

Report of OHCHR mission to Chad  
(5-15 April 2004)

**Introduction**

1. Darfur is a large area, 256,000 square kilometres in size, constituting the western region of Sudan. It is home to an estimated four to five million people, made up of a complex tribal mix. Large swathes of Darfur have been prone to drought and desertification, intensifying demands on its more fertile lands. In recent decades, areas of Darfur have been subject to sporadic inter-tribal clashes over use of resources.
2. It is clear that the people of Darfur are, today, suffering enormously. Conflict has intensified in the region since early 2003 with the emergence of two primary armed groups, the Sudan Liberation Army (SLA) and later the Justice and Equality Movement (JEM), whose broadly similar political demands are essentially for the Khartoum authorities to address the marginalisation and underdevelopment of the region. It is the manner of the response to the rebellion by the Government of Sudan which has led to the current crisis in Darfur. Following a string of SLA victories in the first months of 2003, the Government of Sudan appears to have sponsored a militia composed of a loose collection of fighters of apparently Arab background, mainly from Darfur, known as the "Janjaweed". The Janjaweed have supported the regular armed forces in attacking and targeting civilian populations suspected of supporting the rebellion.
3. In reaction to widely voiced mounting concerns that massive human rights violations were being committed against the people of Darfur, the Acting High Commissioner for Human Rights sent a mission to Chad from the Office of the High Commissioner for Human Rights (OHCHR). The purpose of this mission was primarily to visit the refugee camps and sites along the Chadian border with Sudan in order to interview refugees to seek to obtain a better understanding of the human rights situation in Darfur. At the same time, the Acting High Commissioner sought to send a parallel mission to Sudan to assess the situation on the ground in Darfur and to hold discussions with the Government of Sudan. While permission for this visit is still pending, it is understood that the Government of Sudan has agreed with the Secretary-General that a high-level United Nations mission will soon visit Khartoum and Darfur.
4. The OHCHR mission visited Chad on 5-14 April. It held discussions in N'Djamena with the Minister for Public Security and Administration, the Minister for Foreign Affairs, and the Minister for Internal Administration [check] of the Government of Chad. The mission also met with the United Nations Country Team in N'Djamena as well as with members of the diplomatic community and a number of nationally-based human rights and humanitarian NGOs.
5. On 8-13 April, the mission visited the northern portion of border region between Chad and Sudan. It visited refugee camps and sites at: Kounoungo, Tiné, Bahay, and Farchana. In these places, and in the district towns of Abéché, Guéréda and Iriba, the mission met with local government officials, as well as with representatives from UNHCR, UNICEF and NGOs assisting the refugees. The mission would like to take this opportunity to thank all with whom it met for their

hospitality and advice on the complex situation in Darfur and the resulting refugee and humanitarian crisis. It particularly wishes to commend the work of those individuals carrying out critical humanitarian work in what are extremely tiring circumstances.

6. The mission arrived in N'Djamena as the latest round of peace talks between the Government of Sudan and the SLA and the JEM, under the auspices of President Déby of Chad and supported by the African Union, were being concluded. The talks resulted in a commitment by both sides to a ceasefire of 45 days, open to renewal. The ceasefire, which began on 11 April, is to be monitored by a Ceasefire Commission, comprising representatives from all parties, the Chadian authorities and the international community; the details of this mechanism remain to be worked out.

7. While the mandate of the OHCHR mission was to focus on the human rights situation in Darfur rarely can human rights be looked at in isolation from the pervading political context; the situation in Darfur is no exception. It is clear to the mission that a resolution to the crisis in Darfur will be unlikely for as long as the basic demands of its people for justice, equality and development – refrains the mission heard often from refugees – are not met. The ceasefire, however, is a welcome first step which should be consolidated in order to allow for full humanitarian access to Darfur.

8. The humanitarian consequences of the situation in Darfur, and by extension the border regions of Chad contiguous with Darfur, should not be underestimated. At the time of the mission's visit to Chad, UNHCR had in the region of 22,500 registered refugees in camps near to the border with Sudan. It is clear, however, that many thousands more have already crossed the border and are living in desperate circumstances with no guaranteed access to food, water and medicine. UNHCR is operating with a working figure of 110,000 refugees. Logistical difficulties, the harshness of the environment, the length of the joint border (some 800km) and the relative mobility of some refugee groups present significant challenges to the humanitarian operation. The advent of the rains within the next two months will render the situation significantly more difficult. It is also apparent that the arrival of so many refugees in what is a very impoverished region of Chad is placing a strain on limited national resources, as well as potentially heightening inter-tribal tensions. The mission heard, however, that the Government of Chad had been cooperating fully with UNHCR in its handling of the refugees.

9. The eastern area of Chad, that part of the country most affected by the Darfur crisis, is currently under Phase One (Precautionary) of the United Nations Security Management System. Although the direct threat to UN staff is assessed to be low, the border region is potentially volatile with small arms widely available. On a number of occasions the Janjaweed have raided into Chad from Darfur in order to steal cattle and harass and attack refugees. The Chadian military has, following an agreement with the Government of Sudan, recently begun a policy of pursuing the insurgents back across the border engaging in combat, including through the use of tanks. One such incident, on 6 April 2004, is reported to have led to the deaths of two Chadian military and the wounding of one other. Increased patrols of the border by Chadian military are also said to have recently commenced.

10. Also of concern is the number of refugees who do not have enough food, water or shelter to meet their most basic needs. Reports of a WFP warehouse being broken into and robbed recently in Iriba is indicative in this regard. Areas of this region are littered with unexploded ordnance and land mines, some of which are plainly visible on the desert surface.

### **Overview of the human rights situation in Darfur**

11. The mission met and spoke with many refugees in all sites and camps that it visited. These discussions either took place in the form of individual interviews or group meetings. In effect the mission was able to conduct a mapping exercise outlining some of the main patterns of human rights violations that appear to be being perpetrated in Darfur. The following is a general description of the situation that the refugees reported that they had faced in Darfur.

12. The majority of the refugees interviewed came from the Zaghawa tribe which straddles the border between Chad and Sudan, with a particular concentration in the north. Many of the Zaghawa with whom the mission met had fled to Chad from their homes in such villages and towns as Birsaliba, Karniwa, Korno and Ambaru. In addition to the Zaghawa, the mission also met with members of the Masaalit, Tama, Ercaga, Fur and Midop tribes.

13. In the main, the Zaghawa refugees with whom the mission met were agriculturalists, growing crops and raising livestock. On occasion interviews were also held with merchants and teachers, mostly from the Masaalit community, who had also fled Darfur. A significant majority of the refugee population appeared to be comprised of women and children; at one site - Tiné - it was estimated that some 80% of the refugee population was made up of this group. The mission was not able to establish a clear reason for the gender imbalance: possibilities include that the men had remained in Darfur either to salvage what they could of their possessions, or to seek to tend to their remaining livestock, or to participate in the rebellion. It is also possible that men have been more acutely targeted by the Government of Sudan and the Janjaweed militia allied to it. Despite being a minority, men often spoke for the group. Discussion with female refugees and, to a lesser extent, with minors was also possible and will be the subject of a more detailed discussion below.

14. The refugees with whom the mission met had been in Chad for up to a year in some instances; in other cases, they had crossed the border only days before the mission met with them. The earliest reports of attacks about which the mission heard took place in March 2003 with the most recent having allegedly occurred in April 2004: there were indications that these attacks had been intensifying in violence.

15. There was a remarkable consistency in the witness testimony received by the mission in all places visited and in discussions with refugees who had entered Chad both many months ago and also very recently. Clearly, however, the full picture can only emerge when the Government of Sudan facilitates full and unimpeded access to Darfur.

16. Numerous testimonies point to the use by the Government of Sudan of aircraft in attacks on villages and towns in Darfur. The mission was informed that in one air raid bombs were dropped in Tiné, Chad, resulting in some 40-50 persons wounded; it was not clear if this attack was intentional or an error. In particular, there were frequent references to bombing raids by an Antonov airplane, which dropped crudely-made bombs ("big barrels" in the words of one witness), on population locations often with what was described as a particular targeting of markets and wells. One witness mentioned that an Antonov was seen over Bahay as recently as 10 April; it did not attack but caused considerable disquiet among the refugees. Once a village or town was targeted it appears that in many instances these air attacks took place on a regular basis, either weekly or even daily. There were also many references to the use of helicopter gunships.

17. Attacks appear often to have taken place at night or in the early morning. Land attacks invariably shortly followed air raids. These were carried out either by Janjaweed or Government of Sudan soldiers or a combination of both. The chief visible distinction between these two forces appears to be in their method of transport: Janjaweed were invariably said to use horses and camels, while Government soldiers were described as travelling in military vehicles. Both were dressed in combat fatigues and both were well armed (AK-47s and rockets were often mentioned; and whips were also frequently described). From some descriptions it appears that the Janjaweed were more active in attacks on villages with the military more prominent in attacks on towns.

18. In most instances, there was no warning that an attack was coming. Attacks in the main involved the destruction of property, often through burning, as well as the destruction of essential supplies such as flour and crops; in certain instances, these supplies were fed to livestock. Also, and frequently, these livestock were stolen. In a number of cases, refugees reported that attacks on them continued even as they were fleeing.

19. There were frequent reports of killings. More specifically, a number of refugees alleged that men, and even boys, were particular targets; those who were not able to flee – the disabled and elderly – also appear to have been at particular risk. Many witnesses were able to name individuals who had been killed. Some reported seeing dead bodies and some reported family members or other acquaintances as having disappeared. In many instances the refugees stated that they did not have the time to bury the dead before fleeing for the border. A sizeable number of refugees reported having heard of killings and it was the fear of this – rather than actually having witnessed it – that seems to have triggered flight in many cases.

20. Other violations reported to the mission included sexual violence, and particularly rape. At least two sets of female refugees interviewed by the mission claimed that they had been raped. There were many more references to sexual violence but the social stigma attached to women who have been violated made it extremely difficult for the mission to establish the true extent of this practice. Finally, there were many references by the refugees to torture, cruel or degrading treatment by their attackers, including severe whipping, as well as on occasion stripping victims of their clothes in what appears to have been an exercise in humiliation.

21. The refugees interviewed invariably described the Janjaweed as being exclusively "Arab", as opposed to "black" or "African". What this distinction precisely entailed was difficult for the mission to establish. Some suggested that the Janjaweed had been formally registered by the authorities and were housed in military camps. There were frequent references by the refugees to the Janjaweed and Government of Sudan engaging in a policy designed to remove Africans from Darfur in order to obtain additional land. In most instances this was theorising; in a small number of cases refugees alleged that they had heard their attackers instructing them to leave their villages. In other instances, refugees had no explanation for the attacks. Many alleged that the authorities in Khartoum had left Darfur underdeveloped.

22. In virtually every interview, refugees alleged that the local authorities were of no assistance. The only exception to this were the local police, often from the same tribe as the refugees, who were reported on a number of occasions to have resisted militia and military attacks on towns and villages. There was a striking silence on the matter of the SLA and JEM rebels. The vast majority of refugees with whom the mission spoke claimed that there had been no armed men among their communities.

23. The current situation among the refugees varies according to their location. Those who have been registered by UNHCR and are in properly constituted camps face considerably better conditions than those who have not yet been so dealt with. For this latter group – the majority – conditions are extremely tough. At several locations, the mission heard reports of rising malnutrition. In Tiné, it was reported that there had been over 25 cases of meningitis, above the epidemic threshold: a vaccination campaign was in the process of being launched. But whether in properly established camps or not, conditions for all refugees were difficult given the environment and remoteness of the area in question. Many had walked for a considerable amount of time to reach Chad. Many appeared traumatised. Many had lost everything that they owned. There were numerous calls for property restitution and for meaningful compensation and reparation.

#### **International Human Rights and Humanitarian Law**

24. Fundamental human rights must be respected in times of peace and in times of armed conflict. While international law recognises the right of States to take measures to maintain or re-establish their authority and law and order, or defend their territorial integrity, it requires that measures taken must be consistent with human rights and humanitarian law.

25. Sudan is a party to several core human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), and the African Charter on Human and Peoples' Rights. On 8 September 2000, Sudan signed the Rome Statute of the International Criminal Court (ICC) but has yet to ratify it. As a signatory, Sudan must refrain from acts which defeat the object and purpose of the ICC Statute.

26. The ICERD requires States party to take measures to eliminate all distinctions, exclusion, or restriction or preference based on race, colour, descent, or national or ethnic origin. Moreover, acts that are committed with intent to destroy, in whole or in

part, a national, ethnical, racial or religious group as such constitute genocide. These include: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group. While Sudan is not a party to the Convention on the Prevention and Punishment of the Crime of Genocide, acts of genocide are now widely accepted as crimes under customary international law. Individuals suspected of committing, conspiring to commit, directing, publicly inciting, attempting, or of being complicit in acts of genocide may be held criminally responsible for their acts.

27. As a state party to the ICCPR, the Government of Sudan must respect its provisions. While Sudan may take measures to derogate from certain human rights in times of an emergency that threatens the life of a nation, there are some procedural and substantive requirements that must be followed in so doing. These include notifying other States parties, through the Secretary General, of the provisions from which it has derogated. Also, the measures taken must be only to the extent strictly required by the exigencies of the situation. They must be consistent with Sudan's other obligations under international law, and they must not involve discrimination solely on the ground of race, colour, sex, language, or social origin. Most importantly, the ICCPR lists a number of core rights that can never be derogated from. These include the right to life; the prohibition of torture or cruel, inhuman or degrading punishment; the prohibition of slavery, the slave-trade and servitude; and freedom of thought, conscience and religion.

28. All parties to the conflict in Darfur are bound by the provisions of international humanitarian law laid out in Common Article 3 to the four Geneva Conventions, which applies "in the case of armed conflict not of an international character". It provides for the protection of persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause. This key provision, which is now considered as part of customary international law, prohibits *inter alia* violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; committing outrages upon personal dignity, in particular humiliating and degrading treatment; and hostage taking. Although Sudan is not a party to the two additional protocols to the Geneva Conventions, significant provisions of these are now considered to constitute customary international law. Amongst their customary provisions are the prohibitions of indiscriminate attacks against civilians, pillage, rape, enforced prostitution and any form of indecent assault.

29. Moreover, it is widely recognized that systematic or widespread violations of human rights and humanitarian law may constitute crimes against humanity and/or war crimes. The ICC Statute in Articles 6, 7, and 8 details acts that give rise to individual criminal responsibility concerning genocide, war crimes or crimes against humanity.

## Systematic or Widespread Patterns of Violations

30. As the section above providing an overview of the human rights situation in Darfur demonstrates, it appears that attacks carried out by the armed forces of Sudan and the Janjaweed reflect a disturbing pattern of disregard for basic principles of human rights and humanitarian law. The following patterns of violations appear to have occurred.

### I. Indiscriminate attacks against civilians

31. From interviews that the mission had with refugees, it appears that a considerable number of populations centres in Darfur have been subjected to regular attack by Government of Sudan and Janjaweed forces. The mission received information of attacks on the following locations: Birsaliba, Manjura, Shahtan, Manjudeen, Manjula, Aburjidad, Kornoi, Aldarel, Abugapura, Ambaru, Farahawiya and Karnawiya.

32. Numerous witnesses interviewed in different locations described a consistent pattern of attacks comprising air bombardments using an Antonov military plane, ground troops in military vehicles and militias on horses and camels. All reports indicated that such bombardments are indiscriminate. It is clear that these attacks fail to distinguish between civilians and combatants and are disproportionate in nature. There is also a possibility that civilian areas have been directly targeted.

33. Bombs were sometimes dropped on crowded areas such as markets or communal wells; homes, shops, and fields were also destroyed. Some refugees reported that they were the object of such aerial attacks even as they were fleeing. In addition to the severe loss of life and property, the bombings had the effect of terrorising the population in direct violation to article 4 of Additional Protocol II to the Geneva Conventions.

34. In many instances, bombardments were followed by ground troops in military vehicles or by attacks by Janjaweed, or by combinations of the two. The Janjaweed were uniformed in khaki and those interviewed could not distinguish them from the regular armed forces except by the fact that they often travelled on horses or camels. In the eyes of many refugees, there appeared to be little difference between the regular army and the Janjaweed.

35. These forces indiscriminately attacked those who had not fled, such as the elderly and disabled and, it seems, with a particular emphasis on men and boys. Several individuals interviewed reported that their spouses, children and/or members of their extended families were killed by the Janjaweed. In some instances the Janjaweed returned to villages several days later and carried out additional attacks on those remaining. In one particular instance the mission heard that when individuals sought to return to their homes in the village of Ambaru, several days after it had been subjected to attack, they found men ("of light skin - brown and yellow") in front of each house and that their homes had been looted and were empty.

36. Indiscriminate killing of civilians constitutes arbitrary deprivation of life which is prohibited under Article 6 of the ICCPR. Moreover, violence to life and person, in particular murder of any kinds with regards to persons taking part of

hostilities, is prohibited by Common Article 3 to the four Geneva Conventions. Acts of murder may also constitute crimes against humanity when they are committed as part of a widespread or systematic attack directed against the civilian population. Intentionally directing attacks against the civilian population as such or against individual civilians not taking part in hostilities may also be regarded as war crimes.

## II. Rape and other serious forms of sexual violence

37. A policy of using rape and other serious forms of sexual violence as a weapon of war seems to exist. There are consistent reports amongst refugee women from various locations that "men in uniform" raped and abused women and young girls. The mission interviewed at least 10 women who said they had been raped. Many more suspected cases were brought to the mission's attention. Rape was often multiple, carried out by more than one man, and it was associated with additional severe violence including beating with guns, and whipping. Rape often appears to have taken place while victims were held by another armed person at gun point, sometimes in front of family members. The mission was informed that several women have become pregnant as a result of rape. Because of the trauma and stigma associated with rape and other forms of sexual violence, it was not possible for the mission to establish the full extent of this practice.

38. Rape and other forms of sexual violence as described above are considered a form of torture, and cruel, inhuman and degrading treatment. These are serious violations of the ICCPR. They also constitute outrages upon personal dignity, prohibited by Common Article 3 of the Geneva Conventions and are considered war crimes. Rape, sexual slavery, enforced prostitution, and forced pregnancy also constitute a crime against humanity when committed as part of a widespread or systematic attack directed against the civilian population.

## III. Destruction of Property and Pillage

39. Destruction of private homes, huts, crops and agricultural areas, wells, shops and entire civilian locations appears to have systematically taken place without military justification. Food stuffs and livestock appear to have been systematically looted or destroyed. Almost every person interviewed by the mission reported the pillage and looting of his or her private property. Many reported that they saw their homes being torched. Many have lost their entire life possessions.

40. The mission received over one hundred lists of personal belongings allegedly looted by either the army or the Janjaweed. Women often spoke of losing their entire family belongings, reported, for example, by one interviewee as constituting three beds, four mattresses, eight changes of clothes, six glasses, two cooking pans, three plates, and four dishes. They all reported the looting of their livestock, including, cows, goats and camels.

41. These acts violate basic international humanitarian law. Article 14 of Protocol II Additional to the Geneva Conventions prohibits the attack, destruction, removal, or rendering useless of objects indispensable to the survival of the civilian population. It specifically prohibits attacks on foodstuffs, agricultural areas, crops, livestock, and drinking water installations. Moreover pillaging a town or place, even when taken by



assault, is an absolutely prohibited act under international humanitarian law. It may constitute a war crime when it takes place in the context of an internal armed conflict. The destruction or seizure of the property of an adversary, unless such destruction or seizure is imperatively demanded by the necessities of the conflict, may also constitute a war crime.

#### IV. Forced Displacement

42. The inevitable consequence of the killings, rape, burning and looting of villages has been massive displacement, within Sudan and across the border to Chad. These policies appear to be directly aimed at preventing the villagers from returning to their homes. Many refugees left for fear of aerial bombardments and attacks by the armed forces and Janjaweed. Many of those who did return were reportedly killed or detained. There are also reports that the Janjaweed and Government of Sudan military have been preventing people from crossing into Chad.

43. These policies have resulted in a dire humanitarian crisis. Humanitarian agencies report that there are currently some 700,000 internally displaced persons in Darfur. Humanitarian assistance to these IDPs has been severely restricted. Early this year, the President of the International Committee of the Red Cross, following his mission to Sudan, expressed his "serious concerns regarding the situation in Darfur" and the fact that given the present circumstances, there are some difficulties "to carry out a meaningful humanitarian operation". The United Nations Emergency Relief Coordinator stated before the Security Council on 2 April 2, 2004, that he had received "credible reports almost daily about atrocities - including murders, rapes and episodes of looting - and the forced depopulation of entire areas". Following an invitation from the Government of Sudan, the Secretary-General has decided to send a high level mission to Sudan which is expected to travel on mid April 2004. It is hoped that this will help in securing full humanitarian access to Darfur, as well as in leading to an improvement in the human rights situation on the ground.

44. The Government of Chad has generously received Sudanese refugees, despite the burden they clearly place on the basic infrastructure of Chadian frontier towns and villages. Humanitarian agencies estimate that there may be 110,000 refugees in Chad although those registered and located in official camps amount to only some 22,500. The humanitarian operation is hindered by the inhospitable nature of the terrain (the scarcity of pasture and water), the length of the Chad/Sudan border, poor transport networks, and the nomadic nature of much of the refugee population.

45. The Government of Sudan has attempted to negotiate the return of refugees after President al Bashir announced the ending of military hostilities early this year. Refugees informed the mission, however, that they fear returning to Sudan at this stage. They invariably expressed willingness to return to their homes once security had been established and they had been compensated for their losses.

46. Ordering the displacement of the civilian population for reasons related to the conflict constitutes a war crime, unless the security of the civilians involved or imperative military reasons so demand such action. Furthermore, the forcible transfer of populations constitutes a crime against humanity when carried out as part of a widespread or systematic attack directed against the civilian population.

## V. Disappearances

47. Most refugees are women and children. An overwhelming number of them reported that they did not know the fate of other family members. Spouses reported that they had fled in haste and fear without their partners. In several instances, mothers and fathers reported that they had left without taking all their children with them. UNICEF reported that there were hundreds of unaccompanied children within the refugee community. The imperatives of flight have resulted in families becoming dispersed making their union extremely difficult to ensure in what is a huge area, with a long border and poor roads. Since polygamy is common, several men reported that they did not know the whereabouts of some of their wives and children.

48. Some of those who have disappeared may have been combatants that were killed or detained during the fighting. The majority, however, appear to have been civilians: women, children, the elderly, and the sick, disabled and wounded who were unable to flee. There were also reports of detention centres being administered by the army as well as the Janjaweed. Several refugees suspected that they thought their relatives had been taken to such centres, however they did not know their exact whereabouts. There were also some specific reports of abductions, particularly by the Janjaweed.

49. Enforced disappearances constitute a crime against humanity when they are committed as part of a widespread or systematic attack directed against the civilian population.

## VI. Persecution and Discrimination

50. The conflict in Darfur appears to be rooted in the structural imbalances in Sudan in terms of governance and economic development between the centre and the rest of the country. Its current manifestations appear to have developed worrying racial and ethnic dimensions.

51. As stated earlier, the mission met mainly with refugees from the Zaghawa community, as well as some Masaalit and a few Fur. Most of those with whom the mission met spoke of a pattern of persecution by the regular armed forces and the Janjaweed. What was clear from the interviews is the consistent perception that the Government has mobilised, allegedly from among "Arab" tribes, what have become known as the Janjaweed to support its campaign in targeting and attacking civilian populations suspected of supporting the rebellion. This campaign translated mostly into attacks on Fur, Masaalit and Zaghawa villages.

52. As mentioned above, Sudan is a party to the ICERD. As such, it is required under law to take measures to eliminate all distinctions, exclusion, or restriction or preference based on race, colour, descent, or national or ethnic origin.

53. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds constitutes a crime against humanity when they are committed as part of a widespread or systematic attack directed against the civilian population.

## Conclusion

54. The mission was able to identify disturbing patterns of massive human rights violations in Darfur, many of which may constitute war crimes and/or crimes against humanity. According to information collected from refugees, it appears that there is a reign of terror in Darfur the following elements of which should be highlighted:

- a) Repeated attacks on civilians by Government of Sudan military and its proxy militia forces with a view to their displacement;
- b) The use of systematic and indiscriminate aerial bombardments and ground attacks on unarmed civilians;
- c) The use of disproportionate force by the Government of Sudan and Janjaweed forces;
- d) That the Janjaweed have operated with total impunity and in close coordination with the forces of the Government of Sudan;
- e) The attacks appear to have been ethnically based with the groups targeted being essentially the following tribes reportedly of African origin: Zaghawas, Masaalit, and Furs. Men and young boys appear to have been particularly targeted in ground attacks; and
- f) The pattern of attacks on civilians includes killing, rape, pillage, including of livestock, and destruction of property, including water sources.

55. The patterns of violence point to an intent on the part of the Sudanese authorities to force the population to disperse. In some instances, there were reports of actions by the Government of Sudan and the militia to prevent the populations from crossing international borders.

56. Numerous refugees interviewed by the mission were convinced that the Government of Sudan had neglected them for many years and that it now wanted to exclude them from Darfur in order to enable Government allied militia to seize control of their land.

57. Finally, it was clear to the mission that the influx of so many refugees into Chad constituted a source of concern for peace and security in the region. The composition of the Chadian population in the border region with Sudan, coupled with the tribal mix of the refugees crossing the border into Chad, constitutes a potentially destabilising factor, as does the practice of the Janjaweed in pursuing Sudanese refugees into Chad.

## Recommendations

58. It is clear that the current pattern of massive and gross human rights violations as reported by the refugees raises very serious concerns as to the survival, security and human dignity of those who have remained in Darfur, particularly internally displaced persons. Ongoing obstruction of humanitarian access makes their situation increasingly untenable, particularly if the current ceasefire is not observed by all combatants. With that in mind, the mission makes the following recommendations.

59. The Government of Sudan should publicly and unequivocally condemn all actions and crimes committed by the Janjaweed and ensure that all militias are immediately disarmed and disbanded.

60. Humanitarian workers must also be given full and unimpeded access to Darfur in order to ensure that there is no blockage in the delivery of humanitarian assistance. Such measures are urgent given the fact that the rainy season is approaching. The international community should ensure that the Consolidated Appeal for Chad (2004), aimed at assisting this country in facing the crisis in Darfur, is met in full and on time.

61. The Government of Sudan should pursue a policy of national reconciliation for Darfur, end impunity and promote the rule of law based on non-discrimination, the effective protection of minorities and indigenous populations, as well as the participation of all in public life and the active promotion of development programmes for Darfur.

62. Refugees and displaced persons should have the possibility of returning home without fear for their lives and personal security. They should be able to reacquire their lands. Fair compensation and reparations should be extended to all victims of the conflict in Darfur with particular attention paid to the situation of women victims of gender-based violence, to children, the elderly and the disabled. The Government of Sudan should implement an appropriate programme for the reintegration and return of the population to Darfur.

63. The Government of Sudan should put in place measures to ensure that such human rights abuses, war crimes and crimes against humanity, are not repeated in the future.

64. An international commission of inquiry is required given the gravity of the allegations of human rights violations in Darfur. To be credible, such a commission must be, and must be seen to be, independent. The Government of Sudan should cooperate with this Commission.

65. The commission should be authorised:

- a) To examine the actions of those elements of the regular Sudanese army engaged in the conflict in Sudan;
- b) To examine the actions of the Janjaweed militia;
- c) To seek to identify precisely what crimes have been committed, as well as the perpetrators of these crimes, their commanders and their accomplices;
- d) To seek to assess the extent to which national, regional and local authorities have encouraged and supported, directly or indirectly, the perpetration of human rights violations, war crimes, and crimes against humanity;
- e) To examine the activities of the Sudanese rebels operating in Darfur, as well as the nature of their interaction with civilians in that region;

- f) To assess the extent to which the belligerents on both sides of the conflict have complied with their respective responsibilities under international law; and
- g) To make recommendations on ensuring that there is an appropriate process of accountability for crimes committed on both sides of the conflict.

66. There is a need for continuous monitoring of the human rights situation in Darfur. To this end, the Government of Sudan should permit the deployment by the United Nations and the African Union of human rights monitors in Darfur.

67. The Government of Sudan should issue an open invitation to all special procedures of the Commission on Human Rights to visit Sudan at any time. It should facilitate their visit to Darfur as early as possible.