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## **Sudan**

### ***Protecting civilians in Darfur***

#### **A briefing for effective peacekeeping**

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# Sudan

## ***Protecting civilians in Darfur***

### **A briefing for effective peacekeeping**

Civilians in Darfur continue to be killed, raped and forcibly displaced in large numbers. Some 250,000 people have been driven from their homes and from places where they have sought safety since the beginning of 2006, according to the UN.<sup>1</sup> Since 2003, the Sudanese government, instead of protecting the people of Darfur, has armed, funded and supported the Janjawid militias that have been responsible for many of the crimes against civilians.

The presence of troops from the African Union Mission in Sudan (AMIS) and the signing of the Darfur Peace Agreement of 5 May 2006 have not stopped abuses continuing on a massive scale. The peace agreement was signed by the Sudanese government and one faction of the armed opposition group, the Sudan Liberation Army, but was rejected by other armed groups. Tensions are mounting in the camps where many of Darfur's 1.8 million internally displaced people are frustrated at the lack of tangible improvement in their conditions and have lost faith in AMIS.

According to the UN Security Council and the African Union (AU), AMIS is due to hand over its peacekeeping role to a UN force, which would have greater means at its disposal, on 30 September 2006. The UN Secretary-General has called for AMIS to stay in Darfur until the end of 2006, so as to ensure there is no protection force "vacuum" and to allow more time to persuade the Sudanese government to accept UN deployment.

Amnesty International urges the prompt deployment of a UN force with a robust protection mandate, and vigorous support for AMIS in the meantime. This briefing includes 10 recommendations that AMIS must follow to ensure effective protection of civilians in Darfur in full compliance with international human rights and humanitarian law.

A pledging conference to support AMIS is being organized in Brussels, Belgium, on 18 July 2006 by the AU and the European Union. It is imperative that funding and other assistance improve the ability of AMIS to protect civilians.

The AMIS mandate specifically includes the protection of civilians. AMIS was established in Darfur to monitor an April 2004 ceasefire between the Sudanese government and Darfur armed political groups. Its mandate from the AU Peace and Security Council in October 2004 allowed AMIS to "protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability".<sup>2</sup> This mandate to protect civilians was reaffirmed by the AU Peace and Security Council in June 2006 at the AU Heads

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<sup>1</sup> Monthly report of the UN Secretary-General on Darfur, 21 June 2006.

<sup>2</sup> *Communiqué*, AU Peace and Security Council, 17th Meeting, 20 October 2004, PSC/PR/Comm. (XVII).

of State Summit in Banjul, Gambia, with the additional directive to protect women and children and to monitor security in camps for the internally displaced.<sup>3</sup>

Although AMIS has provided some security to civilians, within the limitations of its capacity and resources, it has struggled to fulfil its mandate. The ceasefire has not been respected by either side. The Sudanese government has been blatantly obstructive. AMIS personnel have been attacked by armed groups and Janjawid militia.

Strengthening the capacity of AMIS to effectively protect civilians, in full compliance with international human rights and humanitarian law, would facilitate the transition to the envisaged UN peacekeeping mission, as any UN operation is likely to include some of the AMIS forces currently in Darfur.

## 1. Human resources

**AMIS must be given all the human resources necessary to fulfil the tasks related to its protection mandate. These include an adequate number of troops that are fully trained to operate in full compliance with international human rights and humanitarian law and according to clear rules of engagement. Donors must fund an expansion of AMIS, and AU members must contribute more troops, so that AMIS can take effective steps to prevent cross-border incursions of Janjawid militia into eastern Chad. The peacekeeping force must have a civil affairs component staffed with qualified personnel, to maintain strong relations with civil society, including the displaced in the camps; the diverse communities of Darfur; those living in government and rebel-controlled areas; those traditionally marginalized, such as women and the youth; and Sudanese non-governmental organizations (NGOs).**

Civilians in Darfur have often complained that when they have asked AMIS for help, they were told that it did not have a mandate or the capacity to protect them. The AU Peace and Security Council and Alpha Omar Konare, Chairperson of the AU Commission, have called for a broad interpretation of its protection mandate.<sup>4</sup> AMIS has often been unable or unwilling to act. In the area of Gereida, for instance, where fighting between all parties to the conflict has greatly increased since November 2005, AMIS has not prevented the displacement of tens of thousands of civilians.

It is therefore not only a question of mandate, but also of a clear understanding and willingness by the AMIS troops in Darfur to carry out all necessary activities to protect civilians. The senior civilian and military command of AMIS must ensure that AMIS troops understand that protection of civilians is a crucial aspect of their mandate, and must establish

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<sup>3</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia; and Communiqué of the 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia.

<sup>4</sup> On 10 March 2006, the AU Peace and Security Council called for a “consistent, flexible, broad and robust interpretation [of AMIS’s mandate] in order to [achieve] a more forceful protection of the civilian population”.

clear guidelines to ensure they can effectively implement their mandate. Governments contributing troops to AMIS should communicate to their commanders that protection of civilians is a core element of their mandate.

AMIS has been hampered by a lack of personnel, which has contributed directly to its inability to protect civilians. Even with advance warning of impending attacks, AMIS has not always maintained a presence to protect civilians. Attacks on civilians nearly always occur in areas where no protection force is present. A peacekeeping force must have sufficient troops to patrol rural areas as well as to maintain a presence in towns and camps for the displaced.

The AU Commission recommended that the AMIS force be increased in strength, to 10,500 military personnel and 2,200 civilian police officers. The UN Department of Peace Keeping Operations (DPKO) has recommended a 17,000-strong peacekeeping force. The international community must ensure that an adequate number of peacekeeping troops is deployed for the effective protection of civilians in Darfur.

In addition, there is an acute need for AMIS to deploy troops along the border with Chad to prevent cross-border incursions by the Janjawid. Civilians in eastern Chad are now under attack by the same Sudanese Janjawid who have killed and displaced civilians in Darfur.<sup>5</sup> The Chairperson of the AU Commission has stated that upon approval of a new mandate, “AMIS will be in a position to provide some support to the observers deployed along the Chad/Sudan border, as part of the implementation of the Tripoli Agreement [a February 2006 agreement between Chad and Sudan]”.<sup>6</sup> Amnesty International believes that AMIS should prevent the Janjawid from crossing into Eastern Chad.

AMIS has been working to defuse tensions between communities and between parties to the conflict. However, attacks on civilians have increased since the end of 2005, and civilians who have not received protection are losing faith in the force’s ability to stem the violence. Some Sudanese civil society members have stopped reporting attacks or other human rights violations to AMIS because they often see no action taken in response. It is crucial that the peacekeeping force listens closely to the concerns of civil society.

An effective peacekeeping force needs personnel qualified in international human rights and humanitarian law to strengthen relations with civilians and civil society. It must have the personnel to reach out to ethnic groups in Darfur, displaced people, NGOs, community and religious groups, women’s groups and political parties. AMIS must ensure close coordination with the UN human rights team in Darfur and with the civil affairs component of the UN Mission in Sudan (UNMIS). The UN also needs to devote adequate resources to support AMIS.

AMIS should set up an accessible and effective mechanism for receiving complaints from individuals who feel that their rights have been violated by any party to the conflict.

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<sup>5</sup> See Amnesty International, *Chad/Sudan: Sowing the seeds of Darfur – ethnic targeting in Chad by Janjawid militias from Sudan*, 29 June 2006 (AI Index: AFR 20/006/2006).

<sup>6</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia.

Information about such a mechanism should be made public, and should include advice on how to bring complaints, how these will be investigated and about safeguards for complainants who may risk reprisals. In addition, such a mechanism should publish information about the kind and number of reports received and action taken by the relevant authorities to bring perpetrators to justice.

## 2. Material resources

**AMIS must be given all material resources necessary to fulfil its mandate, such as communications equipment and transport capabilities. Civilians in Darfur must be able to easily contact the force.**

A peacekeeping operation must have the communications equipment needed to ensure that information about imminent attacks on civilians and movements of armed groups that threaten the safety of civilians is shared effectively.

AMIS has been unable to move its forces with sufficient speed to protect civilians. In order to fulfil its protection mandate, AMIS must have the air and land transport capabilities necessary to deploy rapidly to areas under, or at risk of, attack.

## 3. Freedom of movement

**AMIS must be able to move freely in all areas of Darfur. The international community must give political support to the force, including by taking action against parties to the conflict which restrict movement by AMIS throughout Darfur and access to resources.**

There have been instances when resources for AMIS have been blocked by the Sudanese government. For example, 105 armoured vehicles, promised to AMIS by the Canadian government in July 2005, reached AMIS only in December 2005 as their delivery had been blocked by the Sudanese government.

The Sudanese government has also imposed restraints on AMIS, such as the enforcement of curfews on AMIS personnel and restrictions on the use of landing facilities. AMIS has been threatened by government-supported militias if its forces entered certain areas. In one case, AMIS was told by a militia leader in February 2006 not to patrol certain parts of the Gereida area, where tens of thousands of people were in the process of being displaced, many by militias and government forces.<sup>7</sup>

Armed opposition groups have also at times prevented AMIS from entering areas under their control. There is an urgent need for clear commitment by all parties to allow AMIS unfettered access and free movement.

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<sup>7</sup> See *Second Report of the UN Panel of Experts, established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan*, 19 April 2006, UN Doc. S/2006/250, para. 131.

## **4. Secure humanitarian access**

**AMIS should ensure that humanitarian supply routes are safe for humanitarian convoys to travel, by patrolling such roads regularly, investigating security incidents and publishing reports on the security situation. The peacekeeping force and in particular its civilian police element should be required to monitor cases of humanitarian workers harassed, detained or restricted in their movements and to ensure humanitarian access to civilians.**

The two million people already displaced by three years of conflict are now facing their fourth planting season in camps. They are totally dependant on humanitarian aid, which has diminished because of the insecurity caused by all parties to the conflict and shortfalls in funding. Within the mandate of AMIS, as expanded by the AU Peace and Security Council on 27 June, there is the “identification, demilitarization and patrolling of humanitarian supply routes.”<sup>8</sup>

UN and other aid agencies are too often forced to withdraw from whole areas because of insecurity, leaving almost 650,000 civilians and displaced persons without assistance.<sup>9</sup> Attacks are frequently made by armed groups, including Sudanese and Chadian armed groups against humanitarian convoys.

The Sudanese government has hindered the delivery of humanitarian aid by refusing or delaying visas for humanitarian workers, restricting their movement within Darfur, and harassing and sometimes detaining humanitarian workers, including Sudanese and international staff.<sup>10</sup>

## **5. Return of the displaced**

**The safe, voluntary and sustainable return of all displaced people to their homes must be ensured as soon as possible. AMIS must protect those returning, throughout their journey and upon arrival, for instance by having a visible and lasting presence in areas of return. AMIS must also ensure freedom of movement for all the internally displaced.**

Until now, few returns of displaced people and refugees have taken place and the deterioration in security in 2006 is not conducive to large-scale returns.<sup>11</sup> Few returns have

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<sup>8</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia; and Communiqué of the 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia.

<sup>9</sup> Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, in a statement to the Security Council on 20 April 2006.

<sup>10</sup> See Amnesty International, “Sudan: Continuing blockade of humanitarian aid”, 4 April 2006 (AI Index: AFR 54/010/2006).

<sup>11</sup> It is difficult to have a clear picture of returns, whether voluntary or not, in Darfur. Information on returns in 2006 can be found, for instance, in Intersos/UN High Commission for Refugees, *Monitoring returns in southern west Darfur, August 2005/April 2006*, and other reports available at <http://www.humanitarianinfo.org/darfur/>



been voluntary or sustainable. The Sudan government has in the past pressured displaced people in Darfur into returning to their homes, using bribery and threats. People who have returned have sometimes found Janjawid or other displaced people living on their land. Others have been subjected to Janjawid attacks and have been killed, displaced again or forced to return to camps for the displaced. Since most villages and crops have been destroyed or looted, those returning need support in accessing food, housing and other essential commodities. AMIS has not been able to monitor the process of returns or guarantee the safety of those returning.

The peacekeeping presence in Darfur should establish a secure environment in which refugees and the internally displaced can return home in safety and with dignity. The displaced must receive comprehensive and accurate information about conditions of return in their home areas before making a decision to return, and must return voluntarily, without physical, psychological or material pressure.

## **6. Protection of women from violence**

**AMIS must prioritize the protection of women, to curb the high incidence of violence against women in Darfur, in close cooperation with AU and UN experts and with the participation of women and civil society in Sudan. Teams investigating human rights violations must include a woman wherever possible and personnel trained in gender issues.**

Women have been traditionally marginalized in Darfur, and excluded from government and tribal or local councils and consultations. During the attacks by Janjawid militia and government forces in 2003 and 2004, thousands were raped and hundreds taken into sexual slavery, including by the Sudanese army. Today women continue to be raped or abducted. Discriminatory laws and a complicit or ineffective police force ensure that no action is taken against perpetrators.

One of the successes of AMIS has been in the deployment of “firewood patrols”, to accompany women fetching firewood outside IDP camps thus reducing the risk of assault and rape. Despite this, women are often still attacked when they disperse in different directions to collect firewood. It is necessary to have sufficient numbers of civilian police officers and peacekeeping troops to protect women in these situations. “Firewood patrols” must be extended to all camps for the displaced in Darfur, in agreement with the women affected. Those responsible for attacks on women must be vigorously pursued and prosecuted in accordance with international standards for fair trial. A fully-fledged civilian police component within the peacekeeping force should monitor cases of sexual violence brought to the attention of the Sudanese police, and provide protection to women who have witnessed or survived acts of violence.

Although the AMIS civilian police includes many women officers, women must be strongly represented in other parts of the peacekeeping force. Further, AMIS needs to have

sufficient personnel qualified in women's rights. Those funding AMIS should provide training and expertise in women's rights and gender-based violence. AMIS must also work closely with UN, AU and other international experts, the UN human rights monitors and Sudanese NGOs in Darfur.

## **7. Disarmament**

**AMIS must have sufficient capacity to monitor and verify efforts of the Sudanese government to disarm the militias it supports, including the Janjawid.**

The disarmament of the Janjawid is a requirement resulting from the grave human rights abuses they have committed. A new task within the AMIS mandate, endorsed by the AU Peace and Security Council on 27 June 2006, includes the "verification of the disarmament of the Janjaweed and other armed groups".<sup>12</sup>

Until the Janjawid are disarmed and put in a position where they can no longer abuse the population, there will be no security in Darfur. The UN Security Council has repeatedly called on the Sudanese government to disarm the militias it has been supporting, but to no effect. Indeed, in an apparent attempt to hide the Janjawid from international scrutiny, many of its members have been incorporated into government paramilitary forces, such as the Popular Defence Forces, Border Intelligence and various police units.

In addition, AMIS should provide information related to arms flows and military support for all armed groups in Darfur to the UN Panel of Experts mandated in March 2005 to monitor the arms embargo on all parties to the Darfur conflict (UN Security Council Resolution 1591).

## **8. Civilian police**

**The civilian police component of AMIS must be considerably strengthened and trained, and must fully respect international human rights and criminal justice standards relevant to their work. The civilian police must have unlimited access to all detention centres in Darfur; coordinate its activities with UN human rights and rule of law officers in Sudan; monitor, supervise and train police forces in Darfur; and report publicly on its activities.**

Civilians in Darfur have no confidence in the Sudanese police. Prisoners of conscience continue to be detained by government security forces, and torture in government detention centres is frequently reported. Rebel forces, in particular the SLA Mini Minawi faction, have also reportedly detained and tortured captives.<sup>13</sup> Rapes of women are committed

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<sup>12</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia; and Communiqué of the 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia.

<sup>13</sup> See Amnesty International, "Fear for safety: Suleiman Jamus and Isa Ali Hassabalah", Urgent Action, 9 June 2006, and update, 23 June 2006 (AI Index: AFR 54/023/2006 and AFR 54/027/2006).

on a daily basis. Yet complaints by those subjected to human rights abuses are not investigated by the Sudanese police, and the perpetrators are not brought to justice.

The AMIS civilian police component has the mandate to “observe, monitor and report the effective service delivery of the local police” and to “investigate and report all matters of police non-compliance with the Humanitarian Ceasefire Agreement.”<sup>14</sup> Among the tasks to be included in the AMIS mandate are the provision of “separate police counters to be staffed by women” and assistance in “capacity building for community policing, including special investigations”.<sup>15</sup> AMIS is monitoring the situation of people detained in connection with the armed conflict in Darfur, but its access to detention centres is often restricted. Such access must be given without hindrance.

A civilian police component must be adequately trained in international human rights standards, including those relevant to arrest and detention, and have an adequate knowledge of Sudanese law and the work of Sudanese security and police forces in Darfur. AMIS cooperation and coordination with the UN human rights monitors, who also monitor detentions and torture, and with the rule of law component of UNMIS, are crucial.

The civilian police should be required to monitor both the Sudanese police and the policing components (“community police”) set up by armed groups and communities living in camps for the displaced. They should not only train Sudanese police officers in human rights standards, but also have the authority to investigate complaints against the Sudanese police or monitor investigations by Sudanese police complaints procedures.

The civilian police should also issue frequent and public reports about the policing situation in Darfur.

## 9. Reporting and acting on human rights violations

**Reports of violations of international human rights and humanitarian law must be placed promptly on the public record. There should be regular, possibly weekly, reports covering the security situation, including human rights violations, in all areas of Darfur. AMIS should be able to publish its reports independently, without the approval of the parties to the conflict. AMIS should provide any necessary support and protection to UN human rights monitors.**

AMIS has in the past posted reports of its investigations into ceasefire violations on the AU website. However, these reports were effectively censored because parties to the conflict identified as violating the ceasefire were given two weeks to comment on reports before they were published.

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<sup>14</sup> *Communiqué*, AU Peace and Security Council, 17th Meeting, 20 October 2004, PSC/PR/Comm. (XVII).

<sup>15</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia.

Timely and uncensored information about human rights violations, including attacks on civilians, violence against women and children and arbitrary detentions, is vital for the protection of civilians in Darfur. Public reporting increases transparency and accountability in the force, thereby enhancing public confidence.

Prompt and open reporting is also essential to enable the international community to take action. AMIS reports on ceasefire violations have in the past contained important recommendations to parties violating the ceasefire, which have not been given the political backing needed to implement them.

The UN human rights and protection officers present in Darfur have investigated human rights violations, but there are not enough of them to travel throughout the whole region and they are often hampered by security considerations. AMIS must strengthen its cooperation with the UN human rights monitors, including by providing sufficient logistical support and protection when they are travelling in insecure areas.

## **10. Accountability for peacekeepers**

**Civilians in Darfur must be clearly informed of the AMIS mandate, for example through an information campaign. An independent complaints mechanism, to which civilians should have easy access, must be included alongside the peacekeeping force to investigate allegations of misconduct made against the force. All troops and personnel must be screened to ensure that no one responsible for human rights violations joins the force.**

Civilians in Darfur should be made aware of the mandate of AMIS, so that they feel confident that they can seek protection from it. An information campaign could be initiated to ensure that all civilians in Darfur know that they can expect protection from the peacekeeping force.

Allegations of sexual misconduct against some AMIS members in Gereida are being investigated by a six-member AU Committee.<sup>16</sup> AI believes it is vital that those constituting the peacekeeping force adhere to the highest standards of the code of conduct for peacekeepers. In addition, there should be an independent mechanism to investigate complaints against peacekeepers. Its reports must be made public and its recommendations carried out. Peacekeepers suspected of violations of international human rights and humanitarian law should be brought to justice in accordance with international standards for fair trials.

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<sup>16</sup> Report of the Chairperson of the AU Commission on the situation in Darfur, 58th meeting of the AU Peace and Security Council, 27 June 2006, Banjul, Gambia. The Committee is chaired by the Director of Women, Gender and Development of the AU Commission.