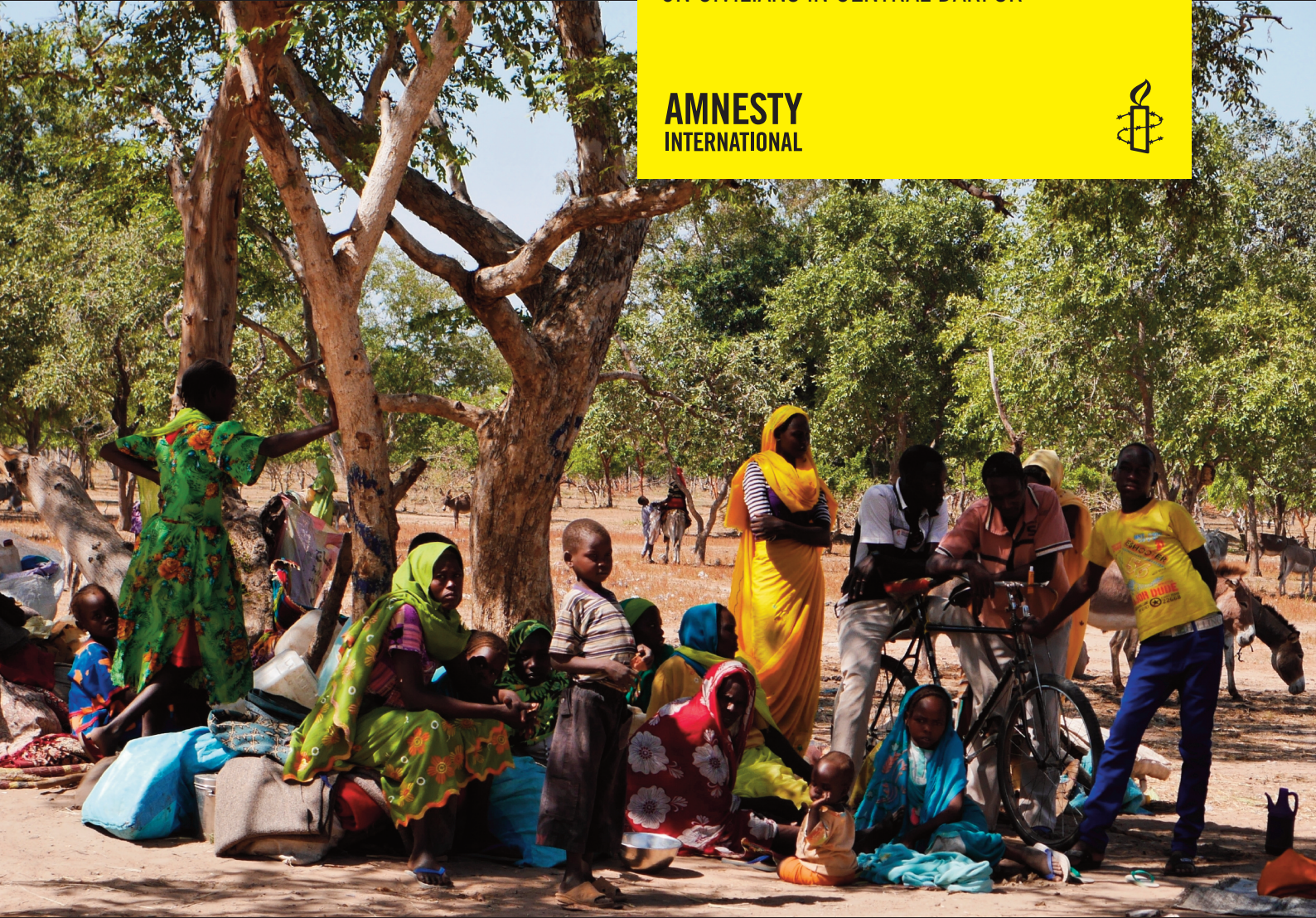


# SUDAN: WE CAN'T ENDURE ANY MORE

THE IMPACT OF INTER-COMMUNAL VIOLENCE  
ON CIVILIANS IN CENTRAL DARFUR

AMNESTY  
INTERNATIONAL



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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**AMNESTY**  
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*Cover photo:* Darfuri refugees in Abgadam camp, Chad after fleeing from inter-communal violence in Central Darfur, November 2013.

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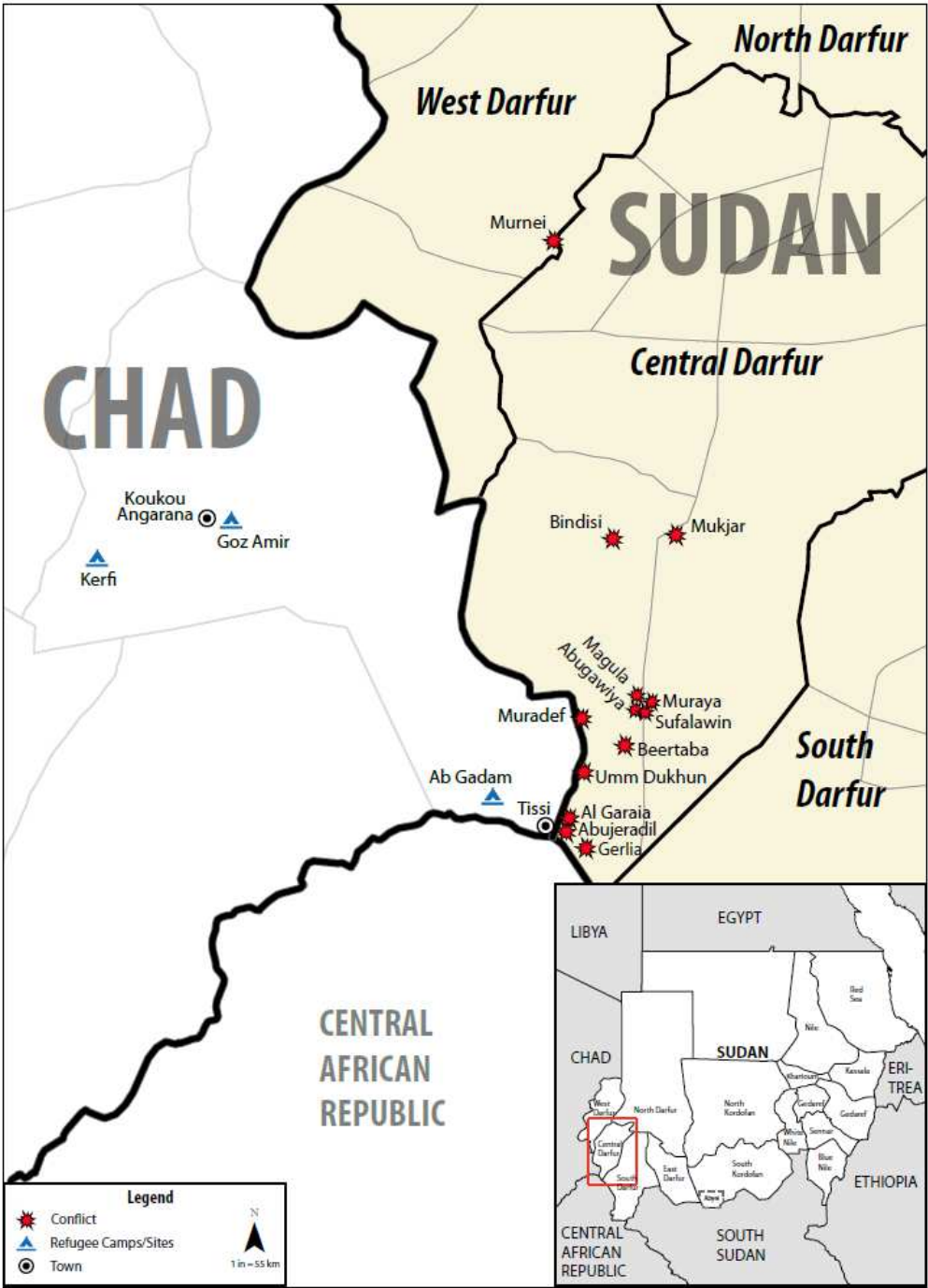
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# LIST OF ABBREVIATIONS

BG	Border Guards
CAR	Central African Republic
CRP	Central Reserve Police
CNARR	Commission nationale d'accueil et de réinsertion des réfugiés
DPHR	Détachement pour la Protection des Humanitaires et des Réfugiés
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHL	International Humanitarian Law
IHRL	International Human Rights Law
MINURCAT	United Nations Mission in CAR and Chad
NISS	National Intelligence Security Services
PDF	Popular Defence Forces
SAF	Sudanese Armed Forces
UN	United Nations
UNAMID	United Nations-African Nations Mission in Darfur
UNHCR	United Nations High Commissioner for Refugees
WFP	World Food Programme

# MAP OF CENTRAL DARFUR



Map not drawn to scale. Names and boundary representations do not necessarily constitute endorsement by AI.

# INTRODUCTION

Eleven years since the start of the conflict in Darfur, the human rights situation in the region remains dire. Civilians continue to bear the brunt of human rights abuses and violations of international humanitarian law by government forces, pro-government militias and armed opposition groups. Insecurity is pervasive in the region, creating displacement on a large scale and a dismal humanitarian situation. In 2013 alone, the United Nations (UN) estimated that violence across Darfur caused the displacement of over 460,000 people.<sup>1</sup>

Fighting between government forces and armed opposition groups has continued over the years, including the use of indiscriminate bombardments by the Sudanese Armed Forces (SAF) and ground attacks by both parties in civilian areas, particularly in North, East and South Darfur. Over the years, conflict dynamics have shifted and the actors have evolved. A declining economy in 2012 and 2013 led to an upsurge in fighting between different Arab tribes<sup>2</sup> over land and resources in North, Central and South Darfur. The UN Secretary General Ban Ki-moon noted in his report to the Security Council in July 2013, that the main source of insecurity affecting several areas of Darfur is inter-communal violence.<sup>3</sup> 300,000 people were displaced within the first five months of 2013 – more than the previous two years combined – a dramatic increase largely due to fighting between Arab tribes in North and Central Darfur.<sup>4</sup> More people were forced to flee the violence in Central and South Darfur as fighting continued throughout the year.

This report documents the impact of inter-communal violence on civilians living in Central Darfur during the fighting that started in April 2013 between the Misseriya and the Salamat – two Arab tribes – and assesses their situation after they fled to Chad. It highlights human rights violations against civilians, including crimes under international law committed during attacks on their villages, and documents the humanitarian and protection challenges facing them in the refugee camps in Chad.

Amnesty International found that civilians in Central Darfur were deliberately targeted and subjected to unlawful killings, sexual violence including rape, shootings and lootings during the fighting between the two tribes. Elements of the government paramilitary forces and other armed militias were involved in the fighting, particularly in large-scale attacks against civilians in and around Um Dukhun, Central Darfur.

The organization also found that the Government of Sudan has failed to protect civilians in the conflict-affected areas and to exercise control over members of its paramilitary forces involved in the attacks, despite implementing measures to facilitate and broker peace.

Amnesty International considers that the inter-communal violence detailed in this report is one element of the ongoing, complex, non-international armed conflict in Darfur. Under international humanitarian and human rights law, all parties to the

conflict are obliged to adhere to, among other rules, the prohibition against targeting civilians and others not actively engaged in combat for attacks; the absolute prohibition on torture, including rape, and other ill-treatment; and the prohibition against depriving civilians of means necessary for their survival. Amnesty International is deeply concerned that there have been widespread violations of human rights and international humanitarian law by all sides.

## KEY RECOMMENDATIONS

To the Government of Sudan

- Ensure the full and effective protection of civilians as required by international humanitarian and human rights law.
- Ensure that there is a prompt, impartial and effective investigation into the allegations that members of the Popular Defence Forces (PDF), the Central Reserve Police (CRP), the Border Guards (BG) and other armed groups carried out attacks against civilians in Central Darfur.

To Armed Groups

- Cease immediately, and undertake not to repeat, all abuses of human rights and violations of international humanitarian law, in particular attacks targeting civilians, including unlawful killings, shootings, beatings, sexual violence, targeted destruction of their property and livelihoods, and displacement.

To UNHCR

- Ensure that refugees from Sudan have access to adequate services and other facilities essential for exercising their rights, in particular the rights to adequate shelter, food, health care, water and sanitation and education.

A complete list of recommendations appears at the end of this report.

## ABOUT THIS REPORT

This report is based on information gathered from a variety of primary and secondary sources during the course of 2013 and early 2014.

Amnesty International delegates conducted a research mission to Chad in November 2013, where they visited the Goz Amir and Abgadam refugee camps, located in eastern Chad. Delegates interviewed over 90 refugees who had fled the fighting between the Misseriya and the Salamat, and met with a number of UN agencies including the UN High Commissioner for Refugees (UNHCR), international humanitarian organizations, and local authorities. Further meetings with national authorities and international organizations were carried out in N'Djamena.



The names and affiliation of some people have been withheld and last names have been removed in order to protect their identity.

Amnesty International was unable to access and interview Misseriya refugees in eastern Chad. Misseriya refugees that had crossed the border were not settled in the refugee camps. At the time the delegation was present in Chad, UNHCR was unable to register them, and humanitarian organizations were unable to reach them. However, Amnesty International was able to gather information on attacks carried out against the Misseriya by the Salamat through phone interviews with local and international organizations based in the conflict-affected areas.

This report is not a comprehensive assessment of the human rights situation in Central Darfur, nor does it exhaustively document all human rights violations suffered by civilians in conflict-affected areas of the region. Rather, this report highlights some of the key human rights concerns of civilians in the context of the fighting between the Misseriya and the Salamat and the challenges they face as refugees in Chad.

Amnesty International, like many other international human rights organisations, has been denied access to Sudan since 2006.

# INTER-COMMUNAL VIOLENCE IN CENTRAL DARFUR

Inter-communal violence between different tribes has become a major source of insecurity for the civilian population in Darfur. 2013 in particular saw an upsurge of fighting between several Arab tribes over land, resources, and administrative powers.<sup>5</sup> Intra-Arab fighting in Darfur has included: the Rizeigat and the Beni Hussein over goldmines discovered in January 2013 in Jebel Amer, North Darfur; the Rizeigat and the Ma'aliya in East Darfur; the Beni Halba and Gimir in South Darfur; and the Salamat against the Misseriya and the Ta'aisha in Um Dukhun locality, Central Darfur.<sup>6</sup>

The increase in inter-communal violence in Darfur is partly because of the decline of the Sudanese economy over the last two years. Following South Sudan's secession in 2011, Sudan lost the majority of its oil revenues and has since seen a deteriorating economy with rising inflation and unemployment. This has resulted in increasing competition over land and resources between different groups in Darfur.<sup>7</sup>

The declining economy has also seen an increasing discontent within Sudan's paramilitary forces, the Popular Defence Forces (PDF), the Central Reserve Police (CRP) and the Border Guards (BG) whose wages have been reduced.<sup>8</sup> There are numerous reports of criminal activities across Darfur by armed men identified as belonging to one of the three paramilitary forces.<sup>9</sup> The UN panel of experts on Sudan affirmed in their latest report in February 2013 that Darfur has seen "*some incidents in which former members of government militias have forcibly expressed their discontent with the current government, especially against the backdrop of rising inflation and unemployment.*"<sup>10</sup>

Paramilitary forces in Darfur predominantly comprise former Janjaweed militias that were primarily recruited among Arab tribes in the early years of the conflict.<sup>11</sup> Many Arab tribes have members who are active within the Sudanese paramilitary forces, and therefore have access to government vehicles and heavy weapons. Some of these tribes have relied on paramilitary forces to fight over land, resources and administrative authority.<sup>12</sup>

Amnesty International found that most attacks between the Misseriya and the Salamat, were carried out by members of the Popular Defence Forces, the Central Reserve Police or the Border Guards. Amnesty International has previously documented the involvement of the Border Guards in several large-scale attacks against civilians in Jebel Amer, in January 2013.<sup>13</sup>

## FIGHTING BETWEEN THE SALAMAT AND THE MISSERIYA: A CYCLE OF ATTACKS AND REPRISALS

The Salamat are a Baggara (cattle herder) Arab tribe found in Chad and in West, Central and South Darfur. For decades, the Salamat had been living under the administrative authority of the Ta'aisha, an Arab tribe located in South Darfur. In January 2012, President Omar Al Bashir issued a presidential decree creating two new states, Central and East Darfur in line with the power-sharing agreements set out in the Doha Document for Peace in Darfur (DDPD).<sup>14</sup> Creating Central Darfur State was perceived as a move consolidating the administrative powers of the Salamat tribe. Leaders of the Salamat community told Amnesty International obtaining their own administrative unit strained their relations with the Ta'aisha. Local sources said that other Arab tribes living in the area, such as the Misseriya and the Ta'aisha, were unhappy with the decision and did not attend the ceremony and festivities to celebrate the newly gained administrative powers.<sup>15</sup> These local sources believe that the root cause of the current conflict lies in the feud over traditional land rights that has long existed in Darfur.

### LAND OWNERSHIP AND ADMINISTRATIVE AUTHORITY

**In Darfur, land ownership is seen as key to wealth and power. Land is used for agriculture, cattle herding and extraction of natural resources. A system of 'native' or traditional administrations and land ownership was established under British rule, dividing Darfur into homelands, or *Diar* (*Dar* in singular). The British powers appointed paramount tribal chiefs (*Nazir*) and entrusted them with legal, administrative and financial authority over a *Dar*. All tribes living within the *Dar* would fall under the jurisdiction of their respective *Nazir*. The tribes who were granted a 'native' administration - typically sedentary tribes - had clear economic advantages over nomadic groups who were not given land. Furthermore, administrative authority and ownership over land allows a tribe to control the use of natural resources available and provides political representation at state level. The Government of Sudan has continued to use the British practice and has multiplied tribal administrative units.**<sup>16</sup>

Fighting between the Misseriya and the Salamat was triggered around 3 April 2013 reportedly after an attempted robbery by Misseriya men against a Salamat man, and continued intermittently over a period of seven months, despite several reconciliation attempts brokered by the authorities.<sup>17</sup>

Throughout the duration of the conflict, members of the Misseriya and Ta'aisha tribes on one hand, and the Salamat tribe on the other, launched attacks against each other, including in civilian areas, leading to civilians being killed, injured or displaced and villages being looted and burned. Many civilians from other tribes, including Masalit and Fur, were affected by the fighting.

The fighting took place in three different localities of Central Darfur; Um Dukhun, Bindisi and Wadi Salih, as well as in Rehad El Berdi in South Darfur.<sup>18</sup> Over 500 people were killed, at least 100 of them unarmed civilians, and thousands of houses were looted and burned. Some civilians were subjected to torture and

assaults, including sexual assault. More than 50,000 people were displaced as a result of the conflict.

Amnesty International spoke with civilians from over seven different towns and villages who had fled attacks.<sup>19</sup> Most of them belonged to the Salamat and the Masalit tribes, but Amnesty International also spoke with individuals belonging to the Dajo, Barti, and Fur tribes. Everyone the organisation spoke with described similar patterns of attack from both sides, and most identified the attackers as belonging to the Salamat tribe on one hand, or to the Misseriya and Ta'aisha tribes on the other. Eyewitnesses told Amnesty International that some of the attackers were wearing uniforms of the Popular Defence Forces (PDF), Central Reserve Police (CRP), Border Guards (BG) or as Janjaweed militias.

The conflict began with a series of large-scale attacks in April predominantly in Um Dukhun locality and spreading to Rehad Al Berdi in South Darfur. The Misseriya, supported by the Ta'aisha, deliberately targeted civilians and used scorched earth tactics leaving villages burned to the ground, and forcing thousands to flee into Chad. Abujeradil, Bildebe, and Um Dukhun towns were the most affected. In some instances, the attackers predominantly targeted young men and in other low-scale attacks they looted and destroyed property but did not physically harm civilians.

One of these large-scale attacks began in Bildebe, Um Dukhun, on Friday 5 April. Misseriya and Ta'aisha fighters attacked Bildebe village, reportedly killing more than 45 civilians, destroying houses, stealing livestock, and forcing hundreds of people to flee from the violence.<sup>20</sup> According to Salamat community leaders, over 100 fighters from both sides were also killed in the fighting.

All of the attacks carried out in Central Darfur appear to follow a similar pattern. Eyewitnesses told Amnesty International that the attackers were on foot, horseback and rode motorcycles and government vehicles – mainly Land Cruiser pickups which were often covered in mud. They would surround the village and start to fire using Kalashnikovs, rockets, rocket propelled grenades, DShK heavy machineguns (doshkas) and other heavy weapons.

Another large scale attack began on 6 April and continued for six days, resulting in the deaths of over 100 civilians, and the destruction of over 2,000 homes.<sup>21</sup> Witnesses said that about 100 Land Cruisers arrived in Abujeradil and other surrounding villages at around 6 am. The vehicles were full of armed men wearing a variety of uniforms belonging to the police, PDF, CRP and BG. During this attack, some civilians were deliberately targeted and killed in their homes. Others, and women in particular, were beaten. The attackers returned every day to loot and burn down houses.

Sheikh<sup>22</sup> Yusuf, a Masalit living in Abujeradil, told Amnesty International:

*“They started shooting at everyone, kids, women, elderly. They were shouting “you are slaves, this land is our land, it is not a land for slaves, and we will kill everyone”.*



Ibrahim A., a father of five told Amnesty International:

*"In Abujeradil, I had a shop and was a farmer, and on 6 April 2013 militiamen came and burned my house, and the whole area to the ground. I went back a few days later to try and salvage some of my things, but found everything was burned to the ground. I saw a lot of bodies on the streets lying on the ground. All dead and all shot."*

A group of women leaders from the Masalit community told Amnesty International:

*"All our homes were burned. They came into our homes, threatened us, beat us with sticks, stole our belongings, and burned our houses to the ground."<sup>23</sup>*

Adam, a Masalit sheikh told Amnesty International that the Salamat knew in advance about the attack and were meeting at the market in Abujeradil to prepare. Adam said that he was held captive together with two other Masalit Sheikhs on 7 April, but was released later that night. Adam believes that the Salamat leaders held him captive because they assumed that the Masalit community would not flee as long as their Sheikhs were being held. The Salamat leaders asked Adam to return the next day (8 April) but he fled to Chad when the attackers returned in the morning.

Many people in the surrounding areas heard gunshots at a distance, and managed to flee before the attackers reached them.

Mariam Z., who lived in Hila Tam near Abujeradil, told Amnesty International that she fled with her seven children when she heard the gunshots in the morning. She was pregnant at the time. She said: *"We woke up in the morning to make breakfast, then heard gun shots and so we got scared and ran away with our children. We went to Um Dukhun. My husband refused to come with me and stayed home to look after our things. I was later told that he was shot dead in our home."*

The attack in Magula in mid-April also followed a similar pattern. Masalit civilians who fled the village told Amnesty International that the attack began early one Friday morning. The attackers, some wearing military uniforms and carrying heavy weapons, arrived in approximately ten Land Cruisers. They shot indiscriminately, using guns and mortars.

A leader of the Masalit community in Magula told Amnesty International:

*"The Misseriya came to our village and stole all our possessions and our cattle. A lot of homes were burned. Three armed men came into my house and threatened to shoot us if we did not let them take everything. They took everything and they burned the house to the ground."*

Despite a cessation of hostilities agreed on 10 April between the Salamat and Misseriya, fighting continued, and spilled over to South Darfur, in Rehad El Berdi.<sup>24</sup> Sporadic fighting around Um Dukhun locality continued between both tribes

throughout April, May and June. Witnesses told Amnesty International that the Salamat attacked the Misseriya in Abugawiya around 25 April. They reportedly killed 20 Misseriya men who were at a water hole. On 27 May, 32 people were killed in fighting in Al Gara'aya and Um Sawri (15 Km South of Um Dukhun).<sup>25</sup>

The Salamat and Misseriya signed a reconciliation agreement in Zalingei, Central Darfur in July, agreeing to cease hostilities, and to pay each other compensation. However, fighting resumed shortly thereafter, spreading to Muradaf and Wadi Salih between 23 and 30 July and reportedly killing approximately 150 fighters.<sup>26</sup> Clashes continued in Dembow Kabdy, Kubkie and Muraya<sup>27</sup> between 20 and 27 September, resulting in at least 45 fatalities, all of whom were fighters (15 Misseriya and 30 Salamat).<sup>28</sup>

After a lull, fighting continued in October near Bindisi following a cattle-rustling incident by the Salamat against the Misseriya, leaving 24 people killed and 40 injured from both sides. On 28 October, the Salamat attacked Almatar internally displaced people's camp, located in the outskirts of Um Dukhun but no casualties were reported.<sup>29</sup>

Hostilities continued in November in the Rehad Al Berdi locality in South Darfur. Misseriya and Ta'aisha fighters attacked Markondi and Kubum leading to the displacement of approximately 18,000 civilians,<sup>30</sup> and subsequently spread to Dambar, Mukjar and Bindisi on 6 and 7 November, and to Sarrow, 30 km from Mukjar town.<sup>31</sup> A leader of the Salamat community told Amnesty International that the fighting, which killed approximately 70 fighters, was between the Ta'aisha and Misseriya on one side, and the Salamat on the other. Tearfund, a humanitarian organization located in the area, reported that 104 shelters were burned in Abuzar internally displaced people's camp during fighting between both tribes on 11 November. Over 50 people, both fighters and civilians, were killed, and 104 families left in need of assistance.<sup>32</sup>

Amnesty International was in Abgadam refugee camp on 14 November when fighting broke out in Um Dukhun locality. Members of the Salamat tribe left Abgadam camp and joined other Salamat men across the border, who were reportedly armed with heavy weapons. They attacked Abuzar internally displaced people's camp, a predominantly Misseriya camp on the outskirts of Um Dukhun town, and burned dozens of homes and shops. Armed Misseriya retaliated and over 50 people were killed from both sides.<sup>33</sup> The Chadian and Sudanese joint border patrol guard, intervened to contain the situation.<sup>34</sup> Four severely wounded people were brought back for treatment in Tissi that same day.<sup>35</sup>

The United Nations-African Nations Mission in Darfur (UNAMID) transported the Governor of Central Darfur to Um Dukhun town to mediate between the parties. The government also deployed SAF troops in and around Um Dukhun town to defuse the situation and prevent further fighting. A search and seizure operation resulted in the seizure of 424 illegal firearms on 28 November 2013.<sup>36</sup> Amnesty International received reports that SAF troops were also deployed in Bindisi and Mukjar. After a lull of a few months, further fighting was reported on 19 February 2014.

# IMPACT OF THE CONFLICT ON CIVILIANS

Amnesty International interviewed scores of refugees in Goz Amir and Abgadam refugee camps in eastern Chad who all indicated that they had suffered injuries, or lost family members, and that they were forced to flee due to fighting in their villages between April and November 2013. Amnesty International spoke with Masalit, Dajo and Salamat refugees as well as a few members of other tribes.

In all of the incidents reported from attacks carried out, witnesses and victims stated that some of the attackers wore uniforms belonging to the PDF, CRP and BG, and in some cases the National Intelligence and Security Services (NISS). Some of the attackers were also identified as Janjaweed – armed men wearing khaki uniforms without any markings. The vehicles used were identified as government-owned vehicles, particularly Land Cruisers that were often covered in mud presumably for camouflage purposes. Some of the refugees also identified the attackers as Misseriya and in some cases accompanied by Ta'aisha. Others said that they were unable to recognize the tribe but identified them as Janjaweed due to their uniforms.

A Sheikh from Kabar said his village was attacked on 27 April 2013. He said *“30 to 50 cars, many horses circled the village. They shot at people. They went to the shops and stole everything – Those who came were wearing Abu Tira,<sup>37</sup> police and PDF uniforms. They came in Land Cruisers covered in mud.”*

A.H.D., a farmer living in Abujeradil, told Amnesty International: *“the attackers came into my house and were shooting wildly. They were wearing uniforms of police, army, and some were Janjaweed. They were yelling terrible insults at us”*. He added that the attackers set his house on fire, as he fled with his family to Tissi.

A Masalit woman described the attack in Murnei: *“It was a mix of Janjaweed, CRP, and PDF. They came in vehicles, on horses, and on foot, and started to shoot at us. The attacks were so strong, we only had time to run, and we were not able to take any of our belongings. While my family and I were running away, I saw them set our house on fire”*.

It is difficult to establish whether these attacks were launched at the order of a government official, superiors within the various forces, or whether members of these forces acted independently. Witnesses to the Abujeradil attack told Amnesty International that during the attack they saw Ali Kushayb – a Ta'aisha, who is also a high-ranking member of the CRP and a former senior Janjaweed leader with an outstanding arrest warrant from the International Criminal Court (ICC) for crimes

against humanity and war crimes.<sup>38</sup>

Amnesty International cannot verify these claims or clarify which role, if any, Ali Kushayb played in the attacks.

## TARGETING AND UNLAWFUL KILLINGS OF CIVILIANS

Amnesty International spoke with many refugees who gave eyewitness accounts of people being shot. Some of these refugees were hit by stray bullets while fleeing. The attackers shot indiscriminately from the back of pick-up trucks, while others entered homes and shops, beating and killing civilians, looting goods and burning properties. Amnesty International observed the scars on the bodies of people who were shot.

F.M.R., a 60-year-old Salamat woman who lived in Abujeradil at the time of the attack, told Amnesty International that Misseriya men beat and threw her on the floor before shooting her in the leg. The bullet went through her knee, leaving her unable to walk. The man who shot her said *"you are the enemy, you deserve to die."*

I.S.A., a Salamat sheikh from Abujeradil saw 18-year-old Yusuf Mohamed being shot in the right leg and his brother, 20-year-old Ali Mohamed get shot in the head and killed as they stepped out of their house. Yusuf was subsequently taken to a clinic nearby and he doesn't know his current whereabouts. The Sheikh said that neither brother was involved in the fighting.

Afra, a Salamat woman, said that her 45-year-old cousin, Hassan Mohamed, was shot in his shoulder. He fell down and waited until the attackers left the area before he managed to escape with his family. Afra added that she went to her house the next day but it had been burned, and all her possessions destroyed.

Since April 2013, at least 500 civilians and fighters have been killed during the fighting between the Misseriya and the Salamat. It is difficult to establish how many civilians were killed, but the number is believed to be upwards of 200. Every refugee Amnesty International spoke with had lost at least one member of their extended family who, they said, were not involved in the fighting.

M.I.T., a 32-year-old Masalit woman said that she was sleeping when the attack started. She woke up to find the attackers in her house, shooting wildly. She watched as the attackers shot and killed her husband Mohamed Anur Adam and her mother, Fatma Mohamed Sheikh.

Sadia, from the Barti tribe, had been living in Um Dukhun for four years. Armed men wearing green fatigues came into her house at around 8 am. They demanded money and a mobile phone from her husband, Adam Mohamed Abdallah, but he refused. She watched as they forced him to lie down on the floor and shot him in the chest, killing him. Sadia also witnessed her neighbours, Abdulrahman, his wife Halima and their 7-month-old daughter Amal be shot dead while they were attempting to escape their compound. Sadia said that Halima was shot in the neck



killing her, and her infant daughter who she was carrying on her back, at the same time. Sadia managed to escape to Chad with her children.

Sheikh Abdullahi, who fled from the early April attacks in Abujeradil's surroundings said that he saw the body of a 75-year-old man, Mohamed Adam, who was killed by a gunshot to the chest.

Amnesty International heard many accounts of attackers specifically targeting and killing men. Many women also reported that the attackers came into their homes, and shot the male member of their family, whether young or old and in some cases, also killed women. There were also reports of elderly and disabled people who were unable to escape and were subsequently killed in their homes.

Yehya, father of four, was killed in Kabar on 27 April 2013. He was shot in his shop because he refused to let the attackers steal his goods.

I.A. M. told Amnesty International:

*"My father was killed in Abujeradil on 7 April 2013. He was a 65-year-old. He went to the market in Um Dukhun and was stopped by armed men in khaki uniforms on his way back. They stole his horses and cart. He was later found on the road. He was shot in his chest."*

Mariam, mother of five, said:

*"At 6 am I heard shots in the distance. I was preparing food. I went to the school to look for my children, and they weren't there. I saw the militias coming so I hid behind a tree. I saw men with their hands and feet tied up. I couldn't move I couldn't go anywhere, I thought I was going to die behind this tree. I saw my uncle Al Sadig Abdullahi Abdulgani get killed. I saw him come out of his house, to see what was going on and he got shot on his right side. He died on the spot. My neighbour Rakya Abdallah Moussa, received a bullet in her nose. The bullet went through her head and I saw her head explode. I also saw my uncle Khamis Abdullahi Abdelghani get killed. He was in his car. He attempted to leave when they shot him with an RPG and his car exploded. He was burned alive in his car."*

A ten-year-old girl from Abujeradil witnessed her father Abakar Adam Bashir being killed in their house on the morning of 8 April. She said *"Everything around us was burning, people were shooting. I have never been so afraid in my life, and my father wasn't with us to keep us safe. Now I feel safe but I still have bad dreams"*.

An elderly Salamat woman from Um Dukhun said that her son Khalil Zakaria Azrag, was shot dead when he was running away. She added *"He has five children who are now without a father."*<sup>39</sup>

Witnesses told Amnesty International that the attackers pursued by car, horse or motorcycle, those who were running away, and shot them. Many saw their relatives or other people from their village being shot in the back.

A 35-year-old woman from Muradaf saw a group of six men running away. The attackers followed and shot at them, killing them all.

**Targeted and wilful killings of civilians are a violation of international humanitarian law (IHL) and constitute war crimes under international law.**

**Common Article 3 of the Geneva Conventions, which binds all parties to a non-international armed conflict, prohibits “violence to life and person, in particular murder of all kinds” of civilians and persons *hors de combat*. All four Geneva Conventions list “wilful killing” of protected persons as a grave breach (that is, a war crime).<sup>40</sup> ‘Murder’ is also specified as a war crime under the Statute of the International Criminal Court with respect to both international and non-international armed conflicts.<sup>41</sup> In addition, human rights treaties prohibit the “arbitrary deprivation of the right to life”.<sup>42</sup> This prohibition is non-derogable under these treaties and therefore applicable at all times.<sup>43</sup>**

## LOOTINGS AND BURNING OF CIVILIAN STRUCTURES

The attacks seemed not only aimed at killing people, but also at depriving them of their livelihoods, their means of subsistence, as well as at terrorising the population as a whole. In a region prone to droughts, the destruction of houses and crops bears terrible consequences on the coping strategies of the local population. Essential objects, including food and shelter, have been totally destroyed in a number of villages.

Almost every refugee Amnesty International spoke with had some or all of their possessions stolen or destroyed, in violation of human rights and humanitarian law. Attackers looted and/or destroyed their possessions, and took their livestock after which they burned the houses and shops. Many of the refugees said that anything of value was taken, and the rest burned with the house. The attackers took livestock, windmills, clothes, food, cooking utensils, and sometimes even doors and windows. Some refugees – particularly those who fled before the attackers reached their villages – managed to cross the border with their cattle and other livestock. Amnesty International also received reports of entire villages being burned to the ground.<sup>44</sup>

A.A.I., a 29-year-old man from the Aranga tribe told Amnesty International that he was returning to his restaurant in Abujeradil when he heard shooting. He saw the whole area being destroyed and burned by the attackers. All the shops and restaurants, including his own, were looted and burned.

All of A.H.D.’s properties were set on fire in Um Dukhun, including four houses, two big animal shelters, and three huts. He also lost 36 bags of peanuts, 41 bags of millet, two donkeys, six goats, and seven cows. He said: *“the attackers came into my house and were shooting wildly. They were wearing police and army uniforms, and some were Janjaweed. They were yelling terrible insults at us. And then they set my house on fire”*.

Mohamed Osman, a 65-year-old man, said that his village, Sawawih, near Abujeradil, was attacked on 7 April around 12 pm. He heard gunshots from

Abujeradil at around 10 am and saw fires burning at a distance. The first attackers came on foot, carrying heavy weapons and wearing military uniforms. They were soon followed by other attackers in Land Cruiser pick-ups. The attackers came to his house, shot and injured his horse, stole three motorbikes and took 60 cows, 40 goats, and 10 donkeys. They then set the house and everything inside it on fire. When he returned to Sawawih two days later, all the houses were burned.

Omar, a Masalit man, fled aerial bombardments in Dafag, South Darfur in 2007 and ended up in Central African Republic (CAR). He told Amnesty International: *"I went back to Sudan in January 2013, and decided to settle in Um Dukhun where I opened my own shop. On 10 April the Janjaweed carried out an attack in Um Dukhun. I was sitting in my shop. They came there and held their weapons. They tied me up, and stole everything. They also told me 'you are lucky we are not killing you but we are taking everything that is yours'. A policeman untied me once they left. He had watched the whole scene and didn't do anything or say a word"*.

Refugees who fled the village of Murnei in early April 2013, reported that the entire village was burned to the ground, including the cultivated fields.

**Customary international humanitarian law prohibits deliberate attacks, destruction and removal of objects such as land used for agriculture, crops, livestock, drinking water installations and supplies, which are critical for the survival of the civilian population.<sup>45</sup> Such attacks, including the wilful looting and destruction of property also violate the right to an adequate standard of living, which Sudan is obliged to respect under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).**

## ASSAULTS AND BEATINGS

Many refugees, and in particular women, told Amnesty International that the attackers would come into their homes, beat them with sticks, and with their rifle butts, before taking all their belongings.

Khadija M., who was living in Abujeradil when the fighting started, said that as she was running away with her children: *"Five men on horses surrounded me, they were all carrying weapons. They hit me really hard with the back of their weapons. I fell down... and broke my right leg. Now I can't walk without a cane. I was later picked up by the Chadian army who helped me cross the border"*.

A 60-year-old Masalit woman living in Kaban said that armed men came into her house and hit her in her ribs and her head using their rifle butts, before stealing all her belongings, and her cattle. *"My head is still hurting, always hurting. I lost everything. We lost all hope, we lost so much"*.

A 70-year-old Salamat woman from Um Dukhun reported that

*"The Misseriya came into my house. They beat me, threw me on the floor and hit me on my face and broke my ribs. One of them shot me through my left knee, and the bullet went through. He said to me 'you are the enemy, you deserve the worst'.*

Haroun, a 29-year-old mechanic living in the village of Gurlia when it was attacked, was beaten with sticks by a group of five armed men. He broke his left wrist trying to protect himself from the blows.

29-year-old Abdulrazik Abubakr Isaak from the Aranga ethnic group, was captured by an armed man on horseback wearing an unmarked uniform while he was fleeing Abujeradiil. The man tied him up to a tree with his hands behind his back. He called him *Toro Boro* – a term used to refer to rebels against the government -, and slave. Other armed men joined the attacker and they beat him using their rifle butts and sticks until he lost consciousness. Abdulrazik said: *“when I regained consciousness I was untied, no one was around, and everything was burning and was destroyed”*. When he reached the border, the Chadian army helped him and brought him to Tissi where he received treatment for his injuries.

## SEXUAL AND GENDER BASED VIOLENCE

Many women who spoke to Amnesty International said that armed men, whom they referred to as either “Janjaweed” or “Misseriya”, harassed and threatened them while they were on the road fleeing to Chad. Some said that armed men had tried to rip the clothes off their back while they were running away. Others reported witnessing women being abducted by the attackers during the fighting.

Women from the Salamat tribe said that they did not suffer rape or other forms of gender based violence. One Salamat woman told Amnesty International: *“This does not happen to us, it happens mainly to African tribes, the Dajo, Masalit, Fur. But not us”*.

Amnesty International is concerned that there could be a heavy stigma associated with sexual violence that prevents Salamat women from talking about their experiences. Reports of sexual violence documented in this section are predominantly from the Masalit tribe, though most of the refugees Amnesty International spoke with, men and women alike, said that sexual violence, and in particular rape, are very common crimes in Darfur. They also reported that these crimes had increased in their area during clashes in 2013. The organization has previously documented systematic sexual violence against women in the context of the conflict in Darfur, which amount to war crimes.

One Masalit woman told Amnesty International that armed men abducted her child during the attack in Abujeradiil. They held the girl captive for four days, during which time they raped and beat her, before abandoning her close to the Chadian border. The mother said *“She doesn’t remember much of what happened. I found her by chance near the Chad border. She is only ten-years-old. She came back full of bruises on her body, they beat her and raped her. How could they do that to a child?”*.



A mother of eight, who was separated from five of her children during the attack on Abujeradil, said that she was attempting to flee with three of her children, when they were stopped by six armed men wearing green fatigues and covered faces. Two of the armed men, whom she believes were Misseriya, restrained her, while the three others assaulted her daughter.

*"First they beat me with sticks on my back...I fell, and they hit me again on my neck with the back of their rifles. They took my daughter... she is six-years-old... and tied her to a tree, beat her, and raped her. Now, she can't walk on her own, she needs [walking] sticks".*

A 20-year-old Masalit woman from a village near Um Dukhun town said that armed men dressed in military fatigues *"surrounded the women, we couldn't find a way out. They took us all and locked us in a hut and kept bringing women and young children. They would then come, take the pretty women and rape them. Until now we don't know where they are. They came, killed all our men, and then beat us, and raped some of us. They told us we are slaves"*.

Saida from the Barti tribe, told Amnesty International that Zainab, a Dajo woman, was raped in her house in Um Dukhun during an attack in April. Saida added that Zainab was unable to walk when the men left her for dead. She also witnessed the abduction of six girls between the ages of 16 and 18 by armed men she referred to as Janjaweed.

## **SEXUAL AND GENDER-BASED VIOLENCE IN DARFUR**

**Rape and sexual violence remains prevalent in and around internally displaced people's camps in Darfur because of high insecurity and rampant criminality in the camps, and surrounding areas.<sup>46</sup> Many of the refugees Amnesty International spoke to, indicated that there is a high prevalence of rape and sexual violence where they live. Male and female community leaders reported that women are often abducted and raped when they are working in the fields, or when they fetch wood or water. UNAMID recorded 24 cases of sexual and gender-based violence involving 31 victims, of which 23 were victims of rape from July to September 2013. The incidents reportedly happened while the women were collecting firewood or cutting grass.<sup>47</sup>**

**Women leaders from the Masalit community in Goz Amir camp told Amnesty International:<sup>48</sup> *"Rape happens a lot. Particularly women who go to get wood on their own, they usually get kidnapped, raped, and released after a few days. Many women are too afraid to speak about it, but we recognise them because some come back without much clothes on them...And people don't report out of fear that these Janjaweed who are our neighbours will harm us. We can't complain to the police. We will be even more punished."***

**A Masalit Sheikh said: *"Sometimes you see a woman come back with torn clothes after disappearing for a few days. You can guess what happened. The problem is that nothing can be done about this."***

**Abdelrahman used to live with his family in an internally displaced person's camp near Mukjar. He**

told Amnesty International: *“Internally displaced people’s camps in Darfur are in bad condition. There is a high level of insecurity at all times. There is a lot of crime, and many women get raped when they leave the camp to go get firewood or water.”* He added that in March 2013, his brother’s widow went to collect firewood one day and was attacked by three armed Janjaweed on horseback. She managed to flee and ran inside the woods before she made it back to the camp, but with some of her clothes torn.

UN and humanitarian workers in Chad expressed their concern that few cases of sexual violence occurring in Darfur are reported despite the fact that rape has been a central part of the conflict. No single case of rape that Amnesty International has documented over the years has been reported to the police. In cases where the perpetrators were Sudan state actors, the survivors or members of their family told Amnesty International that they were too afraid to speak up for fear of retaliation. Healthcare workers and organizations that offer medical care and psycho-social counselling also believe that women who are subjected to sexual violence may be too afraid to speak out about it, report it and seek medical assistance. The UN Secretary-General has stated that the *“underreporting of sexual and gender-based violence remained a challenge owing to social stigma and the lack of confidence in Government authorities to investigate and prosecute the perpetrators of such crimes”*.<sup>49</sup>

A refugee volunteering with an organization providing psychosocial counselling said: *“Many of our women got raped, but they don’t come forward, and this translates in psychological issues... And you see it within the community”*.

# RESTRICTIONS ON HUMAN RIGHTS MONITORING AND ACCESS TO HUMANITARIAN ASSISTANCE

Independent human rights monitoring of the conflict in Darfur has been hampered by the government's continued refusal to grant human rights groups, including Amnesty International, access to the region.<sup>50</sup> Foreign journalists in Khartoum are also denied access to Darfur. The UN Independent Expert on the situation of human rights in Sudan is one of the few international and independent human rights monitoring bodies allowed access to Sudan and particularly Darfur. However, in his latest visits to Sudan, he was only able to access government-controlled areas, and as such was unable to assess the human rights situation in conflict-affected areas controlled by the armed opposition.<sup>51</sup>

In a visit to Sudan in 2013, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos noted an increase in humanitarian needs due to conflict-induced displacements in 2013 and a substantial shortfall in funding.<sup>52</sup> Humanitarian organizations that still have access to Sudan continue to face restrictions in accessing certain areas in Darfur and other parts of the country. In March 2013, the government issued a new directive denying all humanitarian organizations access to conflict-affected areas in Darfur in violation of international humanitarian law.<sup>53</sup>

## HUMANITARIAN ASSISTANCE UNDER INTERNATIONAL LAW

**Restricting the provision of humanitarian assistance to civilians is prohibited by customary international humanitarian law, including the Additional Protocols to the Geneva Conventions. Under customary international humanitarian law, as explained by the International Committee of the Red Cross, "The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control."<sup>54</sup>**

Humanitarian organizations have raised their concerns about the restrictions to humanitarian access many times with the Sudanese government. The European Community Humanitarian Office stated that it has become "increasingly difficult to assess needs and deliver aid in an impartial manner, and the government pressure to channel humanitarian aid through local partners is fuelling this."<sup>55</sup>

UNAMID has also been unable to access conflict-affected areas due to government restrictions, severely impacting on their ability to discharge their mandate. UNAMID reported that their requests to visit Um Dukhun when the conflict started April 2013 were repeatedly denied on the basis that inter-communal violence is not part

of UNAMID's mandate.<sup>56</sup> These restrictions severely hinder UNAMID from monitoring and carrying out its civilian protection mandate in areas most affected by conflict. Sudanese authorities also use bureaucratic impediments, particularly in relation to the provision of visas and permits, to restrict access to certain areas.

Many refugees told Amnesty International that since 13 humanitarian organizations were expelled in 2009,<sup>57</sup> the humanitarian situation in Darfur has significantly deteriorated.

## **UNAMID'S ROLE**

**Central to UNAMID's Chapter VII mandate under Security Council Resolution 1769 (2007) is the protection of civilians.<sup>58</sup> Despite being described as one of the largest and most expensive peacekeeping missions in Africa, UNAMID has been unable to fulfil its mandate particularly when it comes to the protection of civilians.<sup>59</sup>**

**Amnesty International has noted UNAMID's continuing difficulties with fully carrying out its civilian protection mandate in 2013. UNAMID was unable to consistently and frequently patrol all areas that have been affected by the fighting. Almost all refugees Amnesty International spoke with who had fled the fighting between the Misseriya and Salamat said that they did not recall seeing UNAMID personnel. One refugee said: "I know they have a base in Bindisi and Mukjar, but I have never seen them". An aid worker based in Darfur told Amnesty International that internally displaced persons do not view UNAMID as a body likely to assist them.<sup>60</sup>**

**UNAMID has made efforts to improve the human rights situation and enhance public recognition of the impact of inter-communal violence, in particular through its mediation and reconciliation efforts between both tribes.**

**However, inability to access the conflict-affected areas has meant that UNAMID has been largely unable to protect civilians from international crimes committed during the fighting between the Misseriya and Salamat tribes, and also that they have not been able to monitor, document and publicly report on the rampant human rights abuses being perpetrated with impunity in Darfur.**

**Amnesty International acknowledges the importance of the Secretary-General's regular public reporting on all the human rights issues identified by UNAMID, as very few independent human rights monitoring bodies have access to Darfur. The organization urges UNAMID to enhance efforts to publicly report and condemn human rights violations in Darfur as they happen, particularly in conflict-affected areas, as this will assist in bringing these matters to the attention of the UN Security Council and the international community, and in demanding accountability from the Government of Sudan.**

**Amnesty International recognizes that some of the conflict-affected areas in Darfur are not accessible to UNAMID troops due to government restrictions. It is vitally important, therefore, that UNAMID leadership, as well as senior UN officials and the UN Security Council, make it clear to the Sudanese government that such restrictions are unacceptable and a violation under international law, and that UNAMID forces must be given full and unhindered access to all parts of Darfur.**

**UN Security Council resolution 2113 (2013) renewed UNAMID's mandate until 31 August 2014 due to the increasingly deteriorating security situation in Darfur, but requested the Secretary-General to "conduct a detailed, forward-looking review of UNAMID's progress towards meeting its benchmarks ... with recommendations to improving its effectiveness".<sup>61</sup> The UN Security Council also underlines in paragraphs four and five of that resolution the need for UNAMID to prioritize the protection of civilians, including "enhanced efforts to respond promptly and effectively to threats of violence against civilians", and "ensuring safe, timely, and unhindered humanitarian access, and the safety and security of humanitarian personnel and humanitarian activities".**

## APPLICABLE INTERNATIONAL LAW

Both international human rights law (IHRL) and international humanitarian law (IHL) are applicable in the inter-communal violence in Darfur, which Amnesty International considers to be part of the ongoing, complex, non-international armed conflict in the region. The Misseriya, Ta'aisha and Salamat fighters as well as all other individuals and forces who have perpetrated violations of IHL and IHRL documented in this report can be held criminally responsible under international criminal law.

All parties to the conflict are bound by treaty and customary international humanitarian law, most notably Common Article 3 of the Geneva Conventions, which requires that civilians and other persons taking no active part in the hostilities, must never be subjected to "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture." Although Sudan is not party to the two Additional Protocols to the Geneva Conventions, a significant number of provisions are considered to constitute customary international law and therefore applicable. All parties to the conflict in Darfur are also bound by customary law to observe prohibitions on attacks against the civilian population and civilian objects; collective punishments; pillage, rape, and any form of other indecent assault.

A fundamental rule of international humanitarian law requires parties to the conflict to at all times distinguish between civilians and combatants. In particular, attacks may only be directed against combatants and must not be directed against civilians.<sup>62</sup> A similar rule requires parties to distinguish between civilian objects and military objectives. These rules are part of the fundamental principle of distinction.<sup>63</sup> Intentionally directing attacks against civilians not taking part in hostilities, or against civilian objects, is a war crime.<sup>64</sup>

Sudan is a state party to some of the major international human rights treaties, which also apply during armed conflict. Of particular reference note are IHRL provisions related to the right to life, and the prohibition of torture and other ill-treatment which are non-derogable under the International Covenant on Civil and Political Rights (ICCPR) and which are similarly protected under the African Charter on Human and Peoples' Rights.<sup>65</sup> International human rights law and international criminal law recognize that rape is a form of torture.<sup>66</sup>

All states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes against humanity and war crimes, as well as other crimes under international law such as torture and extrajudicial executions.

# CONTINUED IMPUNITY FOR INTERNATIONAL CRIMES

## GOVERNMENT RESPONSE TO THE MISSERIYA- SALAMAT FIGHTING

The Sudanese government has generally downplayed its own responsibility and chosen not to get directly involved in the inter-communal violence.<sup>67</sup> At the same time, the paramilitary forces and other pro-government militias' growing economic grievances have increasingly weakened the governments' command and control of these forces.<sup>68</sup>

As already detailed in this report, armed groups and members of paramilitary forces have committed serious violations of human rights and IHL, some of which amount to war crimes. Paramilitary forces used government vehicles and weapons to perpetrate these violations. Amnesty International found that there was little or no action by the Sudanese authorities to protect civilians in conflict-affected areas, to investigate human rights and IHL violations, or to hold to account those who were found to be responsible. Local and regional authorities took some action to defuse the fighting, but these were largely ineffective in stopping wide-scale human rights abuses because they were taken months after the fighting had begun and were predominantly focused on reconciliation efforts.

Very little action was taken to prevent or stop attacks against civilians, particularly during the large-scale attacks in Biltebe, Abujeradil and Um Dukhun in April 2013. Roughly a dozen officials from the SAF were in the area and provided protection for a small number of civilians who fled to their barracks near Abujeradil. No other troops were deployed to defuse the fighting and protect civilians until several months later, in October and November. This belated troop deployment nonetheless resulted in decreasing tensions between the two tribes.<sup>69</sup> Local sources told Amnesty International that during the first months of fighting, the Sudanese government placed Misseriya paramilitary forces in and around Um Dukhun to provide protection, leaving members of other tribes feeling insecure.<sup>70</sup> By not taking steps to ensure the safety of civilians early in the fighting, the Sudanese government neglected its responsibilities to protect everyone within its jurisdiction.

Local means of conflict resolution were ineffective as the fighting sporadically continued over six months. Reconciliation efforts led by local authorities took place as early as April 2013, and a peace agreement was signed on 3 July 2013 but did not halt the fighting. On 18 November, the Governor of Central Darfur issued orders, including penalties, to prevent any further clashes.<sup>71</sup> Nevertheless, after a lull lasting three months, renewed fighting occurred on 19 February 2014 in Um Dukhun locality. Although reconciliation efforts are necessary and are part of

Darfur's culture of traditional justice, the lack of accountability for human rights and IHL violations has contributed to the on-going violence and the pervasive culture of impunity in the region.

The authorities restricted the movement of UNAMID and of humanitarian organizations to the conflict-affected areas, effectively limiting the protection available to civilians and their access to humanitarian assistance while also ensuring reduced monitoring, documentation and reporting of human rights and IHL violations.<sup>72</sup> Limiting access to conflict-affected areas helps to ensure impunity for violations.

## **GENERAL IMPUNITY FOR THE MOST SERIOUS CRIMES**

**Since the start of the conflict in Darfur in 2003 there has been no accountability for human rights abuses, some of which amount to international crimes. In September 2010, the Sudanese government pledged to support the work of Sudan's appointed Special Prosecutor for Darfur and related national tribunals to carry out their mandates.<sup>73</sup> More than three years later no significant steps have been taken to hold to account those responsible for the most serious violations of human rights and international humanitarian law.**

**The government has refused to cooperate with the ICC to execute the warrants of arrests issued against certain Sudanese government officials, including President Omar Al Bashir.<sup>74</sup> In 2013, the Prosecutor for the ICC expressed her deep frustration at the lack of action by the UN Security Council when she presented the 18th briefing on the situation in Darfur. The Prosecutor reported in her briefing that the situation in Darfur had not changed over the last ten years after the start of the conflict with continuous aerial bombardments in civilian areas, the involvement of government officials such as Ali Kushayb in attacks against civilians in Central Darfur, and a pervasive climate of impunity.<sup>75</sup>**

**The Government of Sudan has stated that it does not recognise the ICC's jurisdiction; that the situation in Darfur has considerably improved since 2003, and that the Special Prosecutor for Darfur was investigating more than 53 criminal claims.<sup>76</sup> The Special Prosecutor also informed UNAMID that since his appointment, nine trial cases of serious crimes resulted in 42 convictions and that he was investigating 57 other cases. However, details of, and access to hearings were not provided. On 24 February 2013, six members of the Popular Defence Forces were tried and found guilty of manslaughter and sentenced to death by the Special Prosecutor. On 1 May 2013, the Ministry of Justice announced that the Special Prosecutor for Darfur had initiated procedures to lift immunity for some individuals suspected of involvement in crimes in Darfur.<sup>77</sup> At the time that this report was finalized however, no tangible measures have been announced.**

**The Government of Sudan has failed to deliver fair and impartial justice in response to human rights violations, including those amounting to international crimes. The lack of justice for grave human rights violations perpetuates the cycle of violence in Darfur. While Amnesty International strongly supports the prosecution of persons suspected of perpetrating human rights violations including those amounting to international crimes, the organisation emphasises that these prosecutions must meet international standards of fairness and neither the death penalty nor other cruel, inhuman or degrading punishments may be imposed.**



The government of Sudan needs to urgently take steps to restore security and the rule of law in Darfur.

Many of the Darfuris interviewed by Amnesty International expressed a desire for justice to be done and for reparations to be made to victims and survivors. The people of Darfur have endured over a decade of continued violence fuelled by impunity.

Ending the reign of impunity by properly investigating, prosecuting and punishing those responsible for serious violations would do much to alleviate inter-communal tensions and restore confidence in the rule of law.

# DARFURI REFUGEES IN CHAD: HUMANITARIAN NEEDS, PROTECTION CHALLENGES

Darfur's decade long human rights and humanitarian crisis has caused massive displacement. Well over two million Darfuris are displaced internally, and in neighbouring Chad and the CAR.

Over 60,000 people living in Central Darfur have been displaced due to the conflict between the Misseriya and the Salamat.<sup>78</sup> The UN and other international humanitarian organizations estimate that approximately 25,000 people have been displaced within Darfur since fighting started.<sup>79</sup> According to UNHCR, over 35,000 Darfuris sought refuge in neighbouring Chad and CAR since January 2013, all of them fleeing inter-communal violence.<sup>80</sup>

## MULTIPLE DISPLACEMENTS

Over the past decade, many Darfuris have been forced to flee multiple times as fighting erupted in and around their places of refuge, within Darfur or in neighbouring countries.

The UNHCR estimates that over two million women, men and children have become displaced within Darfur over the past ten years and have found shelter in a vast network of internally displaced person's camps throughout the region. In 2013 alone an additional 460,000 people were internally displaced due to inter-communal violence (of which 25,000 from the Misseriya - Salamat conflict) and fighting between the SAF and armed opposition groups.<sup>81</sup>

The situation in Darfur's internally displaced people's camps has often been precarious, with respect to ensuring security and meeting humanitarian needs. Abuses by armed groups, including by members of government paramilitary forces, remain commonplace in several internally displaced people's camps in Darfur. Very little is done by the Sudanese government to protect internally displaced people, leaving them vulnerable to attacks, abduction, looting and sexual violence.<sup>82</sup>

Over the last decade close to 300,000 Darfuris have also fled across the border into neighbouring eastern Chad and now reside in twelve camps that are scattered along the lengthy shared border between Chad and Sudan. The number of Darfuri refugees in Chad had remained relatively stable until 2013 when there was a significant increase due to the upsurge in inter-communal violence in North and Central Darfur.<sup>83</sup>

A 40-year-old Masalit man told Amnesty International that he initially fled to the internally displaced people's camp in Kalma when his village in Darfur was attacked and destroyed in 2003, but that it was impossible to stay there because of rampant insecurity. He later fled to CAR, then back to Darfur when the security situation in CAR deteriorated, and then fled to Chad in the wake of the fighting in Abujaeradil in April 2013. He described this cycle of multiple displacement as follows: *"I left hell behind me when I fled Darfur the first time. Then hell found me in Central Africa. But it was still hell in Darfur. What will happen to me now in Chad? Will there be hell here also?"*

Even before the influx in 2013, international and Chadian efforts to provide protection and support to Darfuri refugees in Chad have been strained. The camps are in remote locations where the local populations also experienced considerable insecurity intermittently due to the presence of armed groups in the region. These armed groups have perpetrated widespread human rights abuses in eastern Chad against the local population and Darfuri refugees. Amnesty International has previously reported these human rights abuses including sexual and gender-based violence against Darfuri refugee women and girls, and forced recruitment of child soldiers by Darfuri armed opposition groups from refugee camps in the area.<sup>84</sup>

Consequently, the United Nations Mission in CAR and Chad (MINURCAT) was approved by the UN Security Council in 2007 and was deployed in eastern Chad between 2008 and 2010.<sup>85</sup> MINURCAT's mandate came to an end in December 2010 after the Chadian government informed the UN that it no longer agreed to the mission's presence. Amnesty International raised concerns that it was premature for MINURCAT to withdraw at that time because of continued insecurity and human rights violations.<sup>86</sup>

Since then, the Chadian authorities have borne the responsibility for assuring security in eastern Chad, including for Darfuri refugees. A specialized Chadian security force, the *Détachement pour la Protection des Humanitaires et des Réfugiés* (DPHR) discharges this responsibility since July 2013.<sup>87</sup> UN and humanitarian agencies operating in eastern Chad repeatedly told Amnesty International that they are concerned the DPHR is significantly under-resourced since it became nationally administered and funded. For instance, the DPHR currently relies on UN and humanitarian agencies to provide fuel for the escorts and patrols it carries out, which limits its ability to conduct security patrols as necessary.

In addition to challenges in ensuring the safety of Darfuri refugees, UN and humanitarian agencies have faced very serious difficulties in meeting the humanitarian needs of refugees in eastern Chad. There have been challenges in ensuring adequate food and water, coping with the region's heavy rainy season and putting in place full primary and secondary school programs. The difficulties arise both due to the harsh and isolated locations of the camps and because of ongoing underfunding of programmes. This is despite UN appeals to support the work of the World Food Program (WFP), the UNHCR and other agencies and organizations operating in the area.<sup>88</sup>

The growing number of refugees fleeing inter-communal violence in Darfur has added a new dimension to the protection and humanitarian challenges, as their needs differ substantially from the needs of the refugees who have been living in the camps for a longer period of time.

## 2013: SPIKE IN INFLUX OF REFUGEES TO CHAD

Chad hosts refugees not only from Darfur, but also from Libya, CAR and Nigeria. In 2013, crises in neighbouring countries led to a considerable influx of refugees into Chad, which is now home to over 400,000 refugees; some of whom have been in the country for a decade, others only for a few months. The UN estimates that there were 348,528 Sudanese refugees and 74,131 from CAR in Chad by August 2013.<sup>89</sup> The number of refugees from CAR has continued to rise sharply, given the dramatic deterioration in that country's human rights situation. Alongside refugees from CAR, Chadian nationals who have resided in CAR for many years have fled the human rights crisis in that country and returned to Chad. With this high influx of refugees and returnees, concerns have grown within the humanitarian community and the Chadian government about the resources and capacity to meet the protection and humanitarian needs of a rising Darfuri and Central African refugee population in Chad.

Abgadam camp, in the far south-eastern corner of Chad, was home to just over 20,000 refugees, close to 90% of whom are Salamat in November 2013.<sup>90</sup> The camp was established in May 2013 to accommodate new arrivals from Um Dukhun fleeing fighting which had just erupted in and around their locality. The camp is jointly administered by UNHCR and the Chadian refugee agency – *Commission nationale d'accueil et de réinsertion des réfugiés* (CNARR). Refugees in the camp rely to a large extent on assistance and services provided by humanitarian organizations. The refugees have established a market, providing other refugees the opportunity to buy additional goods they need, if they can afford them. Some of the refugees who were in Abgadam refugee camp, returned to Um Dukhun in December 2013 and January 2014 after the lull in the fighting.<sup>91</sup> However, approximately 15,000 of them have returned back to Chad in February 2014 when fighting resumed.

A number of non-Arab tribes were caught up in the inter-communal violence and fled as well. In particular, approximately 5,000 Masalit people fled to eastern Chad between April and June 2013 from Um Dukhun locality. Most were transferred to a new Annex to Goz Amir refugee camp outside the village of Koukou Angarana and close to 250 kilometres northwest of where they crossed into Chad. A smaller number, however, were residing in Abgadam camp.

There were also approximately 6,000 undocumented Misseriya refugees living on informal sites in and around Abgadam refugee camp. The Misseriya who had fled into Chad were scattered in different locations, not far from the border, making it difficult to reach them and identify their protection needs. Their protection poses particular challenges given the current animosity between the Misseriya and

Salamat in Darfur. A representative of the CNARR told Amnesty International that a Misseriya family reportedly fled Abgadam refugee camp after receiving threats from a member of the Salamat tribe.<sup>92</sup>

## CURRENT CHALLENGES: HUMANITARIAN NEEDS

**As stipulated in the UN Convention and Protocol Relating to the Status of Refugees (1951, 1967), to which Chad is a state party, states must provide refugees within their territory with their basic needs (including the opportunity to provide for themselves) and protect, respect or fulfil their rights. These include the rights to welfare, housing and education.**

**Access to basic services in refugee camps is essential in order to enable refugees to enjoy these key human rights, in particular the right to adequate standard of living, including food, clothing, housing, water and sanitation; the right to the highest attainable standard of health; the right to education, particularly for children; and protection and assistance for the family as set out in the International Covenant on Economic, Social and Cultural Rights.**

Amnesty International interviewed over 90 refugees at Abgadam refugee camp and at the annex at Goz Amir Refugee camp. The organisation also met with Chadian government UN agency and humanitarian organization officials.

### ACCESS TO ADEQUATE FOOD

Inadequate food and the threat of starvation was a key issue for refugees. Refugees in both camps said that their monthly food allowance lasted only two weeks. Some refugees were able to supplement their allowance by growing or purchasing food in local markets. However, refugees who arrived in 2013 were more vulnerable to starvation than refugees who have been living in camps like Goz Amir for many years as they were less likely to have access to land for farming, or to afford to purchase food.

One Masalit woman interviewed at Goz Amir camp highlighted the challenges of stretching out her food allowance.

*I am very grateful for the assistance we receive. But the food we receive is not enough. It is supposed to last for one month but only lasts for about two weeks. In Abujeradil we grew most of our food and we were able to buy extra food with money we earned from selling chickens and goats. I can't do any of that anymore. I see other women who have been here at Goz Amir for a long time who are growing food and are earning money at the market. But I cannot do that. I have no way to get extra food for my family. The only thing I can do is use as little food as I can.*

Another Masalit woman, a mother of five children, said:

*It's really hard here. There is not enough food, so I have to work very hard from 6 am to 6 pm. But I don't always make enough money to feed my*

*children.*

Many refugees said that their children could not attend school and/or study because, as one mother said, “*They are weak and ill; they are too weak to study.*”<sup>93</sup>

Refugees in Abgadam camp told Amnesty International in November that they had missed the monthly food distribution when they arrived at the camp in October, and that they had still not received any food – 35 days later at the time of the interview, despite the fact that they had been registered by UNHCR.<sup>94</sup>

UNHCR underlines “the importance of timely and adequate assistance and protection for refugees” and affirms “that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection”.<sup>95</sup> UN and humanitarian workers shared the concerns about inadequate food in the camps, which they said was primarily because the WFP program for Chad is underfunded.<sup>96</sup> Repeated food crises in Chad in recent years (2005, 2008, 2010 and 2012) have compounded the situation. High rates of acute malnutrition were recorded in 2012 and 2013 throughout the country and food insecurity is projected to worsen in 2014,<sup>97</sup> as a result of which concerned UN agencies are attempting to find a long-term solution for the refugees. For instance, in 2013, UNHCR launched a pilot project in southern Chad to promote self-reliance and reduce dependency of refugees, as well as strengthen local services, especially in areas of food, water, sanitation and education.

#### ACCESS TO EDUCATION & HEALTH

Refugees in both camps visited by Amnesty International also raised a variety of concerns around access to education and health care services. Primary school programs have been put in place at Abgadam refugee camp and for new arrivals at the Goz Amir annex. There is no secondary schooling at Abgadam. Refugees in the Goz Amir annex, however, are able to attend secondary school programs in the main Goz Amir camp.

Amnesty International received reports from a number of refugees that they are being required to pay fees amounting to 40 CFA (0.08 USD) per week per child in addition to 250 CFA (0.5 USD) for registration in order for their children to attend the primary school in Goz Amir annex.<sup>98</sup> Some parents said that they were unable to send their children to the school due to the fees. The organization was not able to verify those reports but urged organizations responsible for education in the camp to investigate these allegations, as there should be free access to primary education in the camps.<sup>99</sup>

Amnesty International has also urged that secondary schooling be made widely available in both Abgadam camp and the Goz Amir annex. The organization has previously highlighted concerns that the lack of secondary school programs in refugee camps in Chad contributes to the recruitment of child soldiers, particularly of boys and young men who join armed groups because there are no further educational opportunities once they complete primary school.<sup>100</sup>

Amnesty International also received a number of reports highlighting concerns about the provision of health care at Goz Amir camp. While refugees said that they were generally able to access the health facilities available in the camp, those with limited mobility found it harder. Some refugees said that their medical examinations were cursory and that they were often sent away with only painkillers, rather than being thoroughly examined and treated. In emergencies or where the sick are unable to reach the hospitals, refugees said that they had to wait hours for one of the ambulances in the camp to reach them.

Some refugees said that after receiving treatment and a diagnosis at camp health centres they were then left to purchase necessary medicines out of their own funds. Primary health care should be provided free of charge to all refugees.

One elderly refugee woman whose right leg was broken as a result of beatings by armed men during the attack in Abujeradil said: *"I am always in pain and whenever I go to the doctor, they tell me I have to pay for the medicine. Where am I supposed to bring the money? I am a refugee."*

Other refugees indicated that they have faced considerable difficulty in obtaining authorization to be transferred to larger centres, such as Goz Beida or Abeche, to obtain treatment for illnesses or conditions that cannot be treated at Goz Amir.

Amnesty International raised the issue with organizations in charge of the provision of health care in Goz Amir camp and urged that all primary health care including medicine be made more accessible and provided free of charge.

## PROTECTION CHALLENGES: RELOCATION

Many of the refugees Amnesty International spoke to also raised concerns about a proposed new refugee camp, to which refugees at Abgadam refugee camp and/or newly arriving refugees would be transferred. The proposed site is near Kerfi, a village southwest of Goz Beida and approximately 200 km from the Sudan border.<sup>101</sup>

Chadian authorities and UN agencies told Amnesty International that Abgadam camp was set up as an emergency response to the large influx of refugees coming to Chad through Tissi at a time when the rainy season was quickly approaching. Chadian authorities have expressed security concerns that the close proximity to Sudan increases the likelihood of the camp being used as a military base, and the risk that the conflict could spill over into the camp and Chad.

Amnesty International agrees that Abgadam's close proximity to two volatile borders, CAR and Sudan, is not in keeping with best practice, which requires camps to be located at a reasonable distance from the border that refugees have crossed,<sup>102</sup> and for states to take steps to ensure the civilian and humanitarian character of refugee camps.<sup>103</sup> However, the proposed Kerfi site would be unreasonably far from the border – at least 200 km, - as compared to the general rule of at least 50 km.<sup>104</sup>

Refugees frequently said that they were against any relocation. They were concerned that the great distance from the border would make it much more difficult to occasionally return home to assess if it was safe to return permanently. Salamat refugees were also concerned that they would not be accepted by the local population around the Kerfi region.

One elderly Salamat man told delegates: *"I'm too old to be moved to a place where we have no friends. I won't go. I'd rather go back and die in Darfur or even die right here"*.

A 27-year-old Salamat man said that he was worried that making them relocate could unleash bigger problems.

*"It always seems like something is about to explode. Forcing people to move could be that explosion. They won't move and won't be able to stay here, so they will go back. That will increase the fighting and there will certainly be more people killed on both sides"*.

A Salamat woman in her thirties also told Amnesty International she would not agree to be transferred to Kerfi.

*"I would be very afraid there. How would I go out for firewood if all around are potential enemies who might attack and rape me? Let us stay here where we feel safe, don't take us to another place where we would always feel in danger"*.

Amnesty International obtained information from UN agencies and humanitarian organizations in Chad that the decision to relocate refugees from Abgadam camp was put on hold when the fighting stopped.<sup>105</sup> However, Kerfi is still being considered as a location for newly arrived refugees, both from Sudan and CAR. Chadian authorities report that all relocations to Kerfi will be voluntary. None of the refugees the organisation spoke with who had heard of the relocation plan had been consulted about it at the time of interview. Amnesty International raised concerns at the time with CNARR and UNHCR about the lack of full and genuine consultation with the refugees who are directly affected by the proposed relocation. This raises further concerns that the relocations, if implemented, will not be truly voluntary, and could amount to forced relocations. Amnesty International was later informed that 15 representatives from refugee communities in Abgadam and Haraza went to Kerfi from 7 to 11 January 2014 to assess the location and report their assessment to their communities.<sup>106</sup>

The Chadian authorities and other stakeholders should adhere to the essential refugee protection and humanitarian principles, including ensuring that any relocations do not compromise the rights of refugees to humanitarian assistance; their right to an adequate standard of living; or their right to return in safety and dignity.



# CONCLUSIONS AND RECOMMENDATIONS

With impunity reigning for those violating human rights and international humanitarian law, and with the declining international attention, eleven years on, there seems to be no end in sight for the conflict in Darfur. Fighting between the government and armed opposition groups, and protracted inter-communal fighting, exacerbated by unrestrained paramilitary forces, continues to perpetuate the cycle of violence plaguing this region. Impunity extends to the highest level of government and militia leaders. Victims have no hope at the moment of accessing justice, truth or reparations nationally.

The people of Darfur have been forced to endure unlawful killings, shootings, beatings, sexual violence, targeted destruction of their property and livelihoods, and displacement. At the same time, their government has unlawfully restricted their right to humanitarian assistance and guarantees for non-repetition.

Without justice, serious violations of international humanitarian and human rights law continue to be committed on an almost daily basis against the civilian population. The situation for people in Darfur remains dire. It is time for the Government of Sudan, all parties to the conflict and the international community to end this impasse and take concrete steps to bring this conflict to an end.

Amnesty International urges:

## THE GOVERNMENT OF SUDAN

- Immediately take necessary steps to ensure the full and effective protection of civilians in areas where there is inter-communal violence as required by international humanitarian and human rights law.
- As a priority, conduct an impartial and effective investigation into allegations that members of the Popular Defence Forces, the Central Reserve Police, and the Border Guards are actively involved in attacks against civilians in Central Darfur. Any member of the paramilitary forces who is reasonably suspected of involvement in committing such attacks must be immediately suspended from their posts, pending the outcome of a thorough and transparent investigation, and if there is sufficient evidence, charged and prosecuted in fair proceedings which comply with international standards of fair trial, without resort to the death penalty or other cruel, inhuman or degrading punishments. The outcome of the trials should be publicised so as to raise awareness that such attacks are crimes under international law and are unacceptable.

- Lift all restrictions on movement to all parts of Darfur for UNAMID, humanitarian organizations and human rights monitors. Issue orders to provide UNAMID and other humanitarian or human rights organisations with full freedom of movement in their areas of operation, and full access to any investigations of incidents of human rights violations and abuses.
- Comply with the existing UN arms embargo on Darfur, including by stopping all offensive military flights and seeking prior authorization from the UN Security Council Sanctions Committee to move military equipment and supplies into Darfur.
- Provide immediate and effective support and protection to survivors of human rights violations, including of sexual violence and provide reparation for the victims of human rights violations committed by members of the paramilitary government forces in accordance with international law and standards.

## ARMED GROUPS

- Cease immediately, and undertake not to repeat, all abuses of human rights and violations of international humanitarian law, in particular attacks targeting civilians, including unlawful killings, shootings, beatings, sexual violence, targeted destruction of their property and livelihoods, and displacement.
- Remove any members suspected of abuses of human rights or violations of international humanitarian law from positions and situations where they might continue to perpetrate abuses.
- Cooperate with official investigations complying with international standards and leading to justice for victims and survivors.

## UNAMID

- Make full use of the mission's capabilities and pro-actively fulfil its mandate to protect civilians including by deploying personnel to areas where civilians need the most protection.
- Dedicate adequate resources to independently monitor and publically report on ongoing human rights violations, including on allegations of involvement of government forces in attacks against civilians, under their monitoring and investigating mandate as set out in relevant Security Council resolutions.

## AFRICAN UNION AND REGIONAL BODIES

- Prioritise and urgently address continued grave breaches of international humanitarian law and violations of the African Charter on Human and Peoples' Rights and other human rights treaties, in Darfur, including within all relevant bodies of the African Union, notably the Peace and Security Council and the African Commission on Human and Peoples' Rights.
- Review its position towards cooperation of member states with the ICC, in particular to ensure that AU Assembly decisions respect the obligation of states parties to the Rome Statute to arrest and surrender persons subject to ICC arrest warrants for alleged crimes in Darfur, Sudan.
- Press the Sudanese government to take urgent measures to cease attacks by its forces against civilians, undertake prompt investigations into alleged attacks and human rights violations and violations of international humanitarian law, and implement pending recommendations of the UN Group of Experts and Panel of Experts on Darfur.

## UNITED NATIONS SECURITY COUNCIL

- Ensure UNAMID makes full use of its capabilities and pro-actively fulfils its mandate to protect civilians, and that it adequately monitors and reports on on-going human rights violations, including allegations of involvement of government forces in attacks against civilians.
- Urge the Sudanese government to take urgent action to investigate- promptly, independently, impartially and efficiently- all allegations of attacks against civilians and their properties by members of the Sudanese paramilitary forces and other armed groups, in line with the requirements of international law and standards, and to ensure that perpetrators are held to account.
- Call on the Government of Sudan to allow UNAMID troops full access to all parts of Darfur.

## THE GOVERNMENT OF CHAD

- Ensure that any efforts to relocate refugees from Abgadam to any new site are undertaken in full compliance with protection and humanitarian principles,

including by taking all steps to ensure that any relocation is truly voluntary.

## UNHCR IN CHAD

- Ensure that primary and secondary education is made available in all refugee camps and is freely accessible to all refugee children.
- Ensure that refugees from Sudan have access to adequate services essential for meeting their right to an adequate standard of living.
- Ensure that any efforts to relocate refugees from Abgadam camp to any new site are undertaken in full compliance with protection and humanitarian principles, including by taking all steps to ensure that any relocation is truly voluntary.

## THE DONOR COMMUNITY

- In line with international development commitments, support the Government of Chad with adequate long-term financial and technical assistance, in its efforts to provide protection for refugees and for the provision of adequate humanitarian assistance to the rising influx of refugees into the country.

# ENDNOTES

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<sup>1</sup> See remarks by U.N. Under-Secretary-General for Peacekeeping Operations Hervé Ladsous, U.N. Security Council, "Reports of the Secretary-General on the Sudan and South Sudans", S/PV.7100, p.3

<sup>2</sup> The various groups interviewed by Amnesty International define themselves as tribes (in Arabic *Qaba'il*) that are either ethnically Arab (Salamat or Misseriya) or African (Masalit, Fur, Dajo).

<sup>3</sup> See Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2013/420, 12 July 2013,

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420).

<sup>4</sup> OCHA, Sudan: Old Crisis, New Challenges in Darfur, 20 May 2013. Available at:

<http://www.unocha.org/top-stories/all-stories/sudan-old-crisis-new-challenges-darfur>.

<sup>5</sup> Amnesty International spoke with a number of Darfuri activists, leaders of different Arab tribes, civilians from Central Darfur, who all indicated that that most conflicts have erupted due to disagreements related to traditional land rights, and power over administrative units.

For more information see Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2013/420 12 July 2013,. Also available at:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420); International Crisis Group, "Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process", Africa report n°211, 27 January 2014.

<sup>6</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, UN Doc. S/2013/420, 12 July 2013,. Also available at :

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420).

<sup>7</sup> See all Reports of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, July 2013, October 2013 and January 2014.

<sup>8</sup> See Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 15 January 2014, S/2014/26, p. 7.

<sup>9</sup> See for example: Radio Dabanga, Abu Tira attacks in Darfur due to 'lack of salaries' major says, Available at: <https://www.radiodabanga.org/node/46448> (last accessed on 5 March 2014).

Also, see the Secretary-General's report on UNAMID from October 2013 p.10 "Paramilitary government forces, specifically the Central Reserve Police, Popular Defence Forces, and Border Guards were often identified by survivors and community leaders as perpetrators in many of the reported incidents." Furthermore, Amnesty International spoke with a number of Darfuri activists who reported that the deteriorating security situation in many parts of Darfur is predominantly due to criminal acts often perpetuated by armed men identified as belonging to paramilitary forces.

<sup>10</sup> See Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), February 2013, S/2013/70. Available at:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/79](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/79)

<sup>11</sup> Crisis Group Africa Report No 89, "Darfur: The Failure to Protect", 8 March 2005, p.8.

See also, International Crisis Group, Sudan's Spreading Conflict (II); Sudan's Spreading Conflict (I).

<sup>12</sup> International Crisis Group, "Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process", Africa report n°211, 27 January 2014, p.14.

<sup>13</sup> See Amnesty International, *Darfur: Government forces involved in gold mine attacks*, 30 January 2013. Available at: <http://www.amnesty.org/en/news/darfur-government-forces-involved-gold-mine-attacks-2013-01-30-0>

<sup>14</sup> See for example: "*Bashir established two states in Darfur, reshuffles governors*", Sudan

Tribune, 10 January 2012. Also available at:

<http://www.sudantribune.com/spip.php?article41256> (last accessed 5 March 2014)

<sup>15</sup> The Misseriya and Ta'aisha are both Baggara tribes – cattle herders. The Misseriya can be found in Kordofan, Darfur and Chad. The Ta'aisha are found predominantly in South Darfur. The Ta'aisha are reported to be traditional allies of the Misseriya. Interviews with refugees from the Salamat and the Masalit community. Also see: OCHA, Sudan Humanitarian Bulletin, Issue 15, 8 – 14 April 2013

<sup>16</sup> See for example: Julie Flint, « The Other War: Inter-Arab conflict in Darfur », Small Arms Survey, October 2010. International Crisis Group, "Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process", Africa report n°211, 27 January 2014

<sup>17</sup> Leaders of the Salamat community told Amnesty International that Misseriya armed men had attempted to rob a young Salamat man in Um Dukhun locality. Also see: Radio Dabanga, "Misseriya release Salamat deputy in Central Darfur", 30 April 2013. Available at: <https://www.radiodabanga.org/node/47790>

<sup>18</sup> OCHA, Sudan Humanitarian Bulletin, Issue 15, 8 – 14 April 2013

<sup>19</sup> Bildebe, Kabar, Magula, Abujerail, Murnei, Muradaf, Um Dukhun, and a few others.

<sup>20</sup> Interviews with refugees from Bildebe and surroundings. Also, satellite imagery by other human rights group indicated the destruction of 3000 homes. See Human Rights Watch, « Sudan: Satellite Images Confirm Villages Destroyed », 18 June 2013. Available at: <http://www.hrw.org/news/2013/06/18/sudan-satellite-images-confirm-villages-destroyed>.

<sup>21</sup> Interviews in Goz Amir camp and in Abgadam camp, November 2013.

<sup>22</sup> Sheikh is a title given to village leaders in Darfur.

<sup>23</sup> Interview with refugees in Goz Amir camp, 9 November 2013

<sup>24</sup> OCHA, Sudan Humanitarian Bulletin, Issue 15, 8 – 14 April 2013

<sup>25</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 12 July 2013, S/2013/420, para. 22. Also available at : [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420).

<sup>26</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 14 October 2013, S/2013/607

<sup>27</sup> 18 km east, 34 km south-west and 40 km south of Mukjar, Central Darfur, respectively.

<sup>28</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 14 October 2013, S/2013/607

<sup>29</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 14 October 2013, S/2013/607

<sup>30</sup> See Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 15 January 2014, S/2014/26

<sup>31</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 14 October 2013, S/2013/607

<sup>32</sup> OCHA, Humanitarian Bulletin Sudan, Issue 46, 11 – 17 November 2013

<sup>33</sup> Radio Dabanga, "Dozens slain in renewed Misseriya-Salamat clashes in Central Darfur, 14 November 2013. Available at: <https://www.radiodabanga.org/node/59142> (last accessed on 5 March 2014). Also see OCHA, « Sudan Humanitarian Bulletin Sudan, Issue 46, 11- 17 November 2013. Available at:

[http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_Issue\\_46\\_0.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_46_0.pdf)

<sup>34</sup> In 2010, an agreement was signed between Sudan and Chad and a joint border patrol was formed to monitor the border between the two neighbouring countries.

<sup>35</sup> Interview with local humanitarian sources, November 2013.

<sup>36</sup> See Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 15 January 2014, S/2014/26

<sup>37</sup> The Central Reserve Police are more commonly known as *Abu Tira*.

<sup>38</sup> Other organizations also documented his involvement in the attack. See for example, Human Rights Watch, *Sudan: Satellite images confirm villages destroyed, June 2013*, Available at: <http://www.hrw.org/news/2013/06/18/sudan-satellite-images-confirm-villages-destroyed>. Enough Project, *The Economics of cleansing in Darfur*, August 2013, available at: <http://www.enoughproject.org/files/Economics-of-Ethnic-Cleansing-in-Darfur.pdf>

<sup>39</sup> Interview at Abgadam camp, 14 November 2013

<sup>40</sup> First Geneva Convention, Article 50; Second Geneva Convention, Article 51; Third Geneva Convention, Article 130; Fourth Geneva Convention, Article 147.

<sup>41</sup> ICC Statute, Article 8(2)(a)(i) and (c)(i).

<sup>42</sup> See International Covenant on Civil and Political Rights, Article 6(1); African Charter on Human and Peoples' Rights, Article 4.

<sup>43</sup> See International Covenant on Civil and Political Rights, Article 4(2) The African Charter on Human and Peoples' Rights does not provide for any derogation of its provisions in a state of emergency.

<sup>44</sup> Other organizations have previously documented and confirmed this widespread destruction through the use of satellite imagery. See for example, Human Rights Watch, *Sudan: Satellite images confirm villages destroyed, June 2013*, Available at: <http://www.hrw.org/news/2013/06/18/sudan-satellite-images-confirm-villages-destroyed>. Enough Project, *The Economics of cleansing in Darfur*, August 2013, available at : <http://www.enoughproject.org/files/Economics-of-Ethnic-Cleansing-in-Darfur.pdf>

<sup>45</sup> See for instance Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I. Rules (Cambridge: Cambridge University Press, 2005), Rule 54.

<sup>46</sup> See for example: Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/607, 14 October 2013. Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), S/2013/79, 12 February 2013. Nobel Women's Initiative, *Survivors Speak Out: Sexual violence in Sudan*, November 2013.

<sup>47</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/607, 14 October 2013

<sup>48</sup> Interview at Goz Amir camp, 9 November 2013.

<sup>49</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/607, 14 October 2013, p. 10

<sup>50</sup> Amnesty International has been denied access to Sudan since 2006.

<sup>51</sup> See Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin, A/HRC/24/31, 18 September 2013, Available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-31\\_en.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-24-31_en.pdf). Also see: Press Statement issued by the UN Independent Expert on the situation of human rights in the Sudan, Professor Mashood Adebayo Baderin, at the end of his 4th mission to the Sudan, 19 February 2014. Available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14267&LangID=E>

<sup>52</sup> Sudan Tribune, 300,000 displaced in Darfur, UN says, 23 May 2013. Available at: <http://www.sudantribune.com/spip.php?article46679>

<sup>53</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/420, 12 July 2013, p. 8. Available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420)

<sup>54</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), Rule 55.

<sup>55</sup> Humanitarian Implementation Plan Sudan and South Sudan, 15 October 2013, ECHO/AF/BUD/2014/91000, p. 6. Available at: [http://ec.europa.eu/echo/files/funding/decisions/2014/HIPs/sudan-southsudan\\_en.pdf](http://ec.europa.eu/echo/files/funding/decisions/2014/HIPs/sudan-southsudan_en.pdf)

<sup>56</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/420, 12 July 2013, p. 5, para.19. Available at:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2013/420](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/420)

<sup>57</sup> In March 2009, the Sudanese government ordered the expulsion of 13 humanitarian organizations from Darfur shortly after the ICC issued a warrant against President Omar Al Bashir.

<sup>58</sup> In addition to Resolution 1769 (2007), paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission (S/2007/307/Rev.1) set out UNAMID's mandate, including "to contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan".

<sup>59</sup> Over the years, UNAMID has faced a lot of criticism within Sudan and particularly within Darfur. Darfuri activists, internally displaced people and people generally affected by the ongoing violence in the region. Many NGOs have also criticized UNAMID's ability to fully deliver on its mandate.

<sup>60</sup> Interview over the phone with a humanitarian worker based in Darfur, 15 December 2013

<sup>61</sup> United Nations Security Council, Resolution 2113 (2013) SC/11083, Available at:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2113\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2113(2013))

<sup>62</sup> ICRC Customary IHL Study, Rule 1; see also the 1977 Protocols Additional to the Geneva Convention:

Protocol I, article 48 and Protocol II, article 12(2).

<sup>63</sup> For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises anyone who is not a combatant, namely not taking active part in the hostilities. Civilian objects are all objects (that is, buildings, structures, places and other physical property or environments) which are not "military objectives". Military objectives are "limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage". For more information see: ICRC Customary IHL Study, Rules 8 and 9; Protocol I, article 52.

<sup>64</sup> ICRC Customary IHL Study, Rule 156, pages 591,593,595-598. See also Rome Statute of the International Criminal Court, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii); discussion in ICRC Customary IHL Study, page 27.

<sup>66</sup> Raquel Martí de Mejía v. Perú, Case 10.970, Report No. 5/96, Inter-Am.C.H.R., OEA/Ser.L/V/II.91 Doc. 7 at 157 (1996); Aydin v Turkey judgment of 25 September 1997 (Application 57/1996/676/866) European Court of Human Rights, paragraph 86; Miguel Castro Castro Prison v Peru, Inter-Am Court of Human rights (Ser c) No 160, 25 November 2006, : *Prosecutor v. Akayesu* (Case No. ICTR-9604-T), Trial Judgment, 2 September 1998; *Prosecutor v. Delalić*, Case No IT-96-21 (ICTY Trial Chamber II,16 November 1998)

<sup>67</sup> International Crisis Group, "Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process", Africa report n'211, 27 January 2014

<sup>68</sup> See p.10-11 of this report

<sup>69</sup> Interviews with refugees in Goz Amir camp and Abgadam camp, November 2013.

Interviews with local sources based in Central Darfur, December 2013.

<sup>70</sup> Interview with humanitarian source based in Darfur, December 2013

<sup>71</sup> The orders forbid gatherings for "the sake of war, the calling of war and the targeting of residential areas, markets or roads". The penalty for violating any of the orders is a sentence of up to five years in prison and a fine of \$17,500.

<sup>72</sup> See UNAMID's role, p. 24



<sup>73</sup> Sudan Media Center, “Ministry started investigation into crimes in Darfur,” October 6, 2010, at <http://smc.sd/eng/news-details.html?rsnpid=30262> ; “Minister of justice appoints new prosecutor for Darfur crimes,” October 20, 2010, <http://smc.sd/eng/news-details.html?rsnpid=30414>

<sup>74</sup> In 2009, the International Criminal Court issued an arrest warrant for President Omar al-Bashir accusing him of committing crimes against humanity and war crimes in Darfur. A second arrest warrant accusing him of genocide was issued in 2010. Arrest warrants have also been issued against two other high-ranking government officials: Ahmed Haroun, former governor of the conflict-affected state of Southern Kordofan, and Abdelrahim Mohammed Hussein, now Minister of Defence. Ali Kushayb, an alleged Janjaweed leader, has also been charged.

<sup>75</sup> See UNSC, International Criminal Court Prosecutor tells Security Council violence in Darfur will not end without robust determination to apprehend perpetrators, SC/11209, 11 December 2013. Available at: <http://www.un.org/News/Press/docs/2013/sc11209.doc.htm>. Also see: International Criminal Court, Eighteenth report of the prosecutor of the International Criminal Court to the UN Security Council pursuant to UNSCR 1593 (2005), December 2013. Available at: <http://www.icc-cpi.int/iccdocs/otp/OTP-18ReportUNSCDafurDecember2013.pdf>

<sup>76</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, S/2013/607, 14 October 2013

<sup>77</sup> Sudan Tribune, “Sudan seeking to revoke immunities of individuals in connection with Darfur crimes”, 1 May 2013, available at: <http://www.sudantribune.com/spip.php?article46433> (last accessed 5 March 2014)

<sup>78</sup> Approximately 600 families returned to Um Dukhun in the last week of November and first week of December. However, local sources reported that many of the families who fled from other areas have stayed in Um Dukhun and are too afraid to return to their villages, resulting in an increase in the number of displaced in Um Dukhun.

<sup>79</sup> OCHA, Humanitarian Bulletin Sudan, Issue 46, 11-17 November 2013

<sup>80</sup> OCHA, Humanitarian Bulletin Sudan, Issue 46, 11-17 November 2013

<sup>81</sup> See , for example, ‘460,000 displaced in Darfur this year: UN’ : <http://www.thenews.com.pk/Todays-News-1-214529-460000-displaced-in-Darfur-this-year-UN>

<sup>82</sup> See for example, Amnesty International, 10 years on: Violations remain widespread in Darfur. AFR 54/007/2013, March 2013

<sup>83</sup> See , for example, UN News, Fresh tribal clashes in Darfur trigger largest influx of refugees into Chad in years, UN says, 12 April 2013. Available at: <http://www.un.org/apps/news/story.asp?NewsID=44636#.UpM2aicSrWA>

<sup>84</sup> See for example: Amnesty International, Sowing the seeds of Darfur: Ethnic targeting in Chad by Janjawid militias from Sudan, AFR 20/006/2006, June 2006; Amnesty International, ‘No one to help them’: Rape extends from Darfur into eastern Chad. AFR 54/087/2006, December 2006; Amnesty International, Civilians under attack: Darfur conflict spreads to eastern Chad, AFR 20/005/2007, March 2007; Amnesty International, No protection from rape and violence for displaced women and girls in eastern Chad, AFR 20/008/2007, July 2007; Amnesty International, ‘No place for us here’: violence against women in eastern Chad, AFR 20/008/2009, September 2009; Amnesty International, Compromised Future: Children Recruited by Armed Groups and Forces in Eastern Chad, AFR 20/001/2011, February 2011.

<sup>85</sup> UN Security Council resolution 1778 (2007), resolution 1861 (2009) subsequently revised and extended the mandate resolution 1923 (2010).

<sup>86</sup> See Amnesty International, “‘We too deserve protection’ Human Rights Challenges as UN Mission Withdraws, AFR 20/009/2010, July 2010.

<sup>87</sup> The *Détachement Intégré de Sécurité* (DIS), which had been set up under the auspices of MINURCAT was previously responsible for the protection of refugees and Internally Displaced People.

<sup>88</sup> Interviews in N'Djamena, Chad with several UN and humanitarian agencies, 3 to 7 November. For more information see for example, Humanitarian Implementation Plan Chad, ECHO, October 2013, p. 7 available at: [http://reliefweb.int/sites/reliefweb.int/files/resources/chad\\_en\\_3.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/chad_en_3.pdf).

<sup>89</sup> Humanitarian Dashboard, CAP Mid-Year Review, OCHA, June 2013

<sup>90</sup> Figures received from the UNHCR office in Bir Nahal on 15 November: total camp population 20,341, of which 18,194 are Salamat and 709 are Masalit. Close to 60% of the camp residents are women and girls. Numbers in January 2014 were fluctuating due to some returns.

<sup>91</sup> Numbers on returnees fluctuate but OCHA reported that approximately 3000 refugees from Chad returned to Um Dukhun. For more information see: OCHA, Humanitarian Bulletin Sudan, Issue 01, 30 December 2013 to 5 January 2014.

<sup>92</sup> Interview at Abgadam refugee camp, 14 November 2013

<sup>93</sup> Interviews at Goz Amir refugee camp, 10 November 2013

<sup>94</sup> Interviews at Abgadam refugee camp, 14 November 2013.

<sup>95</sup> UNHCR, A Thematic Compilation of Executive Committee Conclusions, 2011, p. 292; available at <http://www.unhcr.org/3d4ab3ff2.html>.

<sup>96</sup> Interviews with humanitarian organizations in N'Djamena, 16 November 2013.

<sup>97</sup> The European Community Humanitarian Office, Humanitarian Implementation Plan Chad, October 2013

<sup>98</sup> Interviews at Goz Amir Refugee camp, 9 and 10 November 2013.

<sup>99</sup> International Covenant on Economic, Social and Cultural Rights, Article 13(2)(a).

<sup>100</sup> See Amnesty International, A compromised future: Children recruited by armed forces and groups in eastern Chad, AFR 20/001/2011, February, 2011

<sup>101</sup> Amnesty International learned of this in meetings with Chadian and UN officials as well as with refugees at Abgadam camp.

<sup>102</sup> OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, article II(6): "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.

<sup>103</sup> This principle has been repeatedly reaffirmed by the UNHCR's Executive Committee. See: A Thematic Compilation of Executive Committee Conclusions, *inter alia*, No. 94 (LIII) – 2002 – Civilian and Humanitarian Character of Asylum, "refugee camps and settlements should have an exclusively civilian and humanitarian Character "

<sup>104</sup> United Nations High Commissioner for Refugees, Partnership: An Operations Management Handbook for UNHCR's Partners, February 2003, pg. B-20: "Distance from border of country of origin: At reasonable distance (depending on the geographic circumstances, at least 50 km)."

<sup>105</sup> Phone interviews on 20 January 2013

<sup>106</sup> Phone interview with UNHCR representative, 20 January 2014





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## **SUDAN: WE CAN'T ENDURE ANY MORE THE IMPACT OF INTER-COMMUNAL VIOLENCE ON CIVILIANS IN CENTRAL DARFUR**

Eleven years since the start of the conflict in Darfur, civilians continue to bear the brunt of human rights abuses by government forces, pro-government militias and armed groups.

This report focuses on the impact of inter-communal violence on civilians living in Central Darfur during the fighting between the Misseriya and the Salamat, two Arab tribes, and assesses their situation after they fled to Chad.

Amnesty International found that civilians in Central Darfur were deliberately targeted and subjected to unlawful killings, sexual violence including rape, shootings and lootings during the fighting between the two tribes. Elements of the government paramilitary forces were involved in the fighting.

This report calls on all parties to the conflict to cease attacks targeting civilians; urges the Government of Sudan to ensure full protection of civilians and investigate allegations of human rights abuses committed during the fighting between the Misseriya and the Salamat in line with international standards.

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