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Written statement* submitted by Amnesty International (AI), a non-governmental organization 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.

[7 December 2006]

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

The Human Rights Situation in Darfur

Last week Sudanese President Omar al-Bashir stated that no more than 9,000 had died in Darfur.¹ This week on 4 December, Vice President Ali Osman Taha told the Afro-Caribbean-Pacific Union that the “humanitarian and security situation in Darfur had begun to witness steady improvement after the signing of Darfur Peace Agreement”²

The very next day the UN evacuated non-essential personnel from El-Fasher after two days of looting by the *Janjawid* followed by clashes in El Fasher’s Mawashi market.

Since the beginning of the conflict in Darfur, the government of Sudan has consistently denied the mass forced displacement, killings and rape. In August 2004, Foreign Minister Mustafa Ismail stated during a television appearance that the UN exaggerated the number of those who had died by 10 times; there were no more than 4 thousand and he challenged the UN to “tell us their names or show us their graves”. In the same television programme, when asked why the government had not arrested alleged leaders of the *Janjawid*, including Musa Hilal, said to be leader of the *Janjawid* and a colonel in the Sudanese army, he answered: "Because we don't have anything. Nobody has come up with specific allegations against this very Musa Hilal ... We are talking about human rights. We can not just apprehend anybody or sentence him just on allegations."³

A wide gap exists between the Sudanese government’s statements and the reality they claim to depict. In October this year there were 1,974,527 displaced persons living in camps and a further 2,021,684 who had been affected by the conflict and were living in villages or towns in Darfur.⁴ The total of nearly 4 million is more than half Darfur’s estimated population of seven million. Those killed are not registered like the displaced or the refugees. It is lamentable that a government should care so little about its own people, but perhaps not surprising that having forcibly displaced them, the government does not bother to count them.

The Government of Sudan is now denying that it had any role in the killings and the mass displacement, claiming that the link between the *Janjawid* and the Government of Sudan has never been proved.

The findings of the International Commission of Inquiry on Darfur, set up by the UN Security Council, published in January 2005, showed an undisputable link between the government and the *Janjawid* and established that the government of Sudan and the *Janjawid* are responsible for serious violations of human rights and humanitarian law amounting to crimes under international law. Each fact is proved incontrovertibly. Among these findings it is worth recalling:

¹ News Conference, Khartoum, 27 November 2006, “Counting all those killed in battles between the armed forces, the rebels and the tribes, the number [of dead in Darfur] does not reach 9,000”.

² Sudanese vice-president says Darfur witnessing “steady improvement”; Suna news agency website, Khartoum, in English 4 Dec 06.

³ Ali Osman: 9 August 2004, Sudanese First Vice-President, Ali Osman Taha in an interview in the BBC television programme *Hard Talk*.

⁴ “Darfur Humanitarian Profile No.25. Situation as of 01 October 2006” from the Office of UN Deputy Special Representative of the UN Secretary-General for Sudan. UN Resident and Humanitarian Co-ordinator.

1. The bombing by government Antonov aeroplanes of many villages, with evidence of direct aiming, by Antonovs and helicopters, at civilians. Only the government has such aeroplanes.
2. Evidence of scores of cases when helicopters flew over villages immediately before an attack by the *Janjawid*.
3. Evidence of helicopters delivering arms to the *Janjawid*.
4. Scores of descriptions of joint attacks on villages by the Sudanese army and the *Janjawid*.
5. Eyewitness evidence of participation by the Sudanese army and military intelligence together with the *Janjawid* in extrajudicial executions, such as the summary killing of more than 135 people in Deleij in March 2004.

The direct relationship between the *Janjawid* and the government of Sudan can also be evidenced by the number of government statements showing that the involvement of *Janjawid* fighters was planned from the beginning of the Darfur conflict. This is plainly stated by President Omar al Bashir in a speech in December 2003:

"We will use the army, the police, the mujahidin, the fursan to get rid of the rebellion."[The *mujahidin* is the names usually given to the People's Defence Forces and *fursan*, "horsemen" is the name given by the *Janjawid* to themselves].⁵

Janjawid leader Musa Hilal has also made clear statements about his direct relationship to the government, including being paid and armed by the government. Other *Janjawid* have made similar statements.

The recruitment of a large part of the *Janjawid* into the People's Defence Forces and the Border Intelligence Guard is shown by numerous testimonies, as well as ID cards photographed by Amnesty International from dead or captured *Janjawid*; the fact that many *Janjawid* receive a monthly salary from the government; and the distribution to the *Janjawid* of new uniforms, and Kalashnikovs or G3 guns.

The UN International Commission of Inquiry states in its report:

*"...the Commission has gathered very substantial material which it considers substantiates the use of the term 'Janjaweed', in the limited context of the Commission's mandate, as a generic term to describe Arab militia acting, under the authority, with the support, complicity or tolerance of the Sudanese State authorities, and who benefit from impunity for their actions".*⁶

Notwithstanding commitments made by the Sudanese government, it has taken no steps to disarm the *Janjawid* or to prevent their attacks on civilians. Sources with close links to the *Janjawid* told Amnesty International that even *Janjawid* who do not receive monthly salaries or hold positions in one of the branches of the Sudanese military such as the Border Intelligence Guard, or the Popular Defence Force, can still be used by the government.

⁵ "Sudanese president says war against outlaws is government priority", Associated Press, 31 December 2003.

⁶ See "Report of the International Commission of Inquiry on Darfur to the Secretary-General Pursuant to Security Council resolution 1564 (2004) of 18 September 2004," S/2005/60, para 99.

Payment for this group of *Janjawid* consists of new weapons, given out for each military operation they undertake on behalf of the government, and impunity for the looting, pillaging, killing and raping before, after, and during the military operation.

The Special Rapporteur on extrajudicial, summary or arbitrary executions states in his report this year:

*“the Government [of Sudan] has clearly failed to implement its principal obligation which is to take effective steps to stop the attacks against the civilian population and to ensure that all militias are disarmed. Indeed, authoritative reports based on on-the-ground investigation establish beyond any doubt that the Government has continued to attack and kill civilians without any military necessity and has made no good faith effort to disarm the militias, but instead continues to use them as a proxy, inter alia, to carry out extrajudicial executions of civilians”*⁷

Additionally, during recent attacks on civilians, Amnesty International received detailed reports of how the *Janjawid* attacks occur with members of the Sudanese Armed Forces present. On 29 October *Janjawid* attacked eight villages and a displaced persons camp in the Jebel Moon area killing more than 50 people including 21 children under the age of 10. Victims told Amnesty International that they recognized military officers among the attackers. The *Janajwid* fighters are often used in coordination with the Sudanese Armed Forces, and during joint operations are directed by the Sudanese Armed Forces. The villages attacked are often seen by the Sudanese Government to have some kind of link to the armed opposition groups. The *Janjawid* attack villages; they loot cattle and other possessions during these attacks. This happened on 2-3 December, as the Sudan army moved to attack the greater Hashaba area, a cluster of villages in North Darfur.

Despite the solid information in the report of the International Commission of Inquiry, the Special Rapporteurs, and the High Commissioner for Human Rights, the government of Sudan continues to deny the evidence of its support to the *Janjawid* in Darfur, which continue to carry out grave violations of human rights and international humanitarian law with impunity. Furthermore, most of the recommendations contained in these reports, as well as in the resolutions by the Human Rights Council, the former Commission of Human Rights and, indeed, the UN Security Council, as well as by regional bodies, such as the African Commission on Human and Peoples' Rights, have not been implemented by the government of Sudan.

It is time for the Human Rights Council to assume its mandate to protect the human rights of people everywhere and to adopt concrete and effective measures to end the daily suffering of the people in Darfur.

Amnesty International recommends that the Human Rights Council:

- acknowledge the extremely serious, and continually deteriorating, human rights situation in Darfur and the Sudanese government's failure to provide protection to civilians;

⁷ See E/CN.4/2006/53/Add.2, para 153.

- call on the government of Sudan to implement, in full and without delay, the recommendations made by the Special Rapporteurs, by the High Commissioner for Human Rights and the International Commission of Inquiry as well as those included in the resolutions adopted by the former Commission on Human Rights;
- assess the implementation of the forgoing recommendations by the Government of Sudan; and
- ensure that it remains seized of the situation of human rights in Darfur.

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