on foot and on horseback. They saw me and came towards my house, pushing me out of the way to find my husband. My child was right there so I just grabbed him and ran away.”*

Witnesses interviewed by PHR estimated that the number of people killed during the attack ranged from 30 to 400, with figures between 70 to 200 cited most frequently. The true number of deaths is unlikely ever to be known, at least in part because Terbeba’s size and the chaos of the attack and its aftermath preclude an accurate accounting. Moreover, many of the dead were most likely not residents of Terbeba but of nearby villages who had sought refuge in the presumed safety of the larger village. And many of the respondents clearly based their estimates on what they had heard from others rather than their own observations.

Despite the uncertainty of total casualty figures, each of the respondents had a very clear memory of the hor-

rors of that day. Overall, 17 out of 19 respondents reported seeing family members killed and eight out of 19 saw people not related to them killed, while six reported being subjected to or witnessing rape. A 32-year-old medic, who counted 12 members of his extended family among the dead, said he witnessed four people being shot and three women being raped *“in front of my eyes.”* A farmer reported seeing his elderly brother tossed into a fire while still alive. Another farmer, 35, who escaped with his wife and four children, said he saw at least 20 people being shot in the center of the village and another 30 gunned down near the *wadi*. Seven, he said, were family members: three cousins, three uncles and an aunt. Another 35-year-old man, a merchant with two shops, reported: *“I witnessed the execution of six cousins, who were all shot as I was fleeing. I saw a woman carrying her child, who was being chased by the Janjaweed, and she was attacked, raped, and then they threw her child in the fire.”*

Those who managed to flee often got separated from parents, spouses and children. *“They chased me on horseback as I grabbed my family,”* said the 35-year-old farmer. *“Other Janjaweed encircled my compound. I sent my wife and children one way and I ran the other.”* Men with more than one wife found themselves struggling to alert all members of their families: *“My wife and children were sleeping, so I woke them up and told them to take the donkeys, grab some things and run away,”* said a 56-year-old farmer who lost two brothers, two uncles and two nephews in the attack. *“While they did that, I ran toward my other house to wake up my other wife and children. But everything was burning, and the smoke from the fire forced me to run.”* Although he didn’t find members of his second family, they managed to escape on their own.

Estimates for the size of the attacking forces ranged from 300 to 3,000, with most respondents citing numbers from 600 to 1,000. All asserted that the force included both GOS and *Janjaweed* elements and that all or almost all were wearing military uniforms. Many reported that they witnessed the attacking forces steal livestock, loot homesteads and destroy shops. A 35-year-old merchant who played dead near the market saw *Janjaweed* loading merchandise and personal possessions onto lorries while shooting at people who were fleeing. Another man watched as they carried carpets from the mosque. Many people reported seeing the attackers setting huts and other buildings on fire, with much of the village eventually engulfed in flames.

Residents of Terbeba were luckier than those from many villages and towns. The village’s proximity to Chad offered them a quick escape across the border—an option not available to people living in more remote parts of Darfur. And because the attack occurred during

the dry season, crossing the *wadi* did not present the dangers it would have during the summer rains, when streams and rivers flow freely. Moreover, the bushes, reeds and other vegetation in and around the *wadi* provided significant cover for those seeking to hide. As a result, many residents made it safely over the riverbed within the first hours of the attack.

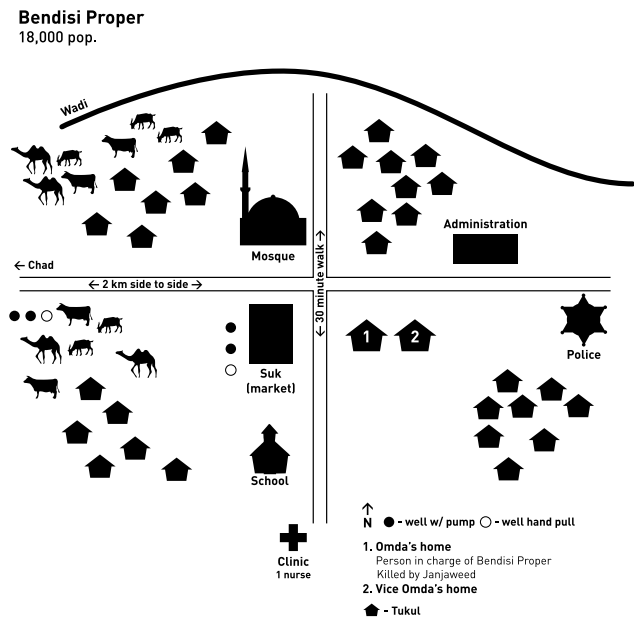
Some sought refuge with friends, relatives and even strangers on the other side of the border. Others established camps, built shelters and survived with the aid of fellow Masalit from Chad, who provided them with food and other provisions. While most respondents said they had never returned to their village, several did so in the hours and days after the attack in order to search for relatives, bury the dead, locate cherished possessions, or simply bear witness to the destruction of their homes and community.

A 41-year-old mason and farmer said he returned in the evening, after the attack was over, with a group of more than a dozen men. They found and buried the bodies of 13 men, including two of his uncles and two nephews, and three women. *“They were all shot in different places—the head, chest, back,”* he said. *“We also saw that the Janjaweed had burned everything—fields with crops, houses, shops. Everything. There was nothing to salvage.”* The 32-year-old medic, who had worked in the village’s clinic, returned with a large group about a week after the attack and found 32 untended corpses—among them family members—as well as rampant destruction of Terbeba’s infrastructure. Both mosques had been destroyed by fire, he said, adding: *“The entire village was burned down. The medical clinic was burned, but they’d looted the medicine. The school was burned down, and I saw a pile of school books that had also been burned. I went back to my house—it was completely burnt down, everything.”*

During the months they spent directly across the border, many respondents reported, they heard of or witnessed *Janjaweed* incursions into Chad, with the raiders stealing livestock and occasionally raping women or killing men. Villagers reported that these attacks, which occurred against both Chadian Masalit and survivors from Terbeba, took place frequently. Many of the Sudanese refugees stayed right across the wadi, within a few kilometers from Terbeba, for three to four months. Eventually, because of their continuing need for adequate security, shelter, food and medical care, many of them made their way to refugee camps further north and west, away from the border.

Attack on Bendisi

Located in a remote but relatively fertile region in the south of west Darfur, the village of Bendisi was populated mainly by members of the Fur tribe, with smaller



numbers of Masalit and Zaghawa. One community leader, who was serving as head of a block of refugees at Djabal camp in Chad, estimated that Bendisi, which served as the regional center for a host of villages within 20 or so kilometers in all directions, had a population of about 10,000. Arab herders also often stayed in the Bendisi region, especially in the area to the southeast. The local Arabs traditionally maintained cordial commercial and trading relationships with their neighbors and often attended the large markets in Bendisi and other population centers.

Bendisi was divided into quadrants by two roads, one running north to south and one from east to west. The *suk* was located at the intersection in the center of the village, as was the mosque. Bendisi also had a school, a medical clinic, and more than half a dozen public water pumps and hand-drawn wells. A *wadi* coursed through the northern section of the village, and rocky terrain and hills bracketed the southern flank. The village, which was lush with mango trees and other vegetation, was spread out over a sizable area; according to one resident, it took close to an hour to walk from one side to the other.

Bendisi residents collectively owned about 2,500 camels, 40,000 cattle, 3,000 donkeys and 15,000 sheep and goats, according to the refugee block chief. The village held its large weekly market on Thursday, and residents of the surrounding villages attended regularly to buy and sell goods and socialize with friends, relatives and commercial associates. The *omda* of Bendisi was also the person who resolved disputes that sheiks in smaller villages, or those of the neighborhoods in Bendisi itself, could not resolve. The largest nearby population center was Mukjar, approximately 25 km to the northeast.

Tensions with Arabs in the area had apparently been escalating for at least two years before the August 15, 2004 attack that finally forced Bendisi residents to abandon their village. A 20-year-old woman from Jartagat, a few kilometers from Bendisi, said that during the harvest season of 2002, hundreds of Arabs brought their livestock to graze on the crops that village residents were counting on to get them through the winter months. When a village delegation of four men and three women went to discuss the matter with the Arabs, said the woman, they were shot "on the spot."

Shortly thereafter, she reported, Arabs looted the village. "Anyone who tried to dispute them was shot," she said. "This kind of thing went on for two years. Also during this time it became very unsafe for young women to go outside of the village to collect firewood or anything else. Many young women were beaten and raped and were killed if they refused. I know of some girls as young as ten years old to whom this happened."

According to a report from Human Rights Watch, the conflict in the region escalated further in the summer of 2003 when SLA forces, seeking supplies, looted the police station in Bendisi and conducted additional raids in Mukjar and other villages.⁵⁰ GOS and *Janjaweed* forces reacted with attacks on many smaller villages in the area, ransacking shops, burning down huts and killing dozens of people. By the fall of 2003, the populations of Bendisi and Mukjar swelled as residents of smaller villages sought refuge in the safety of larger population centers. A further wave of attacks and summary executions in the general area occurred in March of 2004.⁵¹

Residents of Bendisi and nearby villages heard scattered reports that more attacks were being planned, but some believed the warnings were exaggerated. "The rumor was that they were going to eliminate all the villages," said a 23-year-old woman from Dolmagnano, which she estimated was a four-hour walk from Bendisi. "I heard about that in the market, and also from children who had heard it from Arab children while herding. They were saying, 'We're going to eliminate all the Nuba and just leave the trees—we'll even eliminate the ants.' I'd heard that, but I thought it was impossible."

Consistent with the pattern established with attacks on large population centers in other parts of Darfur, some of the villages outside of Bendisi were assaulted in the weeks before the August 15, 2004, raid on the village itself. Because most of the PHR respondents were from villages in the vicinity of Bendisi rather than Bendisi

itself, and many could not cite specific dates for the attacks they experienced, reconstructing the chronology is difficult. However, the block chief from the Djabal camp, who appeared to have the most comprehensive understanding about events throughout the region, reported that GOS and *Janjaweed* forces attacked some nearby villages on August 1 and others on August 10.

No matter which village they lived in, respondents' accounts followed the same general pattern: *Janjaweed* forces arrived on horses, camels and on foot, usually early in the morning, shouting such phrases as "Exterminate the Nuba!" and "The Nuba must be destroyed!" Most of those interviewed also reported seeing heavily armed vehicles packed with soldiers, whom they identified as Sudanese government forces, and many said they also witnessed aerial bombardment.

"It was about 6 a.m. and I heard yelling and shooting," said a 30-year-old woman from Dembar, a village east of Bendisi, who left her compound with her children and mother-in-law. "We went into the street and saw *Janjaweed* on horses and camels. They were coming in from all sides of the village, trying to corral people in. My mother-in-law was shot as we were trying to run." Another woman, a 22-year-old woman from the village of Rasal-phil, a five-hour walk from Bendisi, reported: "I was getting breakfast ready for my children when I heard shooting. I immediately knew it was the *Janjaweed*. They just came into the village and started shooting into houses. I carried two of my children and the third was next to me. A house right in front of us was on fire. I ran with my children to hide in the wadi."

One elderly man said he saw *Janjaweed* soldiers shoot five of his adult children as they tended livestock outside his village; he himself managed to escape, although he became separated from his wife in the process and has not been able to find out what happened to her. A young woman from another village, who escaped with her three-year-old but does not know the whereabouts of her husband, reported: "There was so much shooting, like it was pouring rain. In front of me, people were falling, and behind me, too. I had to run around the people who had fallen. I didn't know what I was doing—I was just running. There was just the rat-tat-tat of the firing."

When word of these attacks reached Bendisi residents, they feared that their village could be next. However, some respondents said there were 100 to 150 government soldiers temporarily garrisoned in the village, and in the days just before August 15 they informed residents that a large force deputized to keep the peace was on its way. It was a message the residents clearly wanted to hear. "They went around the village and told us there would be troops coming to Bendisi to protect us, and we shouldn't be afraid of

⁵⁰ Human Rights Watch. *Targeting the Fur: Mass Killings in Darfur*. January 1, 2005.

⁵¹*Id.* at 9-11.

them, they wouldn't touch us," said a 28-year-old, who escaped with his two wives and two daughters. *"So we had confidence that they were coming here for an official reason."*

However, the events of the morning of Saturday, August 15, proved these assurances false. The attack, like many others around Darfur, began early in the morning. *"I was at home and I heard the sound of gunshots,"* said a 30-year-old woman, who was born in Bendisi and whose husband was a merchant. *"They were coming in on camels and horses and in vehicles. They rode into the village and were screaming, 'Exterminate the Fur, kill the Fur!' It was total destruction. I saw people dead, I saw them raping women. But I didn't have time to count how many were killed or raped."*

Many of those interviewed by PHR were from smaller villages and had already fled the area before the major assault, so it is difficult to determine the size of the attacking force from the varying recollections of the few who were actually present in Bendisi at the time. One person said she saw hundreds of *Janjaweed* on horses and camels and seven trucks packed with soldiers, a force that could perhaps total in the neighborhood of 1,000. But another man said there were 7,000 GOS and *Janjaweed* troops, a number so high that it inevitably invites questions about its accuracy. One resident said the government forces based in Bendisi before the raid had explicitly stated that the number of new troops arriving was 7,000, so some people who heard that might have believed that was how many had actually launched the attack.

Whatever the number, survivors saw family and friends—parents, spouses, neighbors—killed right in front of them. Some witnessed the destruction of their homes and possessions from hiding places in the *wadi* and amid the rocky terrain next to the village. *"They swept through our village in a very systematic, organized fashion,"* said a second 30-year-old woman, who watched events in Bendisi unfold from the safety of a nearby ravine. *"One group was burning houses, another group was herding the livestock and the third was looting shops. They killed many, many people and completely destroyed the village."*

A 32-year-old man from Kudun, district headquarters and one of the largest towns in the Bendisi vicinity with a population of 20,000, said he hid under a building during the attack in his village. According to the Human Rights Watch report, in fact, Kudun had already been attacked at least twice the previous summer, and more than 30 people had been killed. The respondent, a teacher, said the attack he witnessed occurred early on the morning of August 15, 2004, which if correct would mean that it took place at the same time as the Bendisi assault and was essentially part of a coordinated

action. He fled Bendisi to escape the violence, and when he returned the next day with other survivors to see what remained, he found the bodies of 13 men from his family. *"My brothers, nephews and uncles were all shot dead,"* he said.

Unlike Darfurians living close to the border with Chad, residents of Bendisi and its environs did not have one obvious direction in which to run. Some fled to the east toward Mukjar, others toward Um Dukha, a town located to the south. Many remain in IDP camps deep within Darfur, where they may still be subject to attack from hostile forces. Some of those who managed to reach Chad experienced significant hardships along the way, most often despair, hunger, separation from loved

A Remnant

Nafisa's hands shook as she pulled a tattered and bloody piece of fabric out of a pillow case. This was the remnants of her husband's shirt, she said, the one he was wearing when he was killed by the *Janjaweed* during an attack on Tiro, a village located a two-hour walk west of Bendisi. She held the fabric up to her face, as if breathing in his essence, and began to cry.

The attack began while she was preparing breakfast at 7:30 am, she said, when *Janjaweed* forces arrived on camels and horses and GOS soldiers in armed vehicles. Her husband stepped outside the compound to see what was going on, she reported, and the *Janjaweed* saw him, stormed into the family compound, and shot him many times, afterwards slashing his body with knives and setting fire to it. The woman grabbed her children and hid in the nearby *wadi*, returning after nightfall to see what was left.

"I saw 20 people dead in front of my house," she said. *"My home was completely burned down, with some remains left here and there. I found what was left of my husband's body and managed to remove some of the shirt he was wearing. I keep this tucked into my pillowcase and sleep on it every night."*

Nafisa, her mother and her five young children spent three months in the area around Mukjar, living under a small shelter and earning small amounts of money by collecting firewood and doing odd jobs. When the Mukjar area came under attack, the family fled back toward Bendisi and eventually managed to reach Chad. Her 10-year-old son, however, died along the way—a death she attributed to *"a broken heart"* from watching his father being slain. Another child is currently living with her mother-in-law at an IDP camp inside Sudan, she said.

A Girls' Robe

When the *Janjaweed* attacked Dolmagno, a village about four hours by foot from Bendisi, Khadija, a 23-year-old woman, fled with her daughter and younger sister and hid in the *wadi*. She crouched in shallow water, holding her baby, while her sister stood next to her in water up to her waist. It started to pour, she recalled, and the children were terrified and began to cry. As they followed the path of the *wadi* for a week, moving slowly in the direction of Mukjar; she fed the children small amounts of food graciously given to her by people she met along the way.

By the time they reached the Mukjar region, Khadija said, the *Janjaweed* were prowling around the area. Thousands of other women and children were also hiding in the fields and among the trees, foraging for scraps of food and seeking to avoid the hostile soldiers. "They were looking for girls to rape," she said. *"If you refused, they'd shoot you. I saw them do that. I was ready to sacrifice myself to save my daughter, to find food for her and my sister. I was prepared to die, to be raped, in order to save them."*

Khadija witnessed other violent deaths as well, she said. *"I saw them kill people by tying rope around their necks and dragging them behind a horse,"* she recalled. *"I saw them kill people with machetes. I didn't imagine I could survive. I thought it was over."*

At one point, she stumbled across four of her sisters and her 13-year-old brother. Because the *Janjaweed* appeared more intent on killing males, Khadija dressed her brother in a girl's robe and covered his head with a shawl. On several occasions, the group crossed paths with *Janjaweed* on horses, camel or on foot. The men accused them of being rebel supporters, demanded to know where the men were, and at least one time threatened to shoot them. *"One said, 'We have to kill them,'"* she said. *"But others said, 'Don't bother, don't waste the bullet, they've got nothing to eat and they'll die from hunger.'"*

After a month in the Mukjar region, they moved slowly toward Chad, finally making it to the other side. *"When I crossed the border, I finally realized I was safe,"* she said.

ones, and pursuit or further attacks by *Janjaweed* forces.

A 23-year-old man from Kabar, to the south of Bendisi, said that his village was attacked the morning

after the Bendisi raid, forcing him to flee across a *wadi* holding his two-year-old son. Because it was the middle of the rainy season, the river was flowing swiftly. "The vehicles couldn't cross the *wadi*, but the *Janjaweed* were following on their horses," he said. *"The water was up to my waist and the current was strong. There were something like 50 of us in the water, and 20 must have drowned, many of them children. I heard women screaming, 'My child, my child!' I got across but I saw people around me getting shot and I heard the Janjaweed shouting, 'Kill the slaves!'"* The man reached the Chad border after "two terrible days" of constant travel, no sleep and no food.

Many others, however, took months to reach the border. Some sought refuge in towns or villages that had not yet been attacked, performing odd jobs like cleaning or working in the garden in exchange for food. Others hid among trees and *wadis*, scavenging for grain and nuts in abandoned agricultural fields. Some lost children to the ravages of malnutrition and disease. A few sneaked back to their villages to see if anything remained of their previous lives. A 20-year-old woman from Jartagat, a small village just a few kilometers from Bendisi, spent four months in the Mukjar area foraging for food, and then two months near Bendisi. When she passed through Jartagat and visited what little was left of her family's compound, she said, she came face-to-face with two *Janjaweed* soldiers.

"They saw me and it was too late to run," she said. *"They took me inside my house and raped me several times. They beat me, then they left me to die."* Some other local women found her, she said, but it took her months to recover from the physical injuries. She later rejoined her husband in Chad but has not been able to conceive again, she said, adding that she cannot bring herself to tell her husband, her relatives, or anyone in the refugee camp about being raped.

None of those interviewed had been back to Bendisi since arriving in Chad. Many said that international aid had saved their lives and those of family members, but they prayed that one day they would be able to return.

"I had everything there—I had my life there, I had my people there," said one woman from Bendisi. *"They help us here, but it's not like being home, in our village. Here I find myself in another world, and it's so difficult. It's a catastrophe."*

Quantitative Findings

PHR did not design this investigative effort to yield representative or statistically significant results. Nonetheless, the data culled from the testimonies of 46 heads of households provides a compelling portrait of loss and survival.

Table 1: Demographic Data

| | Bendisi | Terbeba | Furawiya | Totals |
|--|----------|---------|----------|-------------|
| Heads of households interviewed | 15 | 19 | 12 | 46 |
| Women/Men | 9/6 | 4/15 | 8/4 | 21/25 |
| Age range | 20-97 | 18-85 | 23-60 | 18-97 |
| Mean age | 31.3 | 44.5 | 35.6 | 39.9 |
| Number living in same village/region since birth | 15(100%) | 18(95%) | 11(92%) | 44/46 (96%) |
| Prior to attacks | | | | |
| Occupation | | | | |
| Housewife/farmer | 8 | 12 | 8 | 28 |
| Merchant | 2 | 5 | 1 | 8 |
| Student | 1 | | 1 | 2 |
| Teacher | 1 | 1 | | 2 |
| Mason | | 1 | | 1 |
| Bicycle Repairman | 2 | | | 2 |
| Secretary | 1 | | | 1 |
| Nurse | | | 1 | 1 |
| Farmer | | | 1 | 1 |

Demographics of Household Heads Interviewed

PHR investigators interviewed a total of 46 heads of household—21 women and 25 men. The respondents ranged in age from 20 to 97, with a mean age of 40-years-old. Of the 15 heads of household from Bendisi who were interviewed in Djabal, nine were women; of the 19 household heads from Terbeba interviewed in Bredjing and Treging camps, four were women; and of the 12 from Furawiya interviewed in Oure Cassoni, eight were women. This relatively large number of female-headed households, particularly for Bendisi and Furawiya, is unusual in Darfuriian society and may reflect the fact that men in particular were targeted for death in this conflict. Further data to support this suggestion is that in Bendisi, one-third of the women household heads reported have been widowed in the attacks; another third had become separated from their husbands during flight. In the Terbeba sample, three of the four female household heads were widowed during the attacks on their village. The female household heads whose husbands were alive reported that their husbands had gone elsewhere to find work. Although it was not mentioned, presumably some of the husbands have left the camp to join the rebels fighting against the GOS and *Janjaweed*.

Farming was the most-commonly reported occupation, with 29 of the 46 respondents identifying him or herself as a farmer or farmer/housewife. The next most-common was ‘merchant’, with a total of eight individuals in all three villages. Individuals also identified themselves as students (one in Bendisi and one in Furawiya), teachers (one in Bendisi and one in Furawiya), and bicycle repairmen (two in Bendisi). The others included a mason and a nurse in Terbeba and a secretary in Bendisi. An overwhelming majority of respondents from all three villages—44 of 46—said that they had lived in that same village since birth.

Household Size Before and After the Attack

Table 2 provides a stark example of the demographic depletion caused by this conflict. Prior to the attacks, the mean size of a respondent’s household was 12.5 in Bendisi, 14.2 in Terbeba and 8.5 in Furawiya. At the time of the interviews, only 78 of the 187 of the Bendisi household members remained together, resulting in a mean family size of 5.2 people. For Terbeba, 174 out of 269 of the household members remained together, leaving a mean family size of 9.1. And in Furawiya, a total of 55 out of 102 remained together, for a mean of 4.6 members per family. Comparing the total number of people in all

Table 2: Household Size and Gender Before and After the Attack

| | Bendisi | Terbeba | Furawiya | Totals |
|---|---------|---------|----------|--------|
| Before attacks | | | | |
| Average size of household | 12.5 | 14.2 | 8.5 | 12.1 |
| Combined number in households | 187 | 269 | 102 | 558 |
| After attacks | | | | |
| Average size of household | 5.2 | 9.2 | 4.6 | 6.7 |
| Combined number in households | 78 | 174 | 55 | 307 |
| Total confirmed killed | 49 | 80 | 12 | 141 |
| Total killed or missing from households | 109 | 95 | 47 | 251 |
| Women widowed from <i>Janjaweed</i> attacks | 3(33%) | 7(75%) | 1(12%) | 7(33%) |

households before and after the attack, 251 of 558 people, were killed or missing, 95 out of 269, 47 out of 102 and 109 out of 187 in Terbeba, Furawiya, and Bendisi, respectively. This represents an enormous loss, both within families and across communities as a whole.

Of the 109 people missing from the Bendisi household units, over half—60 were “known to have been killed,” (family members witnessed their deaths or saw their bodies), with the remainder still missing (their bodies were never found and their final fates unknown). For the households from Terbeba, where the flight to safety was much shorter, the great majority of those no longer present—80 out of 95—were known to have been killed. In Furawiya, only 12 of the 47 missing were confirmed as having been killed.

Female Heads of Households after Attacks

Of the 21 female heads of household PHR investigators interviewed, seven—three of nine women in Bendisi, three of four in Terbeba, and one of eight in Furawiya—were widowed during the attacks on their village. While PHR’s sample was small, these findings are powerful nonetheless. With many of the men killed or disabled from the attacks or fighting for the rebels, some women have now had to take over as head of household. This creates many short- and long-term problems, with women struggling to balance their traditional role as mother and caretaker of the home with the new responsibility of supporting the family materially. An Amnesty International report, entitled *Darfur: Rape as a Weapon of War: Sexual Violence and its Consequences*, noted how difficult it could be for

women to break into the shadow economy – trading in nearby markets, working as laborers in neighboring villages, and so on— that often springs up around refugee camps. Moreover, since obtaining food, water and other basic necessities in the camps can require waiting in separate lines, many single-parent families are at a severe disadvantage. Finally, female-headed households and women themselves are more vulnerable to exploitation and physical assault.⁵²

In the long-term, too, these female-headed households will likely face great difficulties. The women will still be the main caregivers in the family, but will have to take the lead in rebuilding their homes and providing enough food for their children. Moreover, few women in Darfur have more than a few years of primary education.⁵³ Their low literacy levels will make it extremely difficult for them to participate in any resettlement programs that will require them to read and comprehend complicated instructions or to apply for benefits or services in writing.

⁵² Available at: <http://web.amnesty.org/library/index/engafrr540762004>. Accessed September 13, 2005.

⁵³ Darfur has some of the worst school enrollment rates in the country. Only 25 per cent of all children attend school. Gender disparity is high too. Despite government statistics showing gender equity in basic education at the national level, the reality is that in some schools only one pupil in four is a girl. Of those girls who do attend school, many drop out before completing even four years of primary education. Available at: http://www.oxfam.org.uk/what_we_do/issues/gender/links/1003sudan.htm. Accessed September 13, 2005.

Assaults During Attack

Killing

Table 3, which records the reported instances of directly witnessing or experiencing injury, rape, shooting, abduction, or killing of a family or non-family member, provides some of the details behind this catastrophic civilian casualty rate. Of causes of death, gunshot was the most frequent, with 35 out of 46 respondents reporting that they saw a shooting death. A total of twenty-eight out of the 46 respondents in all three villages saw a member of their own family killed, while 22 out of 46 said that they witnessed the killing of someone not related to them. These widespread attack and death rates lend credibility to the accounts of surprise armed assaults on unsuspecting populations. The extent of the killings also supports the premise that the attacks were implemented by forces that could move quickly on horseback or in vehicles. The similarities and consistency of the stories, of patterns and methods of attack as well as casualty rates, and the fact that they were gathered from respondents from different villages in different refugee camps, support other reports from the media and human rights organizations of the scale of the violence that has gripped Darfur between 2003 and 2005.

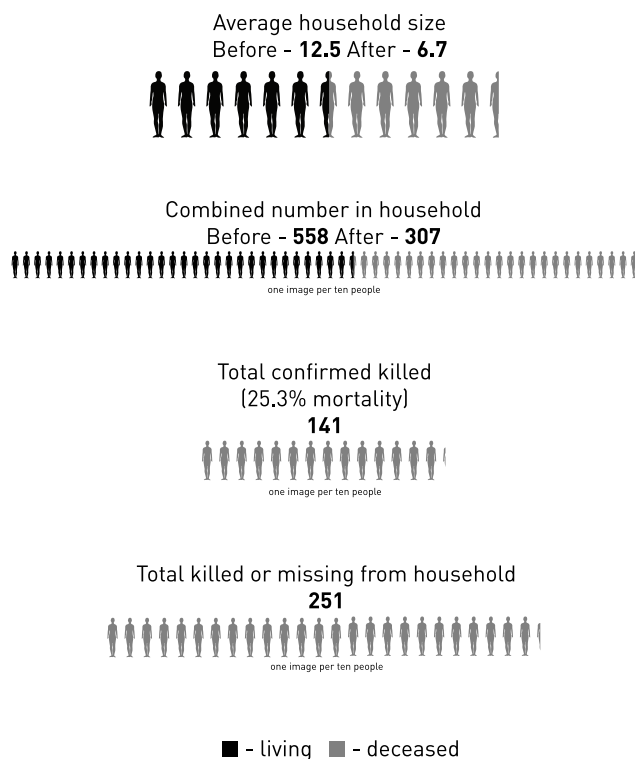
One woman from Terbeba reported that in her household her son, father, four brothers and a sister were killed by attackers on the day of the attack. The *Janjaweed* and GOS forces also targeted the elderly. One eyewitness from the Bendisi region reported seeing 13 men and ten women burned to death:

"The old people couldn't run or walk. Twenty-three were all gathered together and locked into a hut which was then set on fire. They burned alive. My grandmother was among them."

This same man, who hid nearby for four hours during the attack, said that he also witnessed the killing of his father: *"I saw the Janjaweed put a cord around my father's neck and tie him to a horse, dragging him behind the animal as it ran around the village until my father was dead."*

Rape

Table 3 presents data on the very high incidence of reported rape during these attacks, with 7 out of 15 Bendisi respondents and 6 out of 19 Terbeba respondents saying they witnessed or experienced sexual violence. (Questions about sexual assault were not asked in Furawiya.) These results support findings from other studies and surveys of the survivor population in Chad and in IDP camps in Darfur.⁵⁴ As a profound social stigma is attached to rape in Darfuri society, it is unlikely that the incidence of rape would be consistently exaggerated



by randomly selected household heads. It is more likely, in fact, that there has been an under-reporting of such events. Because the detailed narrative reports in this study describe these sexual assaults as often flagrant, occurring in full view of many people, they may provide a more accurate picture of what occurred. Often studies show that sexual violence, whether during war or peace, occurs out of view of witnesses.

The UN Commission of Inquiry found that "government forces and militias conducted indiscriminate attacks, including...rape and other forms of sexual violence."⁵⁵ Jan Egeland, the UN Undersecretary for Humanitarian Affairs, went a step further, declaring as recently as June 21, 2005, that "in Darfur, rape is systematically used as a weapon of warfare."⁵⁶

One 32-year-old male from the Bendisi region said

⁵⁴ Three major reports have documented widespread rape in Darfur: Harvard School of Public Health/PHR. A paper prepared for the US Agency for International Development/Office of Transition Initiatives. *The Use of Rape as a Weapon of War in the conflict in Darfur, Sudan*. October 2004. http://www.phrusa.org/research/sudan/pdf/report_rape-in-darfur.pdf. Accessed December 23, 2005.

Amnesty International. *Darfur: Rape as a weapon of war: sexual violence and its consequences*. July 19, 2004. MSF-Holland. *The Crushing Burden of Rape: Sexual Violence in Darfur*. March 2005.

⁵⁵ http://www.un.org/News/dh/sudan/com_inq_darfur.pdf. p. 3. Accessed September 14, 2005.

⁵⁶ Available at: <http://www.wluml.org/english/newsfulltxt.shtml?cmd%5B157%5D=x-157-249107>. Accessed September 13, 2005.

that the day after the ground assault on his village, "Many people returned to see if there was anything left. I found the bodies of 13 men from my family. Later I found out from other villagers that more than 52 women were raped during the attack. I say 'more than' because that was the number reported by people who had been eyewitnesses to the rape or who had volunteered the information. I am certain that there were many others who had been raped, but did not come forward."

The consequences of rape are complicated and multi-faceted; rape victims suffer physical, psychological and social scars. In Darfur, a conservative Muslim society, rape victims suffer from stigma and shame. Some married women who are raped are disowned by their husbands, while unmarried rape victims may never marry because they are considered by society to be "spoiled".⁵⁷ "Mass rape in war ruptures community ties and disorganizes family structure, behavior and expectations through time. In a culture that places such high value on virginity and chastity as Darfur, the burden inflicted by rape is particularly devastating and enduring".⁵⁸ Fearing social isolation, many women do not tell anyone about their trauma, even health care workers. Thus, in addition to suffering in private, many women do not receive necessary medical attention and psychological counseling. Those who report rape to authorities but cannot produce four male witnesses may be prosecuted for adultery, whipped, and imprisoned.

Some of the respondents noted that they themselves were raped, or witnessed others being raped, by the *Janjaweed* in front of family members, or out in the open where the people fleeing from the violence could see. This tactic may have been designed to publicly humiliate the husbands and shame the women, thus weakening familial and societal bonds.

Some women who were sexually assaulted were also beaten by their attackers, leaving them with bro-

ken bones and internal and external bleeding. Post-traumatic stress disorder (PTSD) is also common among rape survivors, and can result in depression, anxiety, nightmares, social phobias, and physical complaints such as headaches, dizziness, gastrointestinal complaints, and chest pains. A woman who becomes pregnant from the rape must confront a difficult dilemma – whether to abandon her baby or to risk community rejection or even legal prosecution by caring for it. In the Amnesty International study, Darfuran men and women said that while they would accept a woman who had been raped back into the community, any child resulting from rape would not be accepted.⁵⁹ Thus, rape is used by the *Janjaweed* as a way to 'pollute' blood lines and undermine family bonds.⁶⁰

The Sudanese authorities are loathe to prosecute the rapists, and they even deny the problem exists. Reacting to unwanted international attention to sexual violence in Darfur, a May 30, 2005, article in the Sudanese government newspaper, *Sudan Vision* claimed that the French NGO, Médecins du Monde (MDM) falsely documented and reported the rape of a young woman at the Kalma IDP camp in Darfur. The article named the woman and reported that she was subjected to examinations by a "number of physicians," all of whom concluded that there were "no signs that the girl was raped, and that the hymen was ruptured a long time ago. They further arrived at the fact that the amount of blood seen was menstrual blood".⁶¹ The day after this article ran, two senior officials from MSF-Holland were arrested in Sudan for "crimes against the state" following the release of a report entitled *The Crushing Burden of Rape: Sexual Violence in Darfur*, which detailed hundreds of rapes in the region.⁶² They were quickly released, following a massive international outcry, and the Sudanese Foreign Minister Mustafa Osman Ismail said he agreed that the pair should not have been arrested.⁶³

Other Assault Data

Data in Table 3 indicates potential coordination between GOS forces and *Janjaweed* militia. All twelve of the respondents in Furawiya reported aerial bombing

⁵⁷ Victor Tanner discusses the differing attitudes towards rape between the Fur and Zaghawa tribes. "[I]n Fur society, rape is a blemish that is very hard for a family to overcome socially: even if the husband wants to keep his wife who has been raped, he is likely to come under intense social pressure to divorce her. Her family too may find it socially difficult to take her back. A Fur woman who has been raped may well enter a life of ostracism. In Zaghawa society, on the other hand, respondents said that it is more readily accepted if a woman was raped, because she could do nothing about it". Tanner V. *Rule of Lawlessness: Roots and Repercussions of the Darfur Crisis*. Interagency Paper. January 2005; at 34. A paper of the Sudan Advocacy Coalition comprised of CARE International, Christian Aid, International Rescue Committee, Oxfam International, Save the Children UK, and TearFund.

⁵⁸ Harvard School of Public Health/PHR. A paper prepared for the US Agency for International Development/Office of Transition Initiatives. *The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan*. October 2004, at 18. http://www.phrusa.org/research/sudan/pdf/report_rape-in-darfur.pdf. Accessed December 23, 2005.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ "Organizations Trade in Distorting Sudan's Image: Specialists in French Médecins du Monde (MDM) Issues (sic) a Report about a Rape Case which a Medical Consult Prove (sic) to be False." *Sudan Vision*, May 30, 2005, at 5.

⁶² Available at: <http://news.bbc.co.uk/2/hi/africa/4593443.stm>. Accessed September 2, 2005.

⁶³ Available at: <http://news.bbc.co.uk/2/hi/africa/4600337.stm>. Accessed September 2, 2005.

Table 3: Assault during Attacks

| | Bendisi | Terbeba | Furawiya | Totals |
|---|-----------|-----------|--------------------|-----------------------------------|
| | N=15 | N=19 | N=12 | N=46 |
| Events surrounding attack | | | | |
| Complete evacuation of village | 15 (100%) | 19 (100%) | 12 (100%) | 46 |
| Aerial bombing | 6 (40%) | 3 (16%) | 12 (100%) | 46% |
| GOS in vehicles mounted with rocket launchers : | 7 (47%) | 8 (42%) | no data | 15/34 (44%) (Bendisi, Terbeba) |
| Direct observations | | | | |
| Killing of family member(s) | 8 (53%) | 17 (89%) | 3 (25%) | 61% |
| Killing of non-family member(s) | 9 (60%) | 8 (42%) | 5 (42%) | 48% |
| Shooting | 13 (87%) | 14 (74%) | 8 (66%) | 76% |
| Observed beating or were beaten | 5 (33%) | 2 (10%) | Question not asked | 21.5% (Bendisi, Terbeba) |
| Subjected to or observed rape or sexual assault | 7 (47%) | 6 (32%) | Question not asked | 39.5% (Bendisi, Terbeba) |
| Hearing racial epithets | 9 (60%) | 11 (58%) | no data | 59% (Bendisi, Terbeba) |

before and during the attacks, while only three out of 19 in Terbeba recalled aerial attacks and six out of 15 in Bendisi. Seven out of 15 respondents in Bendisi and eight out of 19 in Terbeba recalled seeing GOS forces in vehicles mounted with rocket launchers, supporting the widely-documented claim that the *Janjaweed* was acting in concert with the GOS armed forces.

Finally, Table 3 also provides information that is possibly indicative of the attackers’ motivations; a desire to empty the villages and to exterminate the non-Arab groups in Darfur. All of the respondents reported complete evacuation of their villages—everyone was forced to flee for their lives. 59% stated that they heard the attackers hurl racial epithets in the course of the assaults, with such comments as “we will exterminate all the blacks,” or “kill the Nuba,” or “leave only the trees.”

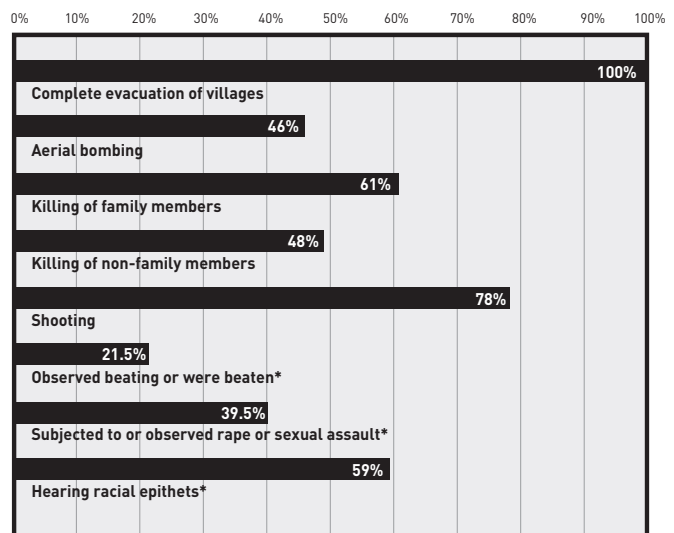
Experience in Flight

Consistent with reports from other investigations, this study finds that the *Janjaweed* and GOS forces chased and continued attacking their victims for hours and even days.

Four out of 15 of the heads of households from Bendisi, 10 out of the 19 respondents from Terbeba and all of the respondents from Furawiya reported being chased by *Janjaweed* forces during and after the flight from their villages. Furthermore, the respondents indi-

Table 3: Assault during Attacks

Bendisi, Terbeba, and Furawiya
N=46



*Bendisi and Terbeba only

cated that the pursuing forces often did not leave it to the environment alone to kill those who survived the initial village attacks. Overall, 25 out of 46 household heads reported killings and injuries inflicted by the GOS or *Janjaweed* forces during the course of their flight.

Table 4: Experience in Flight

| | Bendisi | Terbeba | Furawiya | Totals |
|---------------------------------|---------|---------|----------|---------|
| Pursued by the <i>Janjaweed</i> | 4(27%) | 10(53%) | 12(100%) | 26(57%) |
| Attack by <i>Janjaweed</i> | 6(40%) | 14(74%) | 5(42%) | 25(54%) |
| Dehydration or food deprivation | 11(73%) | 5(26%) | 10(83%) | 26(57%) |

The desert conditions themselves exacted a heavy toll. Toddlers, the injured and the elderly were at highest risk of death from exposure to the harsh heat and absence of food and water during flight. Overall, 26 out of 46 respondents faced dehydration or food deprivation in the initial stages of flight.

A 33-year-old mother from Furawiya told PHR investigators that she lived in the dry river bed along with thousands for others for six months before she was relocated to a camp:

“After traveling for five days on foot, we finally arrived at the border. Thousands of people were scattered along the river bed trying to find shelter. We lived off berries and a little food supplied by the international organizations. They also gave us blue tarps for protection from the wind and the sand, but they didn’t work. There was a well in the wadi, but we had to share it with people from the town [Bahay] and animals too. Sometimes, I would have to wait in line all day just for one bucket of water. After 2 months my donkey died from not having enough food. And then my youngest child, a three-year-old girl, got sick. There were no medicines to help her. She died about a month before they moved us to the camp.”⁶⁴

A twenty-seven-year-old woman from the Bendisi area told PHR investigators about her flight from the attack and subsequent death of her son:

“On the day of the attack, my husband was killed. My three children, my mother and I fled to Mukjar where we stayed for three months. My children fell ill during this time, they were all depressed about the death of their father and the loss of everything, and my 10-year-old son died.”

⁶⁴ A study by the Centers for Disease Control and Prevention of crisis-affected populations in Darfur undertaken in August-September 2004 reported a global acute malnutrition rate of 21.8% and stated that the nutritional status among [those 1.6 million crisis-affected people] is “alarming,” and that the “coverage of nutrition and essential health programs is poor.” The Centers for Disease Control and Prevention. *Nutrition and Mortality Survey, Darfur Region, Sudan, July-August 2004.*

Ownership of Livestock and Other Property

The attacks by the GOS and *Janjaweed* had a major economic impact. Household heads reported ownership of a wide range of assets in their villages before the attacks. Livestock was a primary form of wealth, but other property was described in detail, including valuables such as jewelry, Korans, bicycles, cameras, tools, generators, radios, televisions, carpets, mats, clothing, and household items. Most people fled with nothing, and those who returned to their villages afterwards generally reported that everything with either burned or gone. While it is impossible to prove exactly what happened on the chaotic day of the attack, all of the respondents from Bendisi and Terbeba reported that their livestock had been “stolen” by the *Janjaweed*, although many did not witness such theft directly. A substantial fraction of respondents (eight out of 15 in Bendisi and six out of 19 from Terbeba) reported actually witnessing the attackers stealing household items and other belongings from compounds and shops and in some cases, loading the goods onto trucks.

Other valuables – gold jewelry, shop items, provisions, grain mill, generator, camera, tools, television, radios, beds, carpets, mats, clothing, and copies of the Koran were taken by *Janjaweed*. No one escaped with any of these.

Findings by Sector

To date, many reports have documented the wide-scale assaults and killings that have taken place throughout Darfur since the outbreak of violence in early 2003. However, the systematic destruction of livelihoods, as well as the personal possessions and communal infrastructures that ensure survival, has received far less examination.

Land

Land was a primary source and indicator of material wealth in Darfur. Virtually all non-Arab families farmed land—whether a few acres or hundreds—that had been passed down from parent to child for generations. Farmers planted crops in the spring, prior to the rainy season, and began harvesting in the fall. The most common crops were sorghum and millet, but beans,

Table 5: Property, livestock and possessions owned before the attack*

| | Bendisi | Terbeba | Furawiya | Totals |
|--|--|--|--|--|
| Land and livestock owned between N families | N=15 | N=19 | N=12 | N=46 |
| Land in hectares | 137.5 | 614 | No data | Incomplete data |
| Camels | 619 | 85 | 197 | 901 |
| Horses | 48 | 64 | 8 | 120 |
| Cows | 2,271 | 3,415 | 1,145 | 6,831 |
| Donkeys | 75 | 115 | 44 | 234 |
| Goats and sheep | 1,210 | 2,589 | 1,850 | 5,649 |
| Sacks of food owned between N families | N=6 | N=12 | N=12 | N=30 |
| Sesame | 15 | 280 | No data | No data |
| Sorghum | 95 | 813 | | |
| Millet | 107 | 483 | | |
| Groundnuts | 80 | 1,923 | | |
| Other | 142 | 590 | | |
| Other valuables | gold jewelry, shop items, provisions, grain mill, bicycle, tractor, tools, bee hives, television, radios, beds, carpets, mats, clothing, copies of Koran | gold jewelry, shop items, provisions, grain mill, generator, camera, tools, television, radios, beds, carpets, mats, clothing, copies of Koran | gold jewelry, shop items, provisions, grain mill, generator, camera, tools, television, radios, beds, carpets, mats, clothing, copies of Koran | gold jewelry, shop items, provisions, grain mill, generator, camera, tools, television, radios, beds, carpets, mats, clothing, copies of Koran |

*All of the above was taken by *Janjaweed*, no one escaped with any of the above

groundnuts, sesame and other sources of food were also frequently cultivated. Families reaped their own crops and used them for cooking. They also stored grains, seeds, and beans in baskets and clay containers at home as a hedge against hard times and sold excess produce at the market. Many families also maintained gardens, either within their compounds or elsewhere, for growing watermelon, mangos, tomatoes, okra and other fruits and vegetables.⁶⁵

In Terbeba, for example, all of the respondents owned land, with the size of the family holdings ranging from 10 to 120 *feddans*. Many reported that both their gardens and crop lands had been burned on the day of the assault. In January 2005, when PHR investi-

gators flew to Terbeba on an AU helicopter, they spoke with a few of the villagers who had returned to their homes after months in Chad. One villager said that the *Janjaweed* “burned all of our land and then came back four months later and burned it again because they didn’t want us to return.” Photographic images taken by the PHR team reveal stumps of burned trees and no visible signs of living vegetation, evidence of the scorched earth policy carried out by the GOS and the *Janjaweed*.

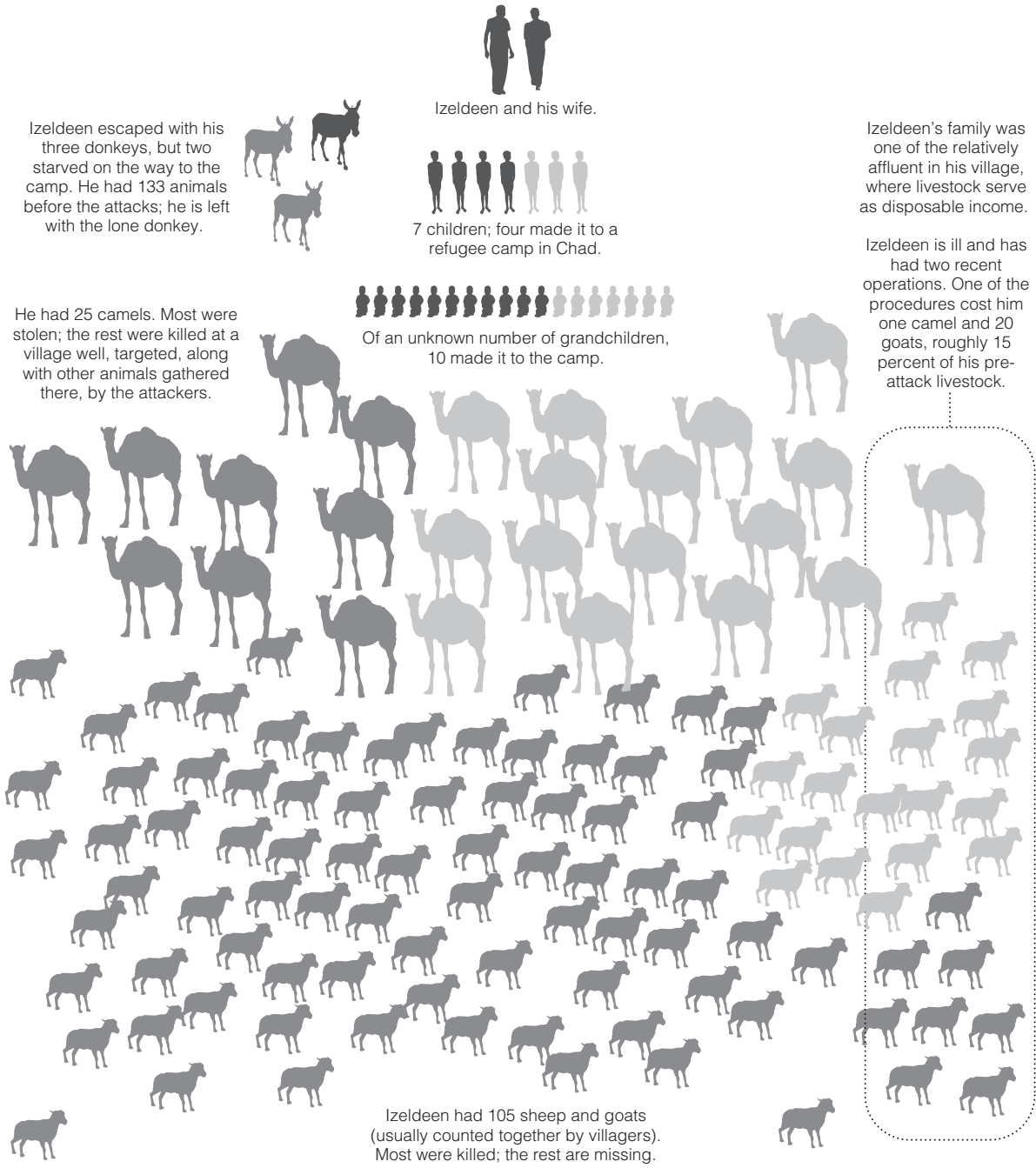
At the heart of the GOS-*Janjaweed* attempt to destroy the livelihoods of non-Arab Darfurians has been the systematic attempt to subvert or dismantle the traditional land tenure system, known as the *hakura* system. This structure, which regulates access to land on the basis of traditional patterns of authority, was established in the 18th century and consists of

⁶⁵ This information was collected by PHR investigators in interviews in Darfur and Chad.

Destruction of a Family

A 75-year-old man named Izeldeen lived with his family and flock in Furawiya, Darfur, which was attacked in 2003 and 2004 and is now destroyed. He described what happened to them in interviews with human rights investigators: the systematic destruction of his village, its contents, and the means to resume living there. Total animal counts below are firm; proportions of missing, stolen and dead are estimates.

STATUS: ■ IN REFUGEE CAMPS SINCE EARLY 2004 ■ MISSING PEOPLE AND STOLEN ANIMALS; ANY OF THESE MAY BE DEAD ■ DEAD



Source: Physicians for Human Rights

Bill Marsh/The New York Times

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grants of jurisdiction over land to senior chiefs, known by different titles according to their tribe. The 'head' of a *hakura*, known in Arab tribes as a *nazir*, among the Fur and Masalit as, respectively, a *shartay*, and a *sultan*, does not 'own' the land in a freehold sense, but has the authority to allocate land and adjudicate disputes. The socio-economic stability and the right to land that is enshrined in the *hakura* system has long enabled Darfurian villagers to have a stable and guaranteed livelihood. If the *hakura* system is dismantled or inverted, their land and their ability to survive is no longer secure.

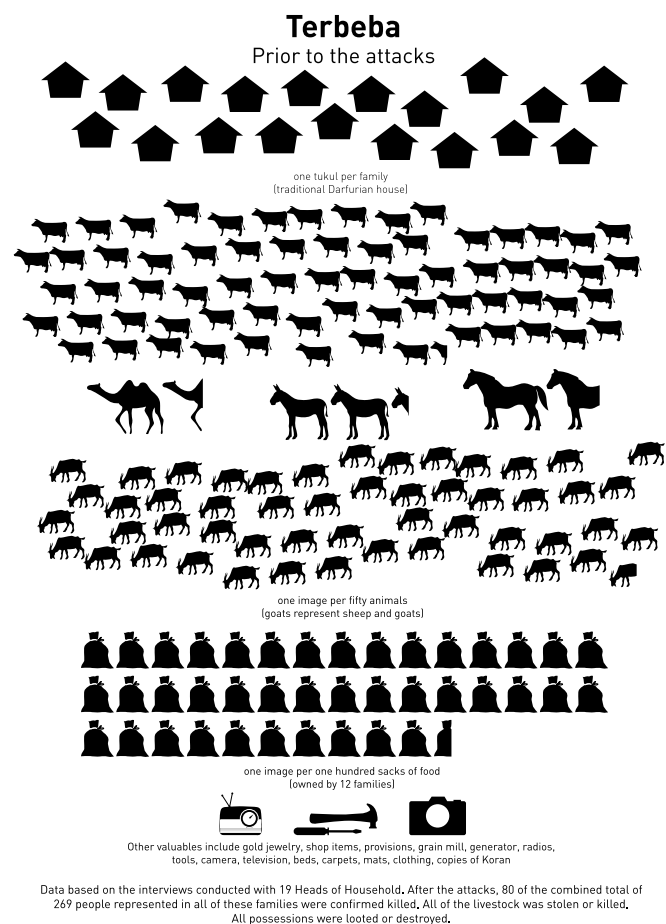
The position of head of *hakura* is an extremely powerful one. Arab tribes that seek expanded use of land in Darfur need either to obtain the support of the head of the *hakura*, or to supplant him. Increasingly, they have chosen the latter.⁶⁶ According to PHR respondents, *Janjaweed* herders brought their animals to graze on the land of non-Arab Darfurians even before the attacks, and during the assaults themselves many shouted phrases like "This is not your land, we will take your village," and "You cannot stay, this village is for Arabs," and "This is not your land - you have no land here."⁶⁷

⁶⁶ There are three main stratagems for taking over a *hakura*. The first was begun in the Masalit areas in the 1990s. This started with the government appointing eight new tribal chiefs for Arab tribes, known as *amirs*. These amirs had the equivalent rank of the Masalit *omdas* (known locally as *furshas*). The eight *amirs* outnumbered the existing five Masalit *furshas*. The implication, never explicitly spelled out, was that the *amirs* would be able to allocate land. The Masalit objected. In 1999, a new local government act formalized the strategy of land takeover. It stipulated that the head of the *hakura* for the entire Masalit area—the Sultan—was to serve a seven year term, and be chosen by an electoral college consisting of the five Masalit *furshas* and the eight Arab amirs. If carried through, this would certainly mean that an Arab Sultan would be chosen, displacing the Masalit Sultans who have ruled since the 19th century. And had this happened, all authority over the land of El-Geneina district, inhabited by the Masalit, would have passed to the Arabs. The way would have been clear for the Masalit to be dispossessed of their land and stripped of their livelihood.

A second strategy has been followed in parts of south Darfur. This has been to elevate the rank of Arab *omdas* to be *nazirs* and thus to be heads of *hakuras*. In some places this has meant placing them in authority over local non-Arab *omdas* who were formerly their equals, and thus allowing them to decide which land should belong to whom.

A third approach was followed in the Wadi Saleh district in the south of West Darfur, an area that includes Bendisi. This involved simply killing the Fur *omdas* and not appointing replacements, clearing the way for Arab *omdas* to become the majority and subvert the traditional authority of the Fur *shartays*, the old heads of *hakura*, and the most senior Fur chief of the area, the Dimangawi. In March 2004, thirteen Fur *omdas* were arrested and executed in the Dileig area, reflecting this strategy. From correspondence with Alex de Waal for Physicians for Human Rights. October 22, 2005.

⁶⁷ PHR interviews with refugees from Terbeba and Bendisi.



Livestock

Livestock was the other primary source and measure of wealth. Many families depended upon livestock for meat and milk, transportation, asset-building and trade. Affluent families could have 15 to 20 camels, 4 to 6 donkeys, several horses, 10 head of cattle, 200 to 300 sheep and goats, and hundreds or thousands of chickens. Even the least affluent families kept a couple of donkeys—essential for transporting water, firewood and goods to and from the market—and 20 or more sheep and goats. Camels, which could cost \$500 to \$1500 when fully grown,⁶⁸ were generally considered the most valuable form of livestock, and very wealthy families sometimes owned hundreds of them.

Most of the refugees interviewed by PHR (all of those from Bendisi and Terbeba) fled their homes without any of their livestock. Some were attacked by *Janjaweed* forces while tending their animals early in the morning and watched as soldiers assumed control of the live-

⁶⁸ To put this in context, according to UNDP's 2005 "Human Development Report," Sudan's per capita GDP (in 2003) was \$1,910. Available at: http://hdr.undp.org/reports/global/2005/pdf/HDR05_HDI.pdf. p. 21. Accessed October 20, 2005.

stock. Respondents from Furawiya reported seeing large trucks arriving on the day of the ground attack; several of these respondents saw attackers loading them with stolen livestock and other possessions. The people of Furawiya managed to escape with approximately 60% of their livestock, but all of these animals died of either hunger, thirst or attack by *Janjaweed* during the flight, so that by the time they reached the Oure Cassoni camp, none of their livestock had survived.

Many international news outlets, including *VOA*, *ABC News*, and *Al Jazeera*, among others, have reported that local markets in Darfur were flooded with the stolen animals being sold by the *Janjaweed*. A *VOA* report stated: "Another sign of the suffering in Sudan's western Darfur region is visible: the selling off of tens of thousands of cattle, goats and camels - the wealth of Darfur. According to several international aid groups and independent Sudanese investigators, the animals are looted from African farming villages by Arab militias."⁶⁹ And in the fall of 2004, the Administrator of the US Agency for International Development (USAID), Andrew Natsios, claimed that the *Janjaweed* "have looted perhaps as many as 3 million, maybe over 4 million, sheep, goats, camels, from the (African) farmers who have small herds."⁷⁰ That number has only grown since then, representing a loss worth hundreds of millions of dollars to the non-Arab Darfurians.

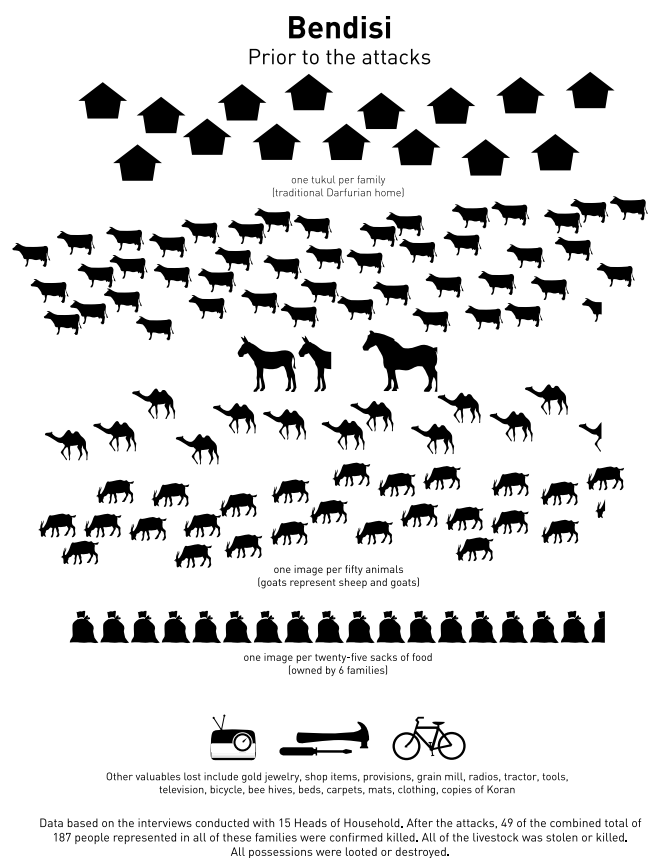
A seventy-six-year-old farmer named Nurein, from the village of Furawiya, told PHR investigators that prior to the attack he had 25 camels, 10 cows, 3 donkeys and 105 goats and sheep. He said that most of his camels were taken by the *Janjaweed* and that his goats and sheep were killed by aerial bombardment. He also explained that, prior to the conflict, animals could be used to barter for goods and services; he reported that he had paid for surgery in the hospital in the provincial capital of El-Fasher with "four camels and twenty sheep." He managed to escape to Chad with two of his donkeys, but a month after his arrival in Chad the donkeys died from lack of water and fodder.

Family Compounds

Families lived in compounds of several structures, usually surrounded by a four-to-five-foot mud or rock wall. Round mud huts, or *tukuls*, with hard mud floors and thatched roofs, were used for sleeping, with parents and very young children in one hut and often two additional huts for older boys and older girls. A rectangular structure usually served as a pantry and kitchen.

⁶⁹ Available at: <http://www.voanews.com/english/2004-11-15-voa20.cfm?renderforprint=1&textonly=1&&TEXTMODE=1&CFID=16106953&CFTOKEN=35082808>. Accessed September 23, 2005.

⁷⁰ Available at: http://www.sudantribune.com/article.php3?id_article=6645. Accessed September 23, 2005.



There were separate latrines for men and women, and most compounds also had one or more open-air shelters to provide shade and protection from the heat. Many of the compounds also had a designated *tukul* for grain storage.

Families of several generations and dozens of members sometimes lived together in a single compound. Wealthier residents generally had larger compounds and more brick structures, and polygamous men of means often housed each wife, along with her children, in a separate compound. "I had one compound for each wife, and then I bought my neighbor's compound when he needed money," said a 30-year-old Terbeba man with two wives. "The first compound had three brick buildings and one hut, the second had one brick building and two huts, and the third I was still building in."

According to interviews conducted by PHR, attackers generally torched family compounds, either during the initial phase of an attack or after most residents had already fled the scene. Many reported that they were still in their compounds when attackers entered to loot, kill or set their homes on fire. Aisha, a woman from Bendisi, described what happened when her husband went outside to see what was going on: "We had a very nice compound with well constructed walls. The *Janjaweed* saw my husband on the street and chased him into the compound. He ran to the back room and they shot him on our

bed. They shot him many times and began to steal everything from our home. They dragged his body out of the house and chopped it up with knives they had stolen from his shop in the compound walls. Then they threw his body back into the house and set it on fire.”

Water Supplies

Given the long dry season and the paucity of rainfall in much of the Darfur region, ensuring adequate access to water has long been an essential component of livelihood strategies. To facilitate access to water by both humans and animals, many villages built communal wells, some with pumps and some without. Residents often supplemented such common sources of water by building private wells or drawing water directly from the nearby *wadis*. Villagers interviewed by PHR reported witnessing widespread destruction of water sources.

The village of Furawiya had three primary communal wells located in the *wadi*, which were accessible during the dry season and covered with water during the rainy season. For several months prior to the final ground assault on Furawiya, aerial bombardments targeted the wells and the livestock gathered around them. Former Furawiya residents said that, during the attack, one well was destroyed by a bomb; another well was reported to have been poisoned. Eyewitnesses in Terbeba reported seeing the *Janjaweed* destroy the sole pump for a communal well. One woman from the Bendisi area told PHR investigators that she witnessed the attackers tossing dead bodies down a well.

Communal Infrastructure

Community life in villages in Darfur revolved around the market, which served as the economic engine of the local economy, and the mosque. Different villages in an area held their biggest markets on a rotating basis, with residents from the region arriving to trade and sell produce as well as goods and items from larger cities, including clothing, carpets, blankets and an array of other merchandise. The market was also the central hub in the local communications network, with villagers exchanging news and information about friends, relatives and political and social events.

The mosque was the spiritual center of village life. It could generally be seen—and heard—from many or all parts of a village. Taken together, the market and the mosque symbolized the interdependent and interconnected relationships that helped ensure a village’s continued viability. Moreover, many villages, including the three in this study, received little or no assistance from government sources for the construction and maintenance of communal structures; these building projects were financed with funds raised directly by the communities themselves.

Refugees interviewed by PHR testified that their markets and mosques had been sacked, looted and burned by attacking forces. The attackers also destroyed community structures, such as schools and medical clinics. Some refugees testified that the attackers burned books and other school supplies and stole medicine.

In Furawiya, the local market was completely destroyed. Many of the permanent four-walled brick shops with roofs were targeted in the aerial bombardment while the semi-permanent shops made of sticks and straw were flattened by GOS tanks, according to witnesses. Their testimony is supported by photographs taken by PHR investigators. Shops usually contained a safe, and many of the safes were shot open and their contents removed. In both Terbeba and Furawiya, the medical clinics were reported to have been looted and partially destroyed. In Furawiya, although the school structure itself received minimal damage, items such as desks and blackboards were reported to have been looted while many of the books were torn apart. In Terbeba, several people reported that the *Janjaweed* had stolen the tin roof of the school.

Individual Possessions

Nearly all of the respondents gave detailed accounts of the personal possessions that were destroyed, looted or simply left behind. They were often able to estimate the combined monetary value of the items they had lost. The amount and kind of home furnishings someone owned often provided another measure of wealth in Darfur, and many families knew the exact number of carpets, mats, beds, Korans, pairs of shoes, radios and other goods they had. In addition, every family had pots, utensils, other cooking supplies and a wide range of other household items. Many families kept money, jewelry and other valuables in safes in their homes rather than in banks. Many also had basic farming and other agricultural equipment, including hoes and flour mills. Those who sold goods and kept their stocks in the market or at their compounds also enumerated their commercial losses.

A 51-year-old farmer from Terbeba said he owned five beds and two radios. A wealthier neighbor reported that he possessed 15 beds, all made of metal, and three radios. A 20-year-old woman who escaped her village near Bendisi with her husband listed the following among her lost possessions: seven headscarves, seven pairs of shoes, eight dresses, three beds, two mattresses, four bedspreads, two radios with batteries, four mats and one Koran, as well as gold earrings, necklaces and bracelets. The jewelry alone was worth about \$400, she said.

Another woman from the Bendisi area, a 22-year-old, said her family owned a tractor, a mill to grind

grain, gold jewelry, five Korans, seven metal beds with mattresses, and ten carpets. At the time of the attack she also had 40 dresses that she had acquired to sell at the market. The family also stored \$2,800 in cash at the compound, she said, and the total value of the goods in her home was about \$2,000.

Food Stocks

Every household stored sacks of food, which were kept to ensure an adequate supply of grains, nuts and other produce throughout the year. Such stockpiles were essential if family members were to survive periods of little rain, poor harvests and other hard times. Families without such supplies would be at serious risk of malnutrition or even starvation during droughts. Almost all of the respondents knew the number and monetary value of the sacks that they had lost in the attack.

The most frequently cited food supplies were sorghum and millet, with many families also having sacks of ground nuts, sesame, beans, dried tomatoes, and other goods. Estimates for the value of a sack of food varied, but prices cited for sorghum, millet and ground nuts were frequently between \$30 and \$50 a sack. A 20-year-old widow from a village outside Bendisi said her family had stockpiled 20 sacks of millet, 15 sacks of ground nuts, 10 sacks of dried okra, and 5 sacks each of sesame and dried tomatoes. A well-off 50-year-old farmer and merchant from Terbeba reported having 200 sacks of sorghum, 300 sacks of ground nuts, 100 sacks of dried tomatoes, 200 sacks of sesame and 60 sacks of pepper.

Future Hopes and Dreams and Barriers to Return

PHR investigators also explored how and under what conditions the refugees would consider returning

home, and what they considered the primary obstacles preventing them from doing so. The majority of respondents said that they had hope for the future. They were optimistic that they would be able to regain control of the land that they say is rightfully theirs.

One 54-year-old man from Terbeba said he hoped that *"in the future Terbeba will be rebuilt and that children can go to school and that we can grow our crops on our own land, safely. Our forefathers built Terbeba, so we want to build it again, just like they did."* Yet many ruled out such a return for the present, citing a continuing lack of security as the primary barrier. One man from Furawiya told PHR investigators that he would not return *"unless I could be guaranteed that the Janjaweed would not attack my village again."*

Similarly, when asked what would persuade them to leave the camps, they consistently responded that "peace" was essential, frequently adding that only a United States or United Nations presence could bring that about. Many were dismissive of the ability of the current AU force in Darfur to protect them and their families.

A few said they would return home whether they were compensated or not. But many noted that while security is paramount, the restoration of their livestock, land, and individual and community possessions must be an important component of any settlement. Others wanted to be certain that essential services, such as access to medical care and food, would be provided. *"I have lost my home, my camels, cows and my crops have been burned,"* said Ibrahim, a 76-year-old father of eight from Furawiya, who was in poor health *"The medical clinic in my village has been burned. Here [in the refugee camp] I have security. I have food, I have medical care. I can't go home unless I can be assured that I get medicines and that I can pay for them."*

VI. THE DESTRUCTION OF LIVELIHOODS AND INTERNATIONAL LAW

To date, most humanitarian and human rights examinations of Darfur have rightfully addressed killing, rape and other acts of violence. However, the systematic destruction of personal and communal infrastructure in non-Arab Darfurian villages warrants examination as well. Examining this massive and overwhelming assault on the population's resources and livelihood possibilities adds an important dimension to understanding the attacks and determining the steps needed to rectify the situation.

Even during peacetime the conditions of life for these farming and nomadic communities are sufficiently harsh that the balance between needs and available resources can be precarious. Conflict of any kind disrupts normal economic patterns and clearly imposes further hardship. However, the current war in Darfur is marked, on the part of the GOS and the *Janjaweed*, by a particularly virulent scorched-earth policy targeting the non-Arab Darfurian population.

PHR's objective in the documentation of evidence of the destruction of livelihoods and means of survival is to make the case that these particular actions should be considered in the overall analysis of and response to crimes committed in Darfur.

Systematic Assault on Livelihoods

The literature on livelihoods, while still in its early stages, advances three key elements that must be understood in any analysis of the topic: required capital assets, such as land, infrastructure, human skills, financial sources, and social networks; institutional and policy frameworks that create permissive or constraining contexts; and historical, structural, and environmental factors that determine regional conditions of vulnerability or opportunity.⁷¹ Analysts of livelihood systems among the rural poor in Africa emphasize the pivotal importance of stable access to land and enduring social relationships in sustaining the survival of families, groups, and communities.⁷² These two parameters have been underscored as well in studies of livelihoods among the people of Darfur.⁷³

⁷¹ Toulmin C, Quan J. "Evolving Land Rights, Tenure and Policy in Sub-Saharan Africa." In: Toulmin C, Quan J, eds. *Evolving Land Rights, Policy and Tenure in Africa*. Department for International Development. London, UK; 2000.

In most attacks on the non-Arab villages of Darfur since the start of the conflict in 2003, the GOS and *Janjaweed* forces have burned dwellings, looted personal possessions, stolen livestock, poisoned or destroyed wells and irrigation systems, uprooted or burned fruit trees, and destroyed crops, food and seed supplies. The attackers also burned and looted schools and other civic buildings in larger towns. Many villages have been entirely razed. The GOS and *Janjaweed* usually launched attacks in the very early morning, catching people in their homes surprised and undefended. They often killed men who resisted and would frequently rape women. Those who managed to flee had no time to gather essential items, especially with the attackers chasing them using all means of available transport, whether helicopters and land vehicles, horseback or camel, or on foot.

This pattern is consistently rendered in almost all first-hand accounts collected by the many different agencies and NGOs that have interviewed survivors in refugee camps in Chad or in IDP settlements in Darfur and elsewhere in Sudan. Evidence of systematic destruction is reinforced by many photographs, films, and satellite images (See page 44) taken of looted villages, both before they were attacked and afterwards, by a wide range of journalists, human rights investigators, and international commercial satellites.⁷⁴

The anti-livelihoods strategy—instigated by the GOS against its own citizens in a territory under its jurisdiction—represents serious violations of international humanitarian and human rights laws. The weightiest of these involves the application of Article II in the 1948

⁷² Deininger K. *Land policies for growth and poverty reduction*. World Bank Policy Research Report. World Bank and Oxford University Press. Washington, DC; 2003.

⁷³ DeWaal A. *Famine that Kills: Darfur, Sudan*. Oxford University Press. New York, NY; 2005. Young H, Osman AM, Akililu Y, Badri B and Fuddle AJA. *Darfur – Livelihoods under Siege*. Feinstein International Famine Center. Tufts University. Medford, MA. 2005.

⁷⁴ High-resolution satellite imagery has been used by USAID, Amnesty International, Reuters and many others to map the extent of damage to villages caught in the Sudan conflict. From: http://www.usaid.gov/locations/sub-saharan_africa/sudan/satelliteimages.html; <http://web.amnesty.org/library/Index/ENGAFR540722004?open&of=ENG->; and <http://www.alertnet.org/thefacts/satelliteimages/SUDsatmapJuly04.htm>. All accessed October 12, 2005.

Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), which entered into force for Sudan on January 11, 2004.⁷⁵ Other laws violated by the anti-livelihoods strategy are included in the 1949 Geneva Conventions and the 1977 Additional Protocols to the Geneva Conventions.

Article II(c) of the Genocide Convention

Under Article II of the Genocide Convention, two elements—one subjective and the other objective—must be present for a criminal act to qualify as genocide. The subjective element requires “an intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.” The objective element requires that a perpetrator has committed any of the following acts:

- a) Killing members of a group;
- b) Causing serious bodily or mental harm to members of a group;
- c) Deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within a group;
- e) Forcibly transferring children of a group to another.

Thus, under Article II(c), genocide can be committed by intentionally creating conditions that make life unsustainable, if those conditions were created with the intention of destroying a group in whole or in part.⁷⁶ During the drafting of the Genocide Convention, French delegates explained that Article II(c) was necessary to address circumstances in which members of a group, though not killed immediately, were subjected to conditions calculated to bring about the same result over a prolonged time-frame. For example, forcing a group to submit to “rations so short as to make its extinction

⁷⁵ Although the Genocide Convention entered into force for Sudan on January 11, 2004 (ninety days after Sudan deposited its instrument of accession with the Secretary-General of the United Nations), Sudan was nonetheless legally obligated under customary international law to comply with its terms. See, e.g., *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion, 1951 I.C.J. 15 (“the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation”). *Reference: C.N.1204.2003.TREATIES-1 (Depositary Notification)*. From: <http://www.preventgenocide.org/law/convention/newparties.htm>. Accessed October 22, 2005.

⁷⁶ The focus of this report on Article II(c) of the Genocide Convention should not be construed as suggesting that the actions of the Government of Sudan and the *Janjaweed* do not qualify as genocide under other clauses of the Convention. Further, the comprehensive destruction of livelihoods inflicted on the non-Arab populations of Darfur may constitute international crimes in addition to genocide, including war crimes and crimes against humanity.

inevitable, merely because it belonged to a certain nationality, race or religion, would come under the category of genocide.”⁷⁷

During the drafting process, France illustrated this definition by recalling that the Nazis’ genocidal acts were not limited to murders committed in extermination camps, but also included subjecting Jews and others to conditions that made life unsustainable. For instance, such situations existed in “the ghetto, where the Jews were confined in conditions which, either by starvation or by illness accompanied by the absence of medical care, led to their extinction.”⁷⁸ Such actions, France’s delegates stated, “must certainly be regarded as an instrument of genocide.”

In the view of the framers of the Convention, actions taken during World War I by the Turkish government to deprive Armenian populations of food on forced marches constituted interventions expressly designed to withhold from these groups the capacity to sustain themselves.⁷⁹ Given such circumstances, the “calculation” cited in Article II(c) resides in the design or intention motivating the acts, not in the actual outcome. In other words, if the design was to deprive a population of food to the extent that if carried out in full everyone in that group would die, then even if the process did not lead to the intended outcome – the extinction of the group in whole or part – the attempt to impose these conditions would still rise to the level of “deliberate infliction” contemplated in the Convention.

The notion of “physical conditions of life” in the Convention was meant to include the bare necessities required to survive: food, shelter, water, and protection from severe stress, such as harsh environments or grossly punishing physical activity like forced marches through forbidding terrain. Yet the idea that genocide can include subjecting a group to conditions calculated to lead to its destruction has not been widely explored in the literature, and questions remain about how to interpret and apply the concept in a given setting. A major reason is that the instances of mass killing, ethnic cleansing and genocide that have attracted legal and scholarly attention in the last several hundred years – and certainly in recent decades – have been cases in which state authorities or their surrogates engaged in killing, rape and forced displacement on a large scale, delivered against an identifiable group as defined within the terms of the Convention. To be sure, the perpetrators of the Darfur crimes have participated in mass killing, rapes and forced displacement of mil-

⁷⁷ Schabas W. *Genocide in International Law: The Crimes of Crimes*. Cambridge University Press. Cambridge, UK; 2002.

⁷⁸ *Id.*

⁷⁹ *Id.*

lions. The conflict also clearly exhibits the kind of intentional imposition of harrowing physical conditions – the destruction of homes and crops, looting of foodstuffs and other belongings, the stealing or killing of livestock, and forcing people from their villages into a forbidding physical environment in which death, if not assured, was certainly a strong possibility— that the framers of the Convention contemplated.

The jurisprudence and indictments of the war crimes tribunals for Rwanda and the former Yugoslavia do provide some guidance in the application of Article II(c). For instance, the International Criminal Tribunal for Rwanda (ICTR) has interpreted the clause as concerning “methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction.”⁸⁰ Such methods, the ICTR has held, can “include circumstances which will lead to a slow death, for example, lack of proper housing, clothing, hygiene and medical care or excessive work or physical exertion.”⁸¹ The conditions that have been identified by the ICTR as potentially qualifying as genocide under Article II(c) include:

- Rape;
- Subjecting people to starvation or a subsistence diet;
- Systematically expelling peoples from their homes;
- Withholding sufficient living accommodations; and
- Reducing essential medical services below the minimum requirement.⁸²

Following this interpretation of Article II(c), indictments issued by the International Criminal Tribunal for Yugoslavia (ICTY) recognize that genocide can be committed by subjecting a group to grossly inadequate food, medical care, and hygiene, or by inflicting on a group sustained brutality, including rapes and other forms of physical and mental abuse. For instance, the ICTY indicted Milan Kovacevic for genocide for allegedly operating internment camps that were “deliberately operated in a manner designed to inflict upon the detainees conditions intended to bring about their physical destruction with the intent to destroy, in part, the Bosnian Muslim and Bosnian Croat people as

⁸⁰ *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment, September 2, 1998, para. 505.

⁸¹ *Prosecutor v. Kayishema and Ruzindana*, Case No. ICTR-95-1-T, Judgment, May 21, 1999, para. 115.

⁸² *Akayesu*, para. 506; *Prosecutor v. Rutaganda*, Case No. ICTR-93-3, Judgment, December 6, 1999, para. 52; *Prosecutor v. Musema*, Case No. ICTR-96-13-A, January 27, 2000, Judgment, para. 152; *Kayishema and Ruzindana*, para. 116.

national, ethnic or religious groups.”⁸³ In particular, the Indictment charged that the conditions in the camps were abject and brutal. Daily food rations, when provided to detainees, amounted to starvation rations. Medical care for the detainees was insufficient or nonexistent and the general hygienic conditions were grossly inadequate. In all camps, detainees were continuously subjected to or forced to witness inhumane acts, including murder, rape and sexual assaults, torture, beatings and robbery, as well as other forms of mental and physical abuse.⁸⁴

Similarly, the ICTY indicted Ratko Mladic for complicity in genocide for, among other things, subjecting “Bosnian Muslims to conditions of life calculated to bring about their physical destruction.”⁸⁵ Mladic did so, the Indictment charged, “through cruel and inhumane treatment, including torture, physical and psychological abuse and sexual violence, inhumane living conditions, and forced labour,” and by failing to “provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.”⁸⁶

Conditions of Life and Loss of Livelihoods

The concept of livelihoods recognizes that many populations on earth live in great poverty and difficult physical circumstances and yet manage, through the range of key inputs such as capital assets and institutional and policy frameworks, to construct strategies that sustain life. The Darfur region exemplifies this understanding. Located along the Sahara desert’s southern border, Darfur is known as an unforgiving place of searing heat, minimal rain, recurrent drought, few trees, little potable water and extremely limited infrastructure.⁸⁷ During the rainy season, which lasts from June through September, large swaths of land are rendered impassable by swollen *wadis*, and incidences of water-borne disease increase.

Over the course of generations, non-Arab and Arabs living in Darfur have developed complex coping mechanisms allowing them to survive, and even thrive. They drill deep boreholes to irrigate their lands and provide drinking water. They grow crops and stockpile grains

⁸³ Amended Indictment of Milan Kovacevic, Case No. ICTY-97-24, June 23, 1998, para. 28.

⁸⁴ *Id.*

⁸⁵ Amended Indictment of Ratko Mladic, Case No. IT-95-5/18-I, para. 34 C, October 11, 2002, para. 34.

⁸⁶ *Id.*

⁸⁷ *Red Cross Magazine*. Available at: http://www.redcross.int/EN/mag/magazine2005_2/22-23.html. Accessed 9/08/05.

and other food stuffs to sustain themselves during times of droughts and poor harvests. They maintain many types of livestock, a vital source of milk, meat, labor and transportation.⁸⁸ Their houses, made of round mud brick walls with thatched roofs, provide protection from the elements. Many villages had clinics where people could receive basic health care, and residents relied heavily on relatives and neighbors in times of scarcity or hardship.

As outlined in this report, PHR has found compelling evidence of an attempt by the GOS and the *Janjaweed* to, among other acts, drive people from their villages without provisions or medical care, kill or steal their livestock, destroy their homes, burn their crops, pollute their wells, loot their possessions and chase them into the desert—in short, to “deliberately inflict on the group conditions of life calculated to bring about its physical destruction in whole or in part.” Under these conditions, many non-Arab Darfurians succumbed to starvation, dehydration, illness, and death, with children, the injured, the elderly, and the frail at greatest risk.

At 110 degrees F, the human body requires an average of five liters (approximately 1.3 gallons) of water per day to support physiological functions. If a person is walking or foraging, the body’s need for water increases. Additional water is necessary for food preparation and basic hygiene. The Sphere Project, an international initiative to set minimum standards for humanitarian assistance,⁸⁹ has determined that 7.5 to 15 liters—approximately two to four gallons—of water per person per day is required to meet basic survival needs, and many sources recommend even greater amounts in arid climates. Fifteen liters of water weighs more than 30 pounds. Water in Darfur is found in shallow river beds, which are often separated from one another by dozens of kilometers. Without a donkey, a woman traveling with enough water for herself and four children would have to walk hours or even days through the desert carrying more than 150 pounds of water.

While the Darfur landscape does provide some sources of food, death due to starvation was another possible result of being driven into the desert, particularly for children who are unable to digest some of these food sources. Sphere minimum standards require an average of 2200 kilocalories per day to survive.

Indeed, the fact that a survivor from Bendisi reported overhearing one attacker tell another to not kill her as she would die of starvation anyway, is a chilling indication that attackers believed that lack of food, water and other necessities would ultimately kill survivors of the

violence itself. Another survivor, also from Bendisi, reported that attackers yelled that they would “drive us into the woods to starve.”⁹⁰

The refugees with whom PHR spoke often recounted astonishing tales of survival, of foraging for groundnuts and other wild foods, drinking dirty water, and, in some cases, suffering additional attacks by *Janjaweed* forces they encountered in the days or months after they fled. They were fortunate to end up at last in camps where they could receive food, shelter, potable water and medical services. Several respondents said they were convinced they were going to die—indeed, they fully expected to die—until they crossed the border into Chad and gained access to international humanitarian assistance.

Assessment of Genocide: The element of “intent”

An assessment of genocide also requires the element of “intent.”

PHR has found evidence that the GOS/*Janjaweed* had the “intent” to destroy the Fur, Zaghawa, Masalit, and other non-Arab groups, “in whole or in part.”

First, PHR found direct evidence of genocidal intent. For instance, survivors interviewed by PHR reported that their attackers shouted such things as “Exterminate the Nuba!” These types of statements are classic admissions as to a perpetrator’s mental state, in this case, evincing the intent to “exterminate” the “Nuba,” i.e., the non-Arab group being attacked.

Second, PHR found strong circumstantial evidence upon which genocidal intent may be inferred. International law is clear that genocidal intent may be inferred. See, e.g., *Prosecutor v. Jelisic*, Case No. IT-95-10-A (Appeals Chamber) 5 July 2001, para. 47 (“As to proof of specific intent, it may, in the absence of direct explicit evidence, be inferred from a number of facts and circumstances, such as the general context, the perpetration of other culpable acts systematically directed against the same group, the scale of atrocities committed, the systematic targeting of victims on account of their membership of a particular group, or the repetition of destructive and discriminatory acts.”); *Prosecutor v. Kayishema and Ruzindana*, Case No. ICTR-95-1-T (Trial Chamber) 21 May 1999, para. 93 (“actions, including circumstantial evidence . . . may provide sufficient evidence of intent”; relevant factors may include “the number of group members affected”; “the physical targeting of the group or their property”; “the use of derogatory language toward members of the targeted group”; “the weapons employed and the extent of bodily

⁸⁸ De Waal A. *Famine that Kills: Darfur, Sudan*. Oxford University Press. New York, 2005.

⁸⁹ For more information, go to www.sphereproject.org

⁹⁰ PHR interviews in Djabal camp. July 2005.

injury”; “the methodical way of planning”; “the systematic manner of killing”; and “the relative proportionate scale of the actual or attempted destruction of a group”; *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T (Trial Chamber) 2 September 1998, paras. 523-524.

PHR’s investigations reveal overwhelming evidence from which genocidal intent may be inferred: only non-Arab populations were targeted in the utter eradication of villagers and village life; the atrocities have been committed on a massive scale; the GOS/*Janjaweed* exhibit the same pattern of atrocities across time and

against different non-Arab ethnic groups, including, critically, systematically destroying anything that can sustain life; victims are targeted because of their membership in particular groups; the GOS refused repeatedly to allow aid organizations access to the area; the GOS/*Janjaweed* have targeted non-Arabs regardless of their age (particularly males), and even attack men, women and children who are fleeing. These and other findings, individually and collectively, suggest the mental state of the perpetrators, namely an intent to destroy certain ethnic groups “in whole or in part.”

Sudan (Darfur) - Chad Border Region

Confirmed Damaged and Destroyed Villages

August 2, 2004

Villages in Darfur confirmed as destroyed: 395
 Villages in Darfur confirmed as damaged: 121



Courtesy of US Department of State Humanitarian Information Unit (HIU).
http://www.usaid.gov/locations/sub-saharan_africa/sudan/satelliteimages.html

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VII. A CASE FOR COMPENSATION/REPARATIONS

The wholesale destruction of lives and livelihoods in Darfur by the Government of Sudan and the *Janjaweed* requires redress. This report outlines below the key elements that must be part of such a reparations program, including the forms of redress which should be awarded and institutional mechanisms through which the process can be expeditiously pursued. The report does not, however, address the related question of how such a system can be established, other than to recognize that it is likely to be achieved only as part of a wider political settlement to the problems of Darfur—a settlement to which the Government of Sudan would be an indispensable party.

While the UN's Commission of Inquiry clearly proposed the establishment of a Compensation Commission, the international community has, to date, taken little action to create such a Commission, which is critical if the survivors are expected to restore their lives.

The question of how to compensate a group for harms and losses incurred during genocide and how to help people rebuild their lives is a vexing one. How is it possible to put a monetary value on the trauma of watching a child or spouse being slaughtered or on the stigma and shame of having been gang-raped? What conditions can be created to allow victims to recover to the greatest possible extent? What services – psychological, educational, medical, legal, and social – must be offered to help people cope? How can we best enable the victims to acknowledge their grief, pay respects to those that were lost, and hold the perpetrators to account for their actions? Any program devised to help restore livelihoods must address all of these considerations.

Legal Principles and Conventions for Reparations

International law and practice contain considerable precedents for awarding reparations to redress human rights abuses. The concept of the belligerent party compensating its victims for losses was first codified in international law nearly a century ago. Article 3 of the 1907 Hague Convention on Land Warfare stated that “a belligerent party which violates the provisions of the said regulations shall, if the case demands, be liable to pay compensation.”⁹¹ This general rule applies to violations of international human rights and humanitarian

laws. Its most recent expression is the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, which the United Nations Commission on Human Rights adopted on April 19, 2005.⁹² According to the *Basic Principles*, “[t]he obligation to respect, ensure respect for and implement international human rights law and international humanitarian law” includes “the duty” to “[p]rovide effective remedies to victims, including reparation.”⁹³ This includes a “victim’s right,” as “provided for under international law,” to “[a]dequate, effective and prompt reparation for harm suffered.”⁹⁴

The *Draft Articles on Responsibility of States for Internationally Wrongful Acts*⁹⁵, which the International Law Commission adopted in 2001, also reflects the concept that states are obligated to remedy their breaches of international law, including international human rights and humanitarian laws.⁹⁶ The *Draft Articles* provide that a state which is responsible for an “interna-

⁹¹ Hague Convention on Land Warfare, 1907, article 3.

⁹² The Preamble clarifies that the *Basic Principles* “do not entail new international . . . legal obligations,” but rather “identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law.” *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Preamble.

⁹³ *Id.* at Art. II(3)(d). See also *id.* at Art. II(2)(c) [states are obliged to make “available adequate, effective, prompt, and appropriate remedies, including reparations”].

⁹⁴ *Id.* at Art. 11. Article 11 also provides for a victim’s right to “[e]qual and effective access to justice” and to “[a]ccess to relevant information concerning violations and reparation mechanisms.”

⁹⁵ They are called “Draft” Article because they have not been formally adopted as a treaty, although the formal process of doing so is underway. In that regard, the Draft Articles were adopted by the International Law Commission in 2001, and referred to the UN General Assembly for its consideration. On December 12, 2001, the General Assembly took note of the Draft Articles and commended them to the attention of “Governments without prejudice to the question for their future adoption or other appropriate action.”

⁹⁶ The United Nations General Assembly created the International Law Commission in 1947 to promote the development and codification of international law.

tionally wrongful act” is obligated to “cease that act, if it is continuing.” The state must “offer appropriate assurances and guarantees of non-repetition, if circumstances so require.” Finally, the state is obligated “make full reparation of the injury caused by the internationally wrongful act,” including “any damage, whether material or moral.”⁹⁷ Such reparations should include “restitution, compensation and satisfaction, either singly or in combination.”⁹⁸ The *Draft Articles* expressly recognize that these principles apply to gross or systemic breaches of peremptory norms of general international law,⁹⁹ which are understood to include genocide, crimes against humanity, war crimes, and torture.¹⁰⁰

The *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which the United Nations General Assembly adopted in 1985, similarly reflect the obligation to remedy human rights abuses. The *Declaration* provides that “[o]ffenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependents.”¹⁰¹ This should “include the return of property or payment for the harm or loss suffered.”¹⁰² Moreover, “[w]here public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted.”¹⁰³

Numerous international conventions embody a victim’s right to a remedy for violations of international human rights and humanitarian laws. For example, the *Universal Declaration of Human Rights* provides that “[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”¹⁰⁴ Under the *Convention Against Torture and*

Other Cruel, Inhuman or Degrading Treatment or Punishment, a state party must “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.” Should the victim die “as a result of an act of torture, his dependants shall be entitled to compensation.”¹⁰⁵ The *International Convention on the Elimination of All Forms of Racial Discrimination* provides that state parties must “assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”¹⁰⁶ The *International Covenant on Civil and Political Rights* likewise requires states to provide remedies to victims of abuse. In that regard, state parties undertake:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.¹⁰⁷

The ICC has the authority to order reparations to redress war crimes. The *Rome Statute of the International Criminal Court* requires the establishment of “principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.”¹⁰⁸ The International Criminal Court thus may, “either upon request or on its own motion in exceptional circumstances, determine the scope and extent of any damage, loss and injury to, or in respect of, victims.”¹⁰⁹ The ICC may then “make an order directly

⁹⁷ Draft Articles on Responsibility of States for Internationally Wrongful Acts. Extract from the report of the International Law Commission on the work of its 53rd session. *Official records of the Assembly General. Fifty-sixth session, Supplement No. 10 (A/56/10)*, chp.IV.E.1 at Arts. 30-31.

⁹⁸ *Id.* at Art. 34. See also *id.* at Arts. 35-36 (discussing restitution, compensation, and satisfaction).

⁹⁹ *Id.* at Arts. 40-41. A peremptory norm of general international law is “a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted.” *Vienna Convention on the Law of Treaties*, Art. 53.

¹⁰⁰ See M. Cherif Bassiouni, *International Crimes: Jus Cogens and Obligatio Erga Omnes*, 59 *Law & Contemp. Probs.* 63 (Autumn 1996).

¹⁰¹ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, at Art. 8.

¹⁰² *Id.*

¹⁰³ *Id.* at Art. 9.

¹⁰⁴ Universal Declaration of Human Rights, Art. 8

¹⁰⁵ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, at Article 14(1).

¹⁰⁶ International Convention on the Elimination of All Forms of Racial Discrimination, at Art. 6.

¹⁰⁷ International Covenant on Civil and Political Rights, at Art. 2.

¹⁰⁸ Rome Statute of the International Criminal Court, at Art. 75(1)

¹⁰⁹ *Id.*

against a convicted person specifying appropriate reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.”¹¹⁰ In so stating, the *Rome Statute* makes clear that such orders may be directed against individual perpetrators (as opposed to states). Alternatively, the Court may order reparations to be awarded from a Trust Fund for the “benefit of victims of crimes” within the ICC’s jurisdiction and of “the families of such victims.”¹¹¹ The *Rome Statute* recognizes that a victim may be entitled to reparations under international law on bases that are independent from the *Rome Statute* itself, providing that “[n]othing in this article shall be interpreted as prejudicing the rights of victims under . . . international law.”¹¹²

States may also be obliged to remedy human rights violations under applicable regional conventions. For instance, the *American Convention on Human Rights* provides that “[e]veryone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.”¹¹³

The Inter-American Court of Human Rights, which was created to further the “application and interpretation of the American Convention,”¹¹⁴ has held that “it is a principle of international law that any violation of an international obligation that has produced damage entails the obligation to make adequate reparation.”¹¹⁵ The Inter-American Court has made it clear that this obligation is not unique to the legal framework established by the *American Convention*. The authority granted by that instrument to the Inter-American Court

to order reparations “codifies a rule of common law that is one of the fundamental principles of contemporary international law on State responsibility.”¹¹⁶ Thus, “[w]hen an unlawful act occurs that may be attributed to a State, the international responsibility of the latter is immediately engaged for the violation of an international law, with the resulting obligation to make reparation and to ensure that the consequences of the violation cease.”¹¹⁷

Precedents for Reparations

States have utilized a variety of administrative schemes to redress human rights violations. In the aftermath of the Holocaust, Germany paid lump sums to individual survivors and to representative Jewish organizations.¹¹⁸ Chile created a Corporation for Reparation and Reconciliation with a mandate to make lump sum payments to spouses, parents and children of those killed or disappeared, equal to a year’s pension, and a monthly pension based on the average wage.¹¹⁹ Children of those killed or disappeared also were eligible to receive scholarships, and the Chilean government made available free medical and psychological care to victims’ relatives and survivors of abuses.¹²⁰ In South Africa, the Truth and Reconciliation Commission recommended payments of \$3,500 per year for six years to victims, as well as medical and psychological care.¹²¹ Bosnia-Herzegovina established a Commission on Real Property Claims to consider claims for restitution and compensation related to real property.¹²² In the aftermath of Iraq’s invasion of Kuwait, the United Nations Security Council created a United Nations Compensation Commission to administer compensation claims.

Reparations for Abuses in Darfur

The gross and systematic violations of human rights in Darfur require reparation. Following the aforementioned *Basic Principles*, reparation should include five components; restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition. *Restitution* should be designed to “restore the victim to the

¹¹⁰ *Id.* at Art. 75[2].

¹¹¹ *Id.* at Art. 75[2]; Art. 79[1].

¹¹² *Id.* at Art. 75[6].

¹¹³ American Convention on Human Rights, at Art. 25[1].

¹¹⁴ Statute of the Inter-American Court of Human Rights, Art. 1.

¹¹⁵ The Street Children Case (*Morales v. Guatemala*), Judgment, 26 May 2001, Inter-American Court of Human Rights. Series C, No 77, para. 59. See also, e.g., *Durand and Ugarte v. Peru*, Judgment, 3 December 2001, Inter-American Court of Human Rights. Series C, No. 89, para. 24; *Cantoral Benavides Case*, Judgment, 3 December 2001, Inter-American Court of Human Rights. Series C, No. 88, para. 40. For discussion of the Inter-American Court, see Saul B. “Compensation for Unlawful Death in International Law: A Focus on the Inter-American Court of Human Rights”, 19 *American University International Law Review* 523 (2004); Rodriguez Rescia V. “Reparations in the Inter-American System for the Protection of Human Rights”, 5 *International Law Students Association Journal of International & Comparative Law*. 583 (Summer 1999). The European Court of Human Rights has also addressed reparations.

¹¹⁶ *Id.* at para. 62.

¹¹⁷ *Id.*

¹¹⁸ Roht-Azziya N. “Reparations Decisions and Dilemmas”, 27 *Hastings International & Comparative Law Review*. (Winter 2004). at 157, 170.

¹¹⁹ *Id.* at 170-71.

¹²⁰ *Id.*

¹²¹ *Id.* at 173-4.

¹²² *Id.* at 176.

original situation before” the violation occurred.¹²³ Restitution should include, as appropriate, “restoration of liberty,” “return to one’s place of residence,” and “return of property.”¹²⁴ Second, *rehabilitation* should encompass “medical and psychological care as well as legal and social services.”¹²⁵ Third, *compensation* “should be provided for any economically assessable damage as appropriate and proportional to the gravity of the violation and the circumstances of each case.”¹²⁶

A victim should be compensated for, among other things, physical or mental harm; lost opportunities, including employment, education, and social benefits; material damages and loss of earnings; moral damage; and the costs required for medical, psychological, and social services.¹²⁷ Fourth, *satisfaction* may include, depending on the circumstances, “[e]ffective mechanisms aimed at the cessation of continuing violations,” attempting to locate “the whereabouts of the disappeared,” “acknowledgement of the facts and acceptance of responsibility,” and “[j]udicial and administrative sanctions against persons liable for the violations.”¹²⁸ Finally, reparation should include *guarantees of non-repetition*¹²⁹ of the harms or violence that triggered the reparation scheme.

Any reparations scheme designed for Darfur should consider incorporating all five of the elements outlined above below.

Restitution would entail the restoration of the non-Arab Darfurians’ property and land, and, just as importantly, their liberty, legal rights and citizenship.

Rehabilitation would include the provision of or access to medical, legal, psychological and other types of services necessary to help restored their well-being.

Compensation would include monetary reparations for any assessable damage (homes destroyed, livestock killed, household items looted) as well as pain and suffering, loss of economic or educational opportunities, damage to reputation and costs required for legal, psychological or medical services

Satisfaction would include an enforceable ceasefire and perhaps a truth commission or another mechanism designed to acknowledge the facts and hold perpetrators responsible.

¹²³ *Id.* at Art. 19.

¹²⁴ *Id.*

¹²⁵ *Id.* at Art. 21.

¹²⁶ *Id.* at Art. 20.

¹²⁷ *Id.*

¹²⁸ *Id.* at Art. 22.

¹²⁹ *Id.* at Art. 23.

Guarantees of Non-Repetition would need to be sufficiently enforced so as to enable the Darfurians to return to their land without fear that they will once again be subjected to genocidal attacks.

While satisfaction and guarantees of non-repetition are critical elements of any schema to restore the livelihoods of the Darfurians, for the purpose of this report PHR’s focus is on Restitution, Rehabilitation and Compensation.

Restitution

First, a reparation scheme for Darfur must provide for restitution, *i.e.*, the restoration of the status quo ante. In that regard, the Inter-American Court of Human Rights has held that the international legal obligation to “make adequate reparation” for a “violation of an international obligation,” should include, “whenever possible, full restitution (*restitutio in integrum*), which consists in the re-establishment of the previous situation.”¹³⁰ In the context of Darfur, the most critical component of restitution is restoration of property, particularly land. As noted, the *Basic Principles* prescribe that restitution should include, among other things, the “return of property.” A prerequisite to achieving this is the establishment and maintenance of security by an international security force.

Rehabilitation

As noted in the *Basic Principles*, “rehabilitation should include, as appropriate, medical and psychological care as well as legal and social services.”¹³¹ Services should be provided by the international NGOs and UN agencies which, according to PHR’s interviews with survivors, have earned the trust and respect of the Darfurians. The international community will need to provide considerable technical assistance in the form of job and skills training, literacy classes, and community development in order to help resuscitate livelihoods, especially with many households headed by young widows with few skills and minimal education.

Compensation

The victims of abuse in Darfur should receive compensation for their losses and hardship. The five-member (UN) Commission of Inquiry that studied the situation in the winter of 2004 and released its report in February 2005 called for the establishment of a Compensation Commission,¹³² whose mandate is to decide upon com-

¹³⁰ Street Children, para. 60.

¹³¹ E/CN.4/2004/57 page 23, para. 22 and 23.

compensation for the victims of violence in Darfur.¹³³ The COI report does not provide details about who should establish such a commission or how such a body would function, or elaborate on the potential mechanisms of compensation. Many questions were left unanswered, including how victims would file claims, how property would be valued, how ownership claims would be confirmed in the absence of documentation, how the money would be disbursed and how would loss of life or intangibles such as psychological trauma be compensated.

Despite these and other challenges, with the Government of Sudan's cooperation and the political will of the international community, an effective commission can be created. In that regard, efforts to compensate victims of Iraq following its invasion of Kuwait in 1990 are instructive, and may be used as a model for administering compensation on a large scale. The United Nations Security Council created the United Nations Compensation Commission as a subsidiary organ to administer compensation claims...¹³⁴ The Secretary-General explained that the Commission

*is not a court or an arbitral tribunal before which the parties appear; it is a political organ that performs an essentially fact-finding function of examining claims, verifying their validity, evaluating losses, assessing payments and resolving disputed claims; it is only in this last respect that a quasi-judicial function may be involved.*¹³⁵

The UN Compensation Commission is attractive as an institutional precedent for Darfur because it has

¹³² "The Commission will consist of 15 members; 10 to be appointed by the Secretary-General and 5 to be appointed by an independent Sudanese body. The Commission, which will have a three-year mandate, is to be composed of [five chambers of three persons each] experts in law, accounting, loss adjustment and environmental damage". Report of the International Commission of Inquiry on Darfur to the Secretary General, S/2005/60, at para 601.

¹³³ Victims are defined as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights as a result of international crimes in Darfur, committed by either Government authorities or any de facto organ acting on their behalf or by rebels." *Id.* at para 602.

¹³⁴ The Commission's authority was derived from United Nations Security Council Resolution 687, which declared that Iraq was "liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait." The Resolution further directed the Secretary-General "to create a fund to pay compensation" for such "claims" and to "establish a Commission that will administer the fund." United Nations Security Council Resolution No. 687, para. 16, 18-19. 3 April 1991.

¹³⁵ Report of the Secretary-General Pursuant to Paragraph 19 of Security Council Resolution 687 (1991), S/22559, 2 May 1991.

been able to process an extremely high volume of claims on a relatively expeditious basis. Since its inception in 1991, the UNCC awarded a total of approximately \$52.5 billion (out of a total of 2.68 million claims seeking \$354 billion in compensation). The Commission, which was organized into five panels of three Commissioners per panel (experts in law, accounting, loss adjustment and engineering), submitted its recommendations to a Governing Council for approval. The Commission divided claims into five categories, depending on the severity of the loss and the monetary value of the losses.¹³⁶ Due to the vast numbers of claims and relatively small monetary amounts associated with Categories "A" (individuals who had to leave Kuwait or Iraq during the war) and "C" (claims for twenty-one different kinds of losses including mental pain and anguish, loss of personal property, loss of income, etc.), Commissioners did not hear all individual claims. Instead, they employed internationally-recognized techniques for processing claims such as statistical modeling, computerized matching of claims and verification information, individual review, and others.¹³⁷

Who Will Pay?

The UN's Commission of Inquiry on Sudan concluded that "the Government of the Sudan and the *Janjaweed* are responsible for a number of violations of international human rights and humanitarian law."¹³⁸ The Commission further found that, in addition to bringing the perpetrators to justice before a competent and credible international criminal court, it is "important that the victims of the crimes committed in Darfur be compensated."¹³⁹ The Commission recommended that

¹³⁶ Category "A" claims, (fixed sums of \$2,500 for individual and \$5,000 for families) was for people who were forced to leave Kuwait between the invasion and cease-fire. Category "B" claims, submitted by people who had sustained serious injuries or whose child or spouse died, were set at \$2,500 for individuals and \$10,000 for families. Category "C" claims, individual claims for twenty-one different kinds of losses (including mental pain and anguish, loss of personal property, loss of income, personal injury, loss of bank accounts, stocks or other assets) were capped at \$100,000. Category "D" claims were for individual losses greater than \$100,000. Category "E" was for corporations, and public and private legal entities seeking claims for losses from the non-payment of goods or services, loss of profits, seizure of assets, etc. There were four subcategories of E claims. Category "F" was for governments and international organizations to file claims for losses incurred in evacuating citizens, damage to diplomatic premises, etc. Available at: <http://www2.unog.ch/uncc/theclaims.htm>. Accessed August 22, 2005.

¹³⁷ Available at: www2.unog.ch/uncc/clmsproc.htm. Accessed August 22, 2005.

¹³⁸ The UN Commission of Inquiry on Darfur, para. 630.

¹³⁹ *Ibid.*, para. 627.

compensation for crimes committed by the Government forces or de facto agents come from the government's coffers, and compensation for victims of crimes committed by rebels should come from a trust fund raised from voluntary contributions from the international community.¹⁴⁰ PHR endorses this approach. Sudan is blessed with oil wealth; the country produces 250,000 barrels per day, which accounts for more than 43% of government revenue.¹⁴¹ The money from oil production and export, as well as hundreds of millions of dollars in assets frozen since September 11, 2001, could cover the costs of reparations as well as provide funding for the types of legal, psychological, medical and job training services that will be required. As per PHR's recommendation, the United Nations Security Council should therefore issue a Resolution mandating that the profits from Sudanese oil production and export be seized and transferred to the international body that will oversee compensation and restitution. This resolution must stipulate that the any oil profits must be those of the North, not the portion of profits that will be diverted to the South as part of the peace deal.¹⁴²

Substantiating Claims

According to interviews with Darfurians, including *sheikhs* and *omdas*, there is little written documentation of possessions in Darfurian society. According to the respondents, land is passed down from generation to generation; there is little documentation of land ownership. Likewise, few people have receipts for jewelry, mattresses or other household items, although purchases for animals are often better documented. However, most people reported having lost or left behind whatever personal papers they had. And while *sheikhs* and *omdas* often maintained centralized registries of documents pertaining to villagers, most of those were also lost or burned during the attacks. In light of these and other challenges relating to the absence of written records, the body entrusted with administering compensation claims should take care not to adopt unduly burdensome evidentiary rules.

¹⁴⁰ Ibid, para 603.

¹⁴¹ "Sudan foes agree to share wealth." *BBC News*. January 6, 2004. *AllAfrica.com* reports that Sudan is in the process of opening a fourth crude pipeline which, once open, will boost the country's production to nearly a half million barrels per day. Available at: <http://allafrica.com/stories/200511100316.html>. Accessed November 14, 2005.

¹⁴² http://www.sudantribune.com/article_impr.php3?id_article=10867. Accessed September 15, 2005.

VIII. CONCLUSION

A traditional way of life has been destroyed in over 2,000 non-Arab villages throughout Darfur. Nearly all of the people interviewed had spent their entire lives in the same village or region, as had their families for generations. Their livelihoods were based on cultivating the land that was passed down to them from previous generations. Families subsisted on what they cultivated, selling their excess harvest in the market where they could purchase other provisions. They invested much of their earnings in livestock, which they valued as an investment that reproduced itself and supplied them with milk, meat, and transportation.

When the *Janjaweed* and GOS attacked Furawiya, Terbeba and Bendisi, they robbed the survivors of their means of subsistence, all forms of wealth, and the social networks and relationships that sustained them. The refugees and IDPs now find themselves in camps with the surviving members of their households who were not killed and abducted, separated from the rest of the people in their village. The dispersal of villagers and even family members throughout different camps has resulted in the collapse of community networks and the traditional systems of proving ownership.¹⁴³ Many of the village tribal leaders were killed or have been replaced by other people elected to take their place within the camps. This dispersal, depletion, and replacement in the social networks that underpinned all processes of establishing ownership and resolving disputes will have serious consequences when and if improved security makes it possible to relocate the refugees and IDPs to their former homes in Darfur.

Moreover, the attacks, killings, rapes, and other assaults have so marred families that it is difficult to see how functioning structures can be rebuilt along the traditionally strict gender lines that defined life and livelihoods before the war. The death of so many men, the large number of widows and the presence of babies resulting from rape will no doubt have a grave effect on the institution of marriage and an even greater impact on the re-formation of village communities.

Among these villagers, the loss of their life sources and livelihoods means the loss of all that makes life possible to live in Darfur. In their flight from attack, forced to move through that bleak and unforgiving environment that used to be home, their very survival was in jeopardy. When asked what would have happened if they had not received international assistance, most were sure that “we would have died.” Even now, more than a year after the attacks on their villages, the refugees and IDPs are unable to conceptualize a life different from what they had and are at a loss when asked about alternative solutions to their current circumstances or ways of restoring what has been taken from them. Even if they could imagine a way towards restitution, their day-to-day survival is now still entirely dependent on international assistance in the refugee and IDP camps. So they stay because they cannot leave. Symbolically, the refugees PHR met in Chad refuse to reset their watches to reflect the hour’s time difference between Sudan and Chad. They wait, living on Sudan time, for the international community to help them find the path to reconstruction, reparation and restoration.

¹⁴³ According to Darfurian refugees with whom PHR spoke, ownership in Darfurian villages is verified by a certain number of witnesses who live in the village.

IX. RECOMMENDATIONS

In spite of international condemnation, UN resolutions and the US government declaring that genocide has been committed in Darfur and that the Government of Sudan and the Janjaweed bear responsibility, the GOS and the *Janjaweed* continue their assault on survival. Armed attacks on civilians continue, rendering large swaths of land insecure for passage and therefore essentially uninhabitable. In the current environment, the protection of civilians, wherever they are currently living, remains paramount. The African Union force, lacking in capacity and meaningful mandate, cannot protect these people alone. Additional international presence on the ground, complementing the AU force, will give Darfurians the assurance they need to return to their homes. Moreover, it is not premature to begin discussing the issue of reparations and compensation for the victims of these crimes. Victims need something to which they can return to so that they can rebuild and restore their lives. Holding the GOS and the *Janjaweed* accountable and ensuring that the surviving non-Arab Darfurians are made as whole as possible are critical elements of any effort to foster peace, stability, reconciliation and recovery of this war-wracked region.

Recommendations include:

I. To the International Community

Peace and Security

1. The international community should press for a UN Security Council resolution to immediately authorize a multinational intervention force in Darfur under Chapter 7 of the UN Charter. This “blue helmeted” international force would supplement the AU’s current troop level of 7,000. Experts estimate that three times this amount are needed to protect civilians in the region, an area the size of Texas. Furthermore, the AU lacks a mandate and financial and logistical support to protect civilians. Without a meaningful intervention that includes additional international troops, thousands more could die and those displaced will not be able to return to their homes.

2. A no-fly zone should be imposed over Darfur. The presence of GOS Antonovs and helicopters above villages, whether engaged in bombardments or not,

pose a major threat to the protection of civilians in camps and for those who eventually return home.

3. Donors must continue to provide sufficient financial and logistical assistance to the AMIS.

4. NATO should continue to provide logistical support and transport to the AU. This assistance should be given according to a schedule that is observed and publicly disclosed.

Accountability

1. As proposed by the UN’s Commission of Inquiry¹⁴⁴ report, a Compensation Commission, with members appointed by the UN Secretary-General and an independent Sudanese body, to hold the Sudanese Government and its proxy militias, the *Janjaweed*, accountable for its actions should be established. The United Nations Security Council should pass a resolution mandating that profits from the sale of Sudanese oil or other commodities should be used for compensation, restitution and rehabilitation; withdrawn from the North’s profits from oil, not those of the South.¹⁴⁵ Because of the GOS’ complicity in these crimes, it should have no role in the administration of reparations other than providing the actual compensation.

2. All intelligence held by the international community, including the US, should be made available to ICC investigators.

Humanitarian Assistance

1. The international community must continue to provide humanitarian aid – shelter, food, water, medicine – until it is safe for refugees and IDPs to return to their land.

2. Aid organizations must address the reports of rampant sexual assault of women and girls by implementing all possible measures to prevent such violence, such as working with AMIS to guarantee protection when they leave the camps to gather materials for cooking.

¹⁴⁴ http://www.un.org/News/dh/sudan/com_inq_darfur.pdf.

¹⁴⁵ Under the peace agreement reached between the North and South in January 2004, the new Unity Government splits equally oil profits derived from the sale of oil. Available at: <http://www.news.bbc.co.uk/1/hi/world/africa/3370931.stm>. Accessed September 30, 2005.

3. Aid organizations must provide medical care and psychological counseling to those women and girls who have been victims of sexual assault and to others suffering the effect of trauma.

II. To the Government of Sudan and Rebel Forces

1. GOS and the *Janjaweed* militias it supports must immediately cease violent attacks on civilians and their property in Darfur including military overflights aimed to harm or intimidate civilians.

2. GOS must cease funding and providing arms to Janjaweed militias and cooperate with AMIS in a disarmament plan.

3 Rebel groups must cease violations of human rights and international humanitarian law.

4. Internally displaced persons and refugees must not be forced to return to their homes without enforce-

able guarantees of security.

5. The GOS and the rebel groups must engage in meaningful negotiations through the international processes of conflict resolution at Abuja. To bolster the current process, which is under the auspices of the AU and has seen little meaningful progress, a greater international involvement is needed. To succeed, any political solution must address the historical marginalization of Darfur as well as the intensifying competition for scarce resources.

6. Given its failure to adhere to UN resolutions and repeated violations of the ceasefire agreement, the GOS should not assume the scheduled leadership of the African Union in 2006.

7. The GOS must cooperate fully with the International Criminal Court (ICC) and grant investigators and other personnel unimpeded access to Darfur and to all relevant documentation.

X. APPENDICES

Questionnaire Used with Refugees from Furawiya at Oure Cassoni Camp, Chad

PHR Livelihoods Survey

Location of interview: _____ Date: _____

Introduction: Hello, my name is _____. I work with Physicians for Human Rights. We are talking with refugees from certain villages about some of their experiences over the past two years in Darfur. If you have a moment, I would like to ask you some questions about you and your family. We are not taking your name, and this information is confidential and will not be linked to you. We want to use this information in a report. If you do not feel comfortable talking at this time, I respect your decision.

Would you be willing to speak to me?

Yes No (if no, thank them and walk away)

A: Demographics:

1. What is your age? (note sex)
2. What is your Tribe? (Zaghawa, Fur, Masalit, other, refused)
3. What is the name of your village? What is the name of your sheikh or head of village?
4. Where is your sheikh? What contact do you have with your sheikh? Is he representing you?
6. What happened to them?
7. What do you do in your village? Farmer, teacher etc.
8. Nearest large village?
9. Number of years you've lived in this village?
10. When were the largest movements from your village?
11. What was the proportion and characteristics of the people who stayed versus those who left?
12. Had you been to this location before? Under what circumstances?
13. When did you leave your village?
14. How many members of your household are living with you here today? Ages of each?
15. What is your religion?

B: Consistent patterns of attacks on villages

From the time you were living in your village, what happened to you and your family?

1. When did you leave your village (since February 2003)? What was the date and time of day?
2. Who else left at that time?
3. Describe the overall decline in security in your village and area in the months and years leading up to the attack on your village that made you flee. (Include here harassment, disarmament by local authorities, attacks on women and children going out for firewood or food, attacks when going to market, etc.)
4. Describe what happened in the days and hours before the attack on the village that made you flee. (Include here harassment, threats, attacks, injuries, abductions, rapes, killings).
5. Did you witness these attacks, etc personally or did you hear it from another person?
6. Who attacked your village? How many at a time? What were their methods of assault?
7. Was your whole village attacked or were you singled out? If so, why?
8. What other villages in your area were attacked and destroyed both before and after your village was attacked?
9. Have you been threatened by low flying planes or bombings since April, 2004? Since November, 2004?

C. Consistent patterns of hot pursuit with intent to eradicate villagers

Can you tell me what happened on the day you left your village? Describe the situation.

1. When you left your village, describe your flight.
2. Were you split up from any family members?
3. Where did you first go on that day?
4. What method of travel did you use in this first phase of flight?

Please describe what happened to you during the whole duration of your flight.

1. How long did it take you before you found a safe place?
2. How far did you travel? Method of travel?
3. What kind of threats existed while you were fleeing?
4. What were the sources of food and water during this flight?
5. Describe any attacks by armed groups. What weapons did they have?
6. How many times did these armed groups attack you?
7. If you or your family members got sick or injured or if any of your family members died along the way, please describe how this happened and when it happened in the course of your flight.

Number/age/gender/days into flight/agent(cause)

Types of illnesses/conditions

- diarrhea
- respiratory infection
- dehydration
- other (name)
- miscarriage
- deliveries

Types of injuries

Complications of injuries

- Infection
- Bleeding
- Immobility

Cause of death(s)

8. How many animals did you try to take with you when you fled your village?
9. Over the course of the flight, how many of these animals died? How did they die?
10. Did you receive assistance from a relief organization while fleeing?
11. What would have happened if you had not received assistance?

D. Consistent patterns of attack, systematic rape and sexual abuse of women

Were you or anyone in your household or village personally threatened or intimidated? When?

Household:

1. Who attacked you? What was their group?
2. Has anyone in your household been abducted, tortured, or sexually assaulted, either at the time of the attack on your village or along the way or since you have come here?
3. Have there been any rapes, sexual assaults or violent deaths in your household during this entire period since you fled your village?
4. What kind of medical care was normally available to you in your area before your departure from your village?
5. It has been reported that doctors in Darfur have been told NOT to care for non-Arab people in Darfur; have you heard this?
6. What kind of doctors and where? Why do you think it is or is not true?
7. What about hospitals, did you feel that there were some hospitals or clinics in Darfur that would refuse you?

8. What would happen if you were refused medical care?
9. Now that you are here, if someone in your family was seriously injured, where would you go?
10. Now that you are here, do you feel that if someone in your family were injured, a doctor would take care of them?
11. Are you in touch with other members of your household that are not here?
12. How do you contact them?

Village:

1. Did you personally witness anyone in your village being attacked, harmed or taken away at the time your village was attacked?
2. Abducted, tortured, or sexually assaulted?
3. Killed?
4. If so, who were these people?
5. What is/was your relationship to them?
6. Were there any elderly members of your village (over age 45)?
7. What happened to them at the time of the attack on your village?

E. Consistent patterns of targeting certain groups

Do you feel you were targeted because you belonged to a certain group? Explain.

1. Was your whole village attacked or just you?
2. Were there people in your village or the region who were not attacked? Explain.
3. Did your attackers tell you why they were harming you?
4. Why do you think they were harming you?
5. Did your attackers use certain words describing you or others who were attacked?
6. Describe why you feel your group is being targeted.

F. Consistent patterns of destruction of villages, livelihoods, and means of survival

Please draw a map of your village, showing where you lived, and where the key resources, roads, and structures were (irrigation works, wells, roads and paths, community buildings like schools and mosques, market places or routes to major markets)

In your village, tell me what land, crops, livestock and other property you had and where is it now?

1. In your village, did you own land? How much? How did you come to own it?
2. How much is Goz vs wadi? (less vs more fertile)
3. Describe your house in your village? How many buildings?
4. Did you grow crops on your land? What types? Grazing?
5. Last crop planted and harvested? Do you think your land can still be farmed?
6. Was your village attacked and/or destroyed (completely, partially)? If so, please describe what features were destroyed (crops, water points, wells, irrigation systems, structures, storehouses, other things) and by what methods? Please point out these destroyed or damaged areas on the map.

Water:

What water sources did you have in your village and during your travel here?

1. What was your source of water in your village? (wells, water points, irrigation systems, other systems and sources)
2. Before the attack on your village that caused you to flee, were you safe to travel from your village to water sources?
3. Were your water sources destroyed or cut off? When and by what methods?
4. What are your sources for water now?

Wealth and Income:

What kinds of work did you do to make money and what livestock did you own?

1. In your village, what were your income sources? (crops, livestock, market goods, services, employment)
2. Other sources of income (woodland use, domestically produced goods, trading)
3. Did you own livestock? Types and numbers?
4. What was the use of your livestock? (milk, wealth, food, transport)

| | Number | Milk | Wealth (USD or barter equivalent) | Food | Transport | Number lost |
|----------|--------|------|-----------------------------------|------|-----------|-------------|
| Camels | | | | | | |
| Horses | | | | | | |
| Cattle | | | | | | |
| Goats | | | | | | |
| Sheep | | | | | | |
| Donkeys | | | | | | |
| Chickens | | | | | | |
| other | | | | | | |

5. What happened to your livestock? (killed or stolen during attack or flight; by whom? died during flight)

Did you lose or sell possessions before you came here? What happened?

1. Were any of your possessions stolen? By whom? Describe items
2. Were any of your households food stores taken or destroyed?
3. Other possessions destroyed or looted? (furniture, mattresses, blankets, clothes, cooking pans, utensils, seed stocks)

Access / Travel/ Mobility

Before the attacks on your village, can you tell me how you obtained food, goods, and moved around?

1. What access did you have to food? What types?
2. What kinds of foods did your children normally eat that they do not have now?
3. How many meals per day did they eat?
4. Did anyone in your household become ill due to poor nutrition during the time you lived in your village?
5. What access did you have to markets?
6. What kinds of scarcity were there? What were the costs of food and market items? GOS taxation for access to markets?

Describe these same conditions now where you are.

1. What access do you have to food? What types?
2. What kinds of foods do your children eat now?
3. How many meals per day do eat now?
4. Has anyone in your household become ill due to poor nutrition since you have been here?
5. What access do you have to markets?
6. What kinds of scarcity are there? What are the costs of food and market items?
7. Describe problems you have now in obtaining food. How much do you depend on NGO sources?
8. Describe the limitations in travel now.
9. Describe instances in which members of your village have been assaulted while traveling for food and firewood now.
10. Describe the effect that this insecurity has on your household and other people here from your village now.

Social Supports and Community Networks

Describe what has happened to your schools and education for children in the last two years.

1. Describe the schools in your village. How many children attended school? How many children in your family attended school?
2. What was the highest grade of instruction taught in your village schools?
3. Describe nearby larger schools and educational facilities
4. Were schools destroyed or damaged in your village or nearby? Any school property destroyed?
5. What happened to the teachers in your village? In the nearby larger towns and villages? Where are they now?

Describe how these recent events have affected your religious practice

1. What is your religion?
2. In your village, where did you worship? Was it part of a larger group?
3. Do you feel that you were targeted because of religious reasons?
4. From whom? Explain why?
5. Are you able to practice your religion now?

Describe what has happened to your social supports and community networks

1. Describe your social supports in the village before the attacks.
 - Who took care of your livestock when they were sick?
 - If the adults in your family were sick, who went to market for you?
 - Why did you need to go to the market? What did you get there? Just goods, or also information, advice, network building?
 - Who loaned you money or other resources if your crops failed or your animals died?
 - Who were the village elders or wise people, and how did they help you?
 - How do friends and neighbors help each other in your village?
 - What social groups or community groups did you belong to? How did these groups help?
2. What made you happy, back home in your village?
3. What do you miss most about your village now?

Future prospects and barriers to return:

Information regarding the village you have left

1. Have you heard any news about what has happened to your village since you left it?
2. How have you heard this news? From whom? Do you think it is reliable? Why?
3. What have you heard regarding:
 - Who is living there now (what kinds of people, from what group)?
 - Are there any armed groups there now?
 - Has anyone taken over your land? Who, from what groups?
 - Is anyone farming on your land? What crops?
 - Is anyone using your land for grazing livestock? What livestock?

Information regarding current circumstances

1. Were members of your family split up, or are they mostly here?
2. Were members of your village split up, or are they mostly here?
3. Are you able to receive remittances from relatives in Chad, or elsewhere?
4. How about the social supports and community networks you had in your village? Have you been able to replace any of them?

Do you think you will ever return to your village?

1. What are your main concerns about going back?
 - Fear of threats, assaults, persecutions, death
 - Loss of house, land, water sources, markets
 - Loss of social supports and community networks
2. Do you fear that that you might have permanently lost your land, now that you have been driven off it?
3. What would it take for you to be able to return?
 - Restoration of land
 - Reconstruction of village structures, irrigation works, wells
 - Replacement and rebuilding of personal supplies, grain stores, housing, personal property
 - Return of livestock
 - Reconstruction of social supports and community networks
4. What would it take for you to live along side your neighbors who were GOS supporters?
5. Do you think you might rather return to another village in Darfur?
6. Do you think you might be able to rebuild your old life?
7. Do you have hope for the future?
 - If you do, what gives you hope for the future?
 - If you don't have hope now, why not?
 - What do you think would give you hope?

Initial Sheikh questions and large group questions:

Doing a study for PHR
 Looking for specific villages
 Would like to get a detailed view of some specific things that have happened
 Like to talk to the sheikh and village leaders first
 Then we'd like to talk with a couple families in a small focus group
 When were the largest movements from your village since February 2003?
 What was the proportion and characteristics of the people stayed vs those who left in each of these major movements?

[Have square of sheet or light canvas to lay out, non-rolling beads; also large paper sheet and magic markers]

B. Questionnaire for Terbeba and Bendisi

PHR Livelihoods Survey

Location of interview: _____ Date: _____

Interviewer: _____

Introduction:

Hello, my name is _____. I work with Physicians for Human Rights, an American non-governmental organization, and we are talking with refugees about their experiences in the Darfur region of Sudan. If you are willing, we would like to have a conversation with the head of your household. We realize that many people have suffered greatly during this time and may have much to tell. But this survey requires only BRIEF responses to a limited number of questions, and from ONLY you. The experiences you share with us will be used by Physicians for Human Rights to prepare a report which will be released widely and will hopefully tell people around the world what has happened in Darfur. The report will mention that we collected information at _____ Camp (name the camp), but your name and any identifying information that you give us will remain confidential and will not be released in these reports. Participation in this survey does not guarantee compensation for losses/deaths experiences by your household, nor does it mean that the individuals in your household will be able to testify at trials or bring specific charges against anyone. However, it is possible that the information you give us may be used in a

future judicial proceeding. You will not receive any compensation for participating in this survey. We understand that you may not want to talk about your experiences; if so, we respect your decision.

Would you be willing to speak to me?

Yes No [if no, thank them and walk away]

A: Demographics:

1. What is your age? (note sex)
2. What is your Tribe and who is your Sheikh? What are the name of other Sheikhs/Omdas?
3. How many members of your household* are living with you here today And what are their sex/age?
4. How many members of your household are not living with you here today and were they killed/abducted by the *Janjaweed*?
5. What was your main job in your village?
6. Number of years you lived in this village?

*Household defined as all people who usually eat out of the same cooking pot

B: Consistent patterns of attacks on villages

From the time you were living in your village, what happened to you and your family?

1. When did you leave your village? Date and time?
2. Who else in your household left with you at that time? Who else in your village left at that time? [No one, few, many, all.]
3. Describe your experiences on the day you left your village.
4. Describe any security incidents that occurred in your village or area in the months and days leading up to the attack on your village that made you flee.
5. Did you witness these events personally or did you hear about it/them from another person? Did you go to look at the villages that were attacked afterwards? If so, what did you see?
6. What features of your village were destroyed (crops, water points, wells, irrigation systems, structures, storehouses, graves, cemeteries, other things) and by what methods?
7. Were there rebels (JEM or SLA) in your village or area before the attack?
8. Who attacked your village? How many people were there? What were their methods of assault? Did they say anything to you?
9. Did you see any Antonovs or helicopters before the final attack or during the attack and if so, was there any bombing? Did you see Antonovs or helicopters after April 2004?
10. Did you or anyone in your family/village recognize your attacker(s)?
11. Did you see anyone in your household or village being sexually assaulted, killed or abducted?
12. What happened to the children and elderly members of your family/village at the time of the attack?
13. Did anyone fight back when the village was attacked? If so, what happened?
14. Were there people in your village or region who were not attacked?
15. Why do you think your tribe/village/people are being targeted?

TABLE 1: People During Attack*

| | Number | Age | Gender | Relationship to interviewee |
|----------|--------|-----|--------|-----------------------------|
| Injured | | | | |
| Raped | | | | |
| Killed | | | | |
| Abducted | | | | |

[*Fill out rape/sexual assault only if offered in 2d above or if mentioned in more detail at end of interview]

C. Consistent patterns of hot pursuit with intent to eradicate villagers

Can you tell me what happened on the day you left your village? Describe the situation.

1. Describe the situation and your journey when you left your village [include: were you followed? Method of travel? Split up from family members? Resting places?]
2. What were the sources of food and water along the way? How long did it take you before you found a safe place [each day and at the end of your journey]? How long until you reached Chad?
3. What kind of threats existed during your flight/while you were at the border?
4. If you were attacked, how many times did this occur while you were in flight/at the border?
5. Were you or your family members sick or injured while you were in flight/at the border? Did anyone die?
6. Did you receive assistance along the way?

TABLE 2: People During Flight

| | Number | Age | Gender | Days into flight | Agent (cause) | Site of Injury |
|-----------|--------|-----|--------|------------------|---------------|----------------|
| Separated | | | | | | |
| Injured | | | | | | |
| Sick | | | | | | |
| Abducted | | | | | | |
| Dead | | | | | | |

[This table is to record numbers, ages, gender, and relationship of household members who had any of these experiences during the attack on the village]

Livestock During Attack and Flight:

1. What happened to your livestock? [Prompt if necessary: injured, killed or stolen during attack? By whom?]
2. How many animals did you try to take with you when you fled your village?
3. Over the course of the flight, how many of these animals died? How did they die?

TABLE 3: Livestock During Attack

| | Total Number Lost* | Number Killed | Number Injured | Number Unaccounted for (lost, wandered off, etc.) | By whom (if relevant) |
|----------|--------------------|---------------|----------------|---|-----------------------|
| Camels | | | | | |
| Horses | | | | | |
| Donkeys | | | | | |
| Cattle | | | | | |
| Goats | | | | | |
| Sheep | | | | | |
| Chickens | | | | | |
| Other | | | | | |

*Total of number killed, injured, or unaccounted for.

[This table is to track what happened to the animals that people set out with when they fled their village; in each column as relevant put number of animals affected and then note when this happened by putting days into flight next to the number in parentheses. Example 2 (3) would mean two animals affected, 3 days into flight]

TABLE 4: Livestock During Flight

| | Initial Number | Stress* | Illness/Infection | Inflicted Injuries/Wounds** |
|---------|----------------|---------|-------------------|-----------------------------|
| Camels | | | | |
| Horses | | | | |
| Donkeys | | | | |
| Goats | | | | |
| Sheep | | | | |

*Stress includes dehydration, hunger, exhaustion

** Injuries or wounds inflicted during the attack

E. Consistent patterns of targeting certain groups

Do you feel you were targeted because you belonged to a certain group? Explain.

1. Was your whole village attacked or just you?
2. Were there people in your village or the region who were not attacked? Explain.
3. Did your attackers tell you why they were harming you? [Record exact quotes]
4. Why do you think they were harming you?
5. Did your attackers use certain words describing you or others who were attacked? [Record exact quotes]
6. Describe why you think your group (tribe- qabila, race – jinsi, family – ahll, village – hilla) is being targeted.

F. Consistent patterns of destruction of household assets, villages, and means of survival

In your village, tell me what land, crops, trees, livestock and other property you had and what has happened to it now?

1. In your village, did you own land? How much? How did you come to own it?
[If this question is not understood, ask: How much land did you farm?]
2. How much is Goz vs wadi? (less vs. more fertile)
3. Describe your house in your village? How many buildings?
4. Did you grow crops on your land? What types? Grazing?
5. Last crop planted and harvested? Do you think your land can still be farmed?
6. Was your village attacked and/or destroyed (completely, partially)? If so, please describe what features were destroyed (crops, water points, wells, irrigation systems, structures, storehouses, graves, cemeteries, other things) and by what methods? Please point out these destroyed or damaged areas on the map.

Water:

What water sources did you have in your village and during your travel here?

1. What was your source of water in your village? (wells, water points, irrigation systems, other systems and sources) Was there a pump in your village? Who owned it?
2. Before the attack on your village that caused you to flee, were you safe to travel from your village to water sources?
3. Were your water sources destroyed or cut off? When and by what methods? [If necessary, use poisoning as a prompt]
4. What are your sources for water now?

Wealth and Income:

What kinds of work did you do to make money and what livestock did you own?*

1. In your village, what were your income sources? [Circle any that were mentioned: crops, livestock, market goods, services, daily labor, other]
2. Other sources of income? (woodland use, domestically produced goods, trading)
3. Did you own livestock? What kinds? How many of each?
4. What was the use of your livestock? [Circle any that are mentioned: milk, wealth, food, transport, savings or exchange for medical care, education, housing, other]

[This table is to see how many animals the respondent had in his/her household before they left the village, what they were used for, and how many of each animal they have now.]

TABLE 5: Livestock Owned By Household Before the Attack

| | Total # Owned in village prior to attack | Total # Owned Now | Milk ection | Food Injuries/Wounds** | Wealth* | Transport | Savings or Exchange for Medical Care/ Housing/Education / etc. |
|----------|--|-------------------|-------------|------------------------|---------|-----------|--|
| Camels | | | | | | | |
| Horses | | | | | | | |
| Donkeys | | | | | | | |
| Goats | | | | | | | |
| Sheep | | | | | | | |
| Chickens | | | | | | | |
| Other | | | | | | | |

* (USD, Sudanese currency or barter equivalent)

Did you lose or sell possessions before you came here? What happened?

1. Were any of your possessions stolen? By whom? Describe items
2. Were any of your household's food stores taken or destroyed?
3. Other possessions destroyed, stolen, or looted? (safe, papers, documents, carpets, furniture, mattresses, blankets, clothes, cooking pans, utensils, seed stocks; list all items mentioned)

Access / Travel/ Mobility

Before the attacks on your village, can you tell me how you obtained food, goods, and moved around?

1. What access did you have to food? What types?
2. What kinds of foods did your children normally eat that they do not have now?
3. How many meals per day did they eat?
4. Did anyone in your household become ill due to poor nutrition during the time you lived in your village?
5. What access did you have to markets?
6. What kinds of scarcity were there? What were the costs of food and market items? GOS taxation for access to markets?

Describe these same conditions now where you are.

1. What access do you have to food? What types?
2. What kinds of foods do your children eat now?

3. How many meals per day do they eat now?
4. Has anyone in your household become ill due to poor nutrition since you have been here?
5. What access do you have to markets?
6. What kinds of scarcity are there? What are the costs of food and market items?
7. Describe problems you have now in obtaining food. How much do you depend on NGO sources?
8. Describe the limitations in travel now.
9. Have you or anyone you know been assaulted while traveling for food and firewood since you came to this place?
10. Are there any other problems with security here?
11. Describe the effect that this insecurity has on your household and other people here from your village now.

Social Supports and Community Networks

Describe what has happened to your schools and education for children in the last two years.

1. Describe the schools in your village. How many children attended school? How many children in your family attended school?
2. What was the highest grade of instruction taught in your village schools?
3. Describe nearby larger schools and educational facilities.
4. Were schools destroyed or damaged in your village or nearby? Was any school property destroyed?
5. What happened to the teachers and health workers in your village? In the nearby larger towns and villages? Where are they now?

Describe how these recent events have affected your religious practice

1. What is your religion?
2. In your village, where did you worship? Was it part of a larger group?
3. Do you think that you were targeted because of religious reasons?
4. By whom? Explain why.
5. Are you able to practice your religion now?

Describe what has happened to your social supports and community networks

1. Describe your social supports in the village before the attacks.
 - Who took care of your livestock when they were sick?
 - If the adults in your household were sick, who went to market for you?
 - Why did you need to go to the market? What did you get there? Just goods, or also information, advice, network building?
 - Who loaned you money or other resources if your crops failed or your animals died?
 - Who were the village elders or wise people, and how did they help you?
 - How do friends and neighbors help each other in your village?
 - What family groups, social groups or community groups did you belong to? How did these groups help?
2. What made you feel at home in your village? (relationships, landscape, structures, sounds, smells, possessions, water sites, family burial sites; list all items mentioned; use exact quotes)
3. What made you happy, back home in your village? (list all items mentioned; use exact quotes)
4. What do you miss most about your village now? (list items mentioned; use exact quotes)

G. Future prospects and barriers to return:

Information regarding current circumstances

1. Were members of your household split up, or are they mostly here?
2. Are you in touch with other members of your household that are not here?
3. How do you contact them?
4. Were members of your village split up, or are they mostly here?
5. Are you able to receive remittances from relatives in Chad, Libya or elsewhere?
6. How about the social supports and community networks you had in your village? Have you been able to replace any of them?

Information regarding the village you have left

1. Have you heard any news about what has happened to your village since you left it?
2. How have you heard this news? From whom? Do you think it is reliable? Why?
3. What have you heard regarding:
 - Who is living there now (what kinds of people, from what group)?
 - Are there any armed groups there now?
 - Has anyone taken over your land? Who, from what groups?
 - Is anyone farming on your land? What crops?
 - Is anyone using your land for grazing livestock? What livestock?

Do you think you will ever return to your village? [Use exact quotes for all answers in this section where possible]

1. What are your main concerns about going back? [open-ended: do not read out. Interviewer should mark off by priority number (1, 2, 3, etc) which one was mentioned first, second, etc.]
 - Fear of threats, assaults, persecutions, death
 - Loss of house, land, livestock, water sources, markets
 - Loss of social supports and community networks
 - Other [list what was mentioned]
2. Do you fear that that you might have permanently lost your land now that you have been driven off it?
3. What would it take for you to be able to return? [open-ended, do not read out; and interviewer should mark off by priority number (1, 2, 3, etc) which one was mentioned first, second, etc.]
 - Restoration of land
 - Reconstruction of village structures, irrigation works, wells
 - Replacement and rebuilding of personal supplies, grain stores, housing, personal property
 - Return of livestock
 - Reconstruction of social supports and community networks
 - Other [list what was mentioned]
4. Overall, what would you say has been your greatest loss in this conflict?
5. How do you get through the day with these memories and losses? What keeps you strong, if anything does?
6. What do you think should happen to the people who attacked you and destroyed your village?
7. What do you think would be the best way to return to you what you have lost?
8. Do you think you might be able to rebuild your old life?
9. Do you have hope for the future?
 - If you do, what gives you hope for the future?
 - If you don't have hope now, why not?
 - What do you think would give you hope?

FOLLOW-UP QUESTION (sexual violence):

[The interviewer explains that he/she is going to ask some difficult, private questions regarding rape and sexual assault, and that the subject is under no obligation to answer them. The interviewer should then ask the head of household if he would rather have a female representative answer these questions. If he says no to either one of these requests, the interviewer should say that he understands and that it ok, thank him again for his time and thoughtful responses, and end the interview. If he agrees to answer the questions, the following should be asked]:

Has anyone in your household been abducted, tortured, sexually assaulted either at the time of the attack on your village, along the way or since you have come here? Please explain what happened.

END OF INTERVIEW

QUESTIONS FOR SHEIKH

Initial Sheikh questions and large group questions:

We are doing a study for PHR

We are looking for people from specific villages

We would like to get a detailed view of some specific things that have happened

We would like to talk to the sheikh and village leaders first

Then we'd like to talk with a few families, first the head of Household, then a few families together in a small focus group

Specific Questions for the Sheikh:

When were the largest movements from your village since February 2003?

What was the proportion and characteristics of the people stayed vs those who left in each of these major movements?

[Have square of sheet or light canvas to lay out, non-rolling beads; also large paper sheet and magic markers]

[Ask Sheikh to draw a map of the village, showing where he lived, and where the key resources, roads, and structures were (trees, fields, crops, irrigation works, wells, roads and paths, community buildings like schools and mosques, market places or routes to major markets.)]

What are the ways that people from your village are coping with their losses?

Is life still so hard and dangerous that they cannot think about the past?

If they are thinking about the past, what kinds of things are they talking about?

What are they doing with their time?

Do people have any sense of hope, are they looking to the future for better things?