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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:
REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
RIGHTS RESOLUTION 8 (XXIII)

Joint written statement* submitted by the African Society of International And Comparative Law,
Interfaith International and Liberation, non-governmental organizations in special consultative
status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[4 July 2003]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

A. Background

1. We wish to draw attention of the Sub-commission and the international community to the dire situation of human rights and fundamental freedoms in Darfur (Western Sudan), which has now degenerated into a full blown internal armed conflict. NGO document to the Sub-commission (E/CN.4/Sub.2/1999/NGO/7 dated 24th June 1999) documented a series of atrocities committed against the people of the region. Evidence of the continuation of these atrocities is contained in NGO document (E/CN.4/2003/NGO/188 dated 17th March 2003) and the report of the former UN Special Rapporteur on the situation of human rights in the Sudan Mr. Gerhard Baum to the 59th Session of the Commission on Human Rights (E/CN.4/2003/42 dated 6th January 2003).

2. Darfur is one of the richest yet underdeveloped regions of Sudan. It stretches over a large area with a land mass estimated at about 160,000 sq miles between longitudes 22°E - 27°E and latitudes 10°N - 16°N. Darfur is a remote region located in the extreme west of the country adjacent to Sudan's borders with Chad, Central African Republic and Libya. Darfur had been an independent kingdom known as the Fur Sultanate for a period of about 448 years (1450 – 1916) with external diplomatic relationships with some major world capitals at that time. By the beginning of 1917 Darfur was annexed to present day Sudan by the British colonial rulers.

3. Darfur (which means homeland of the Fur people) is host to approximately one fifth of Sudan's population of about 30 millions. The people of Darfur are divided into two main ethnic groups viz. 1). Indigenous, black-African sedentary groups, and 2). Migrant, nomadic groups of Arab origin. Within these broad ethnic groupings the Fur people make the majority of the inhabitants. Among the largest ethnic groups of the region the Fur, Zaggawa and Massaleet are indigenous Africans while the Rezigat, Bani Halaba, Missiriya and Ta'aisha are semi-sedentary or nomadic tribal people. Together with these main groups many other distinct tribal groups live in Darfur such as the Tama, Berti, Tunjour, Dajou, Bergou, Bergid etc. which are considered as indigenous Africans and Ma'alia, Bani Hussien, Mahameed, Um Jallool etc. that are considered as semi-sedentary or nomads.

4. Since mid-1980s Darfur has been facing a destructive silent human tragedy that claimed the lives of thousands of innocent people. Armed conflicts that pit the semi-sedentary or nomads groups (of Arab mix-up) against the indigenous black-African tribes are at the centre of the ongoing ordeal. Unlike traditional inter-tribal disputes, which are usually sporadic, unmeditated and involve a limited number of individuals, the current raids have all the characteristics of a concerted campaign for destruction of life and property targeting indigenous black-African groups. It is accompanied by an incredible state of lawlessness and armed robbery committed against civilian population. Local efforts to end the growing crisis in Darfur were frustrated by the government's overt support of some groups against indigenous Africans and its lack of interest and political will to find a viable national solution to save the lives of its citizens in this region. The government's inability to ensure the safety and security of the people of Darfur necessitates involvement of other partners to help these people put an end to their victimization.

B. Origin of the Crisis

5. Two aspects played a major role in the deterioration of human rights in Darfur. On the one hand natural disasters that have hit the country since the 1970s - in particular drought and desertification experienced by Darfur in the early 1980s - caused famine in some areas of the region and consequently it was followed by massive migration of people from the arid and semi-arid northern parts southward to the rich western, southern and central parts of the region. Those affected by the famine and forced to move southward are nomadic camel herders. Movement of

nomads into areas occupied by sedentary groups brought skirmishes and disputes over water sources and pasture. On the other hand the region has been neglected by successive national governments, which explains the lack of sustainable development projects to mitigate the effects of natural calamities and to meet the growing needs of a thriving human and animal populations.

C. Organised Armed Resistance

6. The situation in Darfur has currently degenerated into organised armed resistance by the indigenous people against the government authority. An armed group known as the Sudan Liberation Movement/Army (SLM/A) issued a political declaration on 13th March 2003 and entered into clashes with the government army. The declaration stated; "The brutal oppression, ethnic cleansing and genocide sponsored by the Khartoum Government left the people of Darfur with no other option but to resort to popular political and military resistance for purposes of survival." It added; "The objective of the SLM/A is to create a united democratic Sudan on a new basis of equality, complete restructuring and devolution of power, even development, cultural and political pluralism and moral and material prosperity for all Sudanese." The SLA/M now controls some areas in Jabal Marra massive as well as the Chad-Sudan borders and the western and northern parts of the region. Surprised by these rapid developments, the government seems to be visionless as to the method to address the crisis. Some government officials are advocating a negotiated settlement of the crisis while others are favouring the use of military force. Judging from media pronouncement from top government's officials including General Omer Al-Bashir, negotiations for peaceful settlement of the conflict are no longer an option and that government is determined to use force. The government militaristic approach has, in fact, started since the middle of April 2003. At present it is in an active process of military build up in the region.

7. On 25th April 2003 the SLA attacked Al-Fashir, capital city of Northern Darfur State. According to the government sources the armed incursions destroyed 7 fighter jets, captured an Army General and killed more than 70 soldiers including officers. Following the SLA invasion of Al-Fashir and its withdrawal from it, the government launched a horrendous spate of human rights violations against suspected insurgents and the so-called "Fifth Column" including extra-judicial executions, torture, arbitrary arrest and detention. Since then hundreds of people from indigenous African tribes were summarily executed by the security forces and government's allied militia groups while more others are held in custody. Detainees are usually tried by Special Courts without due regard to international standards or legal protection. Darfurians of all walks of life and in particular the educated; politicians, pro-democracy activists and students became indiscriminate targets for arrests, intimidation and harassment in all parts of the country including the capital Khartoum. On 29th May 2003 the government launched a 3,000 man-strong military operation targeting *Souk Libya* and *Souk Abu Zaid*, which are two market places in the suburbs of Omdurman the national capital twin city. There is a high concentration of merchants from Darfur in these two markets. The security forces reportedly confiscated a number of private wagons and trucks, which are used by merchants for transport of goods to and from Darfur.

8. Darfur was declared a war zone and unhindered access to it is limited only to the government security forces. Consequently the humanitarian situation is worsening day by day without being reported to the national, regional or international public opinion. The national media were informed through an official letter issued by the security apparatus not to report about the situation in Darfur under any circumstances. Since the beginning of SLM military operations in the region, the government denied food supplies to many areas especially Dar Zagawa and Furrnog. Few underground water sources are available for thousands of people. Northern Darfur is suffering of severe drought, particularly west and northwest parts of Kuttum area. UN agencies, relief

organisations and/or independent national and international NGOs are not allowed access to the area since the war activities escalated. Medicines are unavailable as medical centres in many areas such as Kurgay were completely looted by the *Janjaweed* (Arab militiamen). It was reported that many persons especially children and the aged have died due to malnutrition and unavailability of medicine.

9. It is estimated that more than 100,000 persons are internally displaced in the region and left without shelter as they were forced to evacuate their villages to escape indiscriminate bombardment by the government military planes. A number of villages like Mongoury, Sumboa, and Jala were completely destroyed during these bombardments. It was reported that following bombardments people vomit, scratch their skins and eyes become itching. Villagers in the affected areas expressed concerns that an ecological disaster is imminent during the rainy season.

D. International Response to the Darfur Crisis

10. International response to the Darfur crisis has been minimal so far. This is because the crisis in Darfur is largely overshadowed by the civil war in the South and the Nuba Mountains, which attracts international scrutiny for its religious and racial overtones. However, recently the dire situation in Darfur became a growing concern to human rights organisations and individuals. Amnesty International made an investigation visit to the region in January 2003. The former UN Special Rapporteur on the Situation of Human Rights in the Sudan also provided a space for the dire situation in Darfur in his 2002 and 2003 yearly reports to the UN General Assembly and the Commission on Human Rights. This is a welcome step that needs to be consolidated. The recommendations contained in the reports put forward by these organs cannot be successfully implemented without the full collaboration and involvement of civil society actors including local and national authorities, traditional leaders as well as inter-governmental and non-governmental organisations from inside Sudan and abroad.

E. Conclusion and Recommendations

11. The crisis in Darfur is a typical ethnicity-induced and racially motivated conflict. Although the overwhelming majority of people in Darfur share common denominators such as the practice of Sunni Islam, use of Arabic as *lingua franca* and a relatively homogenous culture and social behaviour they, however, identify themselves along ethnic and tribal backgrounds. The killing of innocent people and destruction of life and property in Darfur during the last three decades have reached intolerable proportions and led to the present growing conspicuously polarised, discriminatory and antagonistic stands assumed by the two broad ethnic divisions. This painful reality should be addressed with courage and determination to nip it in the bud before it engulfs other regions of the country. Under the circumstances the government is expected to work out a nation-rebuilding plan that advocates a culture of peace, tolerance and reconciliation as a matter of priority in its national agenda. The government should also work out comprehensive and sustainable development projects for the region to ensure that the negative effects of natural calamities on the lives of people are mitigated at a minimum cost and without being used by warmongers for their advantage.

12. As a matter of immediate action we strongly call upon the Sub-commission and the international community at large to exercise pressure to bear on the government of Sudan to undertake the following measures:

1. Recognize the political nature of the crisis in Darfur and address it through peaceful means, heed the grievances of the people of the region and ensure their safety and personal security;
2. Refrain from using food as weapon of war and provide food, medicine, shelter and other relief material to the people in the affected areas as a matter of priority;
3. Lift the ban on freedom of movement in Darfur and allow unhindered access to the region to all concerned human rights groups and individuals as well as independent media and national and international humanitarian organisations;
4. Allow an independent International Commission of Inquiry to assess the situation in the region, release all people arrested because of their connection with Darfur and ends its regime of terror against them;
5. Outlaw all organisations that were established on racist grounds in Darfur especially the Arab Congregation (which was established in 1988) and like-minded militia groups such as the *Janjaweed*, *Murahleen*, and Popular Defense Forces.
