

RI BULLETIN

A POWERFUL VOICE FOR HUMANITARIAN ACTION

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Sudan: A Climate of Impunity in Darfur

Despite assertions by the government of Sudan that peace is returning to Darfur, violence against civilians continues. The government's failure to acknowledge the causes and consequences of the extensive death and displacement is a major impediment to productive peace negotiations.

No one knows the exact number of deaths from the two-year brutal conflict between rebel forces and the government of Sudan and its largely Arab militias; some recent estimates put the toll as high as 300,000 due to military action, exposure, starvation and disease. And it is rising each month. After extensive interviews with government officials, tribal leaders, humanitarian workers and people displaced by the conflict, Refugees International concludes that the Government of Sudan is not taking responsibility for its actions or showing the will to do anything to resolve the conflict.

Humanitarian workers say that as long as government officials believe that they are immune from punishment for these actions, the violence will go on. "We need to attack impunity. Sudan has to be held accountable," says one worker in Darfur. The United Nation's International Commission of Inquiry on Darfur concluded that government, militia and rebel forces are guilty of violations of human rights and international humanitarian law. It recommended that 51 people be referred to the International Criminal Court. Yet, government officials and tribal leaders continue to call the violence a series of tribal disputes rather than military, militia and rebel actions that target civilians.

Remarkably, the Khartoum government demonstrated its sense of impunity during the work of the UN commission. The panel's Jan. 25, 2005 report says: "The Commission is particularly alarmed that attacks on villages, killings of civilians, rape, pillaging and forced displacement have continued." Some of the most horrific attacks by armed men on horseback or camel --- called Janjaweed --- and other paramilitary operating with government direction or acquiescence took place in December and January as the commission was finishing its inquiry into the crimes against humanity in Darfur.

UN and African Union officials said that vicious attacks on villages are continuing in certain sectors of this war-scarred area the size of France. "There is no quietness, but it is not fighting between the government and the rebels that we are seeing; it is attacks on villages by paramilitary forces backed by the government," an AU peace monitor told RI. He said that those forces were either the Janjaweed or armed civil defense forces, known as the People's Defense Force (PDF). The UN commission noted that the two groups work closely together. But many government officials and Arab sheiks deny this; they say the Janjaweed are bandits operating beyond government control. The AU official said rebel groups were increasingly seizing convoys of food and sources of materiel supplies, as they are running out of both.

RI received a set of aerial shots of burning villages and distinct shots of men on horseback and camel racing away from the scene. These pictures were taken just a month ago in South Darfur. In addition, *The New York Times* recently showed four graphic photos of violence against civilians in Darfur. They were taken by African Union ceasefire monitors after an attack on the village of Hamada on Jan. 15, reportedly following a

Janjaweed attack that killed 107 people. *Times* columnist Nicholas Kristof wrote that there were thousands more such photos in the AU archive leaked to him.

The UN commission charged that government and militia attacks “were deliberately and indiscriminately directed against civilians” in violation of international humanitarian law. In its defense, government officials told the panel that its actions reflected military imperatives in its battle against insurgents. The commission also found rebel forces responsible for actions that “may amount to war crimes.” It produced a sealed list of 51 government, militia and rebel officials who should face “a final judgment as to guilt.” The commission wants the suspects referred to the International Criminal Court, a move that the U.S, which opposes the court, is trying to block. Washington wants to refer the charges to another tribunal.

Sudanese officials greet the ICC recommendation with a combination of annoyance and arrogance. Foreign Minister Mustafa Osman Ismail recently threatened the 800 to 1,000 international humanitarian workers in Darfur by warning that referrals to a criminal court could lead to “a direct threat to the foreign presence...Darfur may become another Iraq in terms of arrests and abductions.” A PDF official told RI that “if the wanted on the list are penalized, it will not solve the problem. It will start war again.” His colleague added, “There will be an explosion.”

Not all government officials support the idea that government agents should be immune from legal proceedings. One government official who talked to RI while visiting relatives in a camp for internally displaced people said that the government and the rebels should be held accountable for their actions. “The Sudanese government, the army people and the rebels agreed that there would be peace, but this will happen only if there is punishment for all who made this corruption,” he commented. And, an AU monitor asked us: “How many people have to die before we react? Do I have to watch eight, 10 or more people die a day before we do something? We all know what is going on here, and we have the power to change things, so why aren’t we?”

Denial of the facts is impeding recognition of the problem and what has to be done to solve it. For example, a PDF official insisted that “no women and children” have died in the conflict, that only 2,000 people, mostly government soldiers and Arab militia, had been victims and that that there were only about 200,000 displaced because of the fighting. We were also repeatedly told that “the fighting is over.” The cost of such denial is preventing any possible solution and accountability.

Refugees International therefore recommends that:

- The government of Sudan recognize the full dimensions of the humanitarian disaster in Darfur. It must stop the violence and take immediate steps to signal that it is moving toward peace. Steps should include withdrawal of its helicopter gunships from Darfur, the public condemnation of rape, an end to supporting and directing the Janjaweed and a willingness to hold officials accountable for their actions.
- The rebel groups also stop their attacks, which are provoking retaliation against civilian populations. Rebel groups, which seem to be splintering in competition for control, must bring a unified set of demands to any settlement talks for peace to have a chance.
- The UN Security Council quickly refer to the ICC the cases of 51 people who may have violated international humanitarian law in Darfur. This will require the US to abandon its announced opposition to the international court.

Eileen Shields-West, Shannon Meehan and Ken Bacon recently returned from a two-week assessment mission to Darfur.