



Targeting the Fur: Mass Killings in Darfur
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Summary

Since February 2003, Darfur has been the scene of massive crimes against civilians of particular ethnicities in the context of an internal conflict between the Sudanese government and a rebel insurgency. Almost two million people have been forcibly displaced and stripped of all their property and tens of thousands of people have been killed, raped or assaulted.¹ Even against this backdrop of extreme violence against civilians, several incidents in March 2004 stand out for the extraordinary level of brutality demonstrated by the perpetrators. In one incident, Sudanese government and “Janjaweed”² militia forces detained and then conducted mass executions of more than 200 farmers and community leaders of Fur ethnicity in the Wadi Saleh area of West Darfur. In a second incident in neighboring Shattaya locality, government and militia forces attacked Fur civilians, detained them in appalling conditions for weeks, and subjected many to torture.

To date, the Sudanese government has neither improved security for civilians nor ended the impunity enjoyed by its own officials and allied militia leaders. Immediate action including an increased international presence in rural areas of Darfur is needed to improve protection of civilians and reverse ethnic cleansing. International prosecutions are also essential to provide accountability for crimes against humanity and ensure justice for the victims in Darfur. The Sudanese government is clearly unwilling and unable to hold perpetrators of atrocities to account: a presidential inquiry into abuses recently disputed evidence of widespread and systematic abuses and instead of prosecutions, recommended the formation of a committee.³ The United Nations Security Council, following receipt of the January 25th report of the international commission of inquiry’s investigation into violations of international humanitarian law and human rights law and

¹ See Human Rights Watch reports: *Darfur in Flames: Atrocities in Western Sudan*, Vol.16, No.5 (A), April 2004, *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan*, Vol.16, No. 6(A), May 2004, “*Darfur Documents Confirm Government Policy of Militia Support*,” July 20, 2004, “*Empty Promises: Continuing Abuses in Darfur, Sudan*,” August 11, 2004, and “*If We Return We Will Be Killed*,” November 2004.

² The term “Janjaweed” has become the source of increasing controversy, with different actors using the term in very different ways. The term historically referred to criminals, bandits or outlaws. In the wake of the conflict in Darfur, many “African” victims of attacks have used the term to refer to the government-backed militias attacking their villages, many of whom are drawn from nomadic groups of Arab ethnic origin. Victims have also used other terms, such as “fursan” and “peshmarga” to describe these government-backed militias. The Sudanese government and members of the government-backed militias themselves reject the name “Janjaweed”, see “Sudan Arabs Reject Marauding ‘Janjaweed’ Image,” Reuters, July 12, 2004. Other terms used by the Sudanese government include the terms “outlaws” and “Tora Bora,” to refer to the rebels, and the terms “knights,” “mujahedeen” or “horsemen” which appear to refer to members of its own militias. See also “Who are the Janjaweed?” in Human Rights Watch report, *Empty Promises: Continuing Abuses in Darfur, Sudan*, pp.11-13.

³ “Sudan inquiry denies Darfur genocide,” Agence France Presse, January 20, 2004, at <http://www.abc.net.au/news/newsitems/200501/s1285951.htm>

allegations of genocide in Darfur, should promptly refer the situation of Darfur to the International Criminal Court for prosecution.

Background

Since early 2003, the people of Sudan's western Darfur region have experienced a brutal government-coordinated scorched earth campaign against civilians belonging to the same ethnicity as members of two rebel movements, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). The government's campaign has combined two key elements with devastating consequences for civilians. One is the systematic use of indiscriminate aerial bombardment in North Darfur and to a lesser extent in West and South Darfur. The second is the deployment and coordination of ethnic proxy forces known as "Janjaweed" militias who have been recruited from landless Arab nomadic tribes, some of whom have been involved in past clashes with the farming communities branded as supportive of the rebels.

Almost all of Darfur's population has been affected by the conflict, either directly through attacks on villages, killings, rape, looting and destruction of property and forced displacement, or indirectly through the near total collapse of the region's economy. An estimated two million people have been displaced in less than two years of conflict. An accurate estimate of the total number of conflict-related civilian deaths—including mortality from violence as well as from disease and malnutrition related to displacement—is unavailable, but is likely to surpass 100,000.⁴

In the south of Sudan, a twenty-one year conflict between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) has been settled by a peace agreement signed on January 9, 2005. The conflict in Darfur broke out after the

⁴The figure of 70,000 has been circulating in media reports for months but was originally made by the World Health Organization only as an estimate of the number of displaced people who died from "conditions in which they are living since March 1st [2004] (David Nabarro, Mortality projections for Darfur, October 15, 2004 <http://www.who.int/mediacentre/news/briefings/2004/mb5/en/print.html> . The figure of 70,000 is an estimate based on a survey conducted jointly by WHO and the Sudanese Ministry of Health between June 15, 2004 and August 15, 2004. It does not include the numbers of people who died from conflict-related disease and malnutrition from February 2003-March 2004 when the violence was at its height and the Sudanese government prohibited all but three international relief agencies from working in Darfur. Nor does it include violent deaths from the end of the survey period (August 15, 2005) to the present. Amnesty International alone has gathered 3000 names of civilians who died from direct violence. Médecins sans Frontières (MSF) retrospective mortality and nutritional surveys in various parts of Darfur indicate extremely high mortality rates due to violence. See MSF, "Violence and Mortality in West Darfur, Sudan: epidemiological survey from four surveys," published in *The Lancet*, October 1, 2004 <http://www.msf.fr/documents/base/2004-10-01-Depoortere.pdf>.

southern peace talks commenced, and was not included in those negotiations. African Union-sponsored peace talks between the Sudanese government and the two main rebel groups in Darfur, the SLA and the JEM, have made little progress and the ceasefire signed by the government of Sudan, the SLA and the JEM on April 8, 2004 has been repeatedly violated by all sides.

As of early January 2005, prospects for an imminent end to the violence in Darfur remain bleak. Despite agreements between the Sudanese government and the rebel movements in Abuja, Nigeria, on November 9, 2004, including commitments by the government to “refrain from conducting hostile military flights in and over the Darfur region,” and to “expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias,”⁵ the government’s promises proved to be of little value shortly after they were made. In December 2004, the government launched an offensive on civilians and SLA targets in South Darfur, including through helicopter bombardment, prompting the African Union to issue an unusually harsh reprimand.⁶ Increasing ceasefire violations by rebel groups were also reported by the U.N. and other sources.⁷

Several “African”⁸ ethnic groups—namely the Fur, Masalit, and Zaghawa⁹ -- have been specifically targeted by repeated joint government-militia attacks in Darfur. Many of the abuses against these groups amount to crimes against humanity and war crimes, as the attacks are deliberately and systematically directed against civilians on account of their ethnicity. Some abuses stand out for the extraordinary level of brutality shown by the perpetrators, suggesting an intention to destroy the civilian group targeted in a given

⁵ “Protocol Between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) on the Enhancement of the Security Situation in Darfur in Accordance with the N'Djamena Agreement,” pp.3.

⁶ Press Release, African Union, Addis Ababa, December 18, 2004.

⁷ UN Press, “UN again calls on Sudan’s government and rebels to cease hostilities in Darfur,” December 20, 2004.

⁸ Although the term “African” historically had little relevance in the Darfur context, many of the Fur, Zaghawa and other victims of government-militia attacks have increasingly identified themselves as “African” in opposition to their “Arab” attackers. This is a troubling sign of the increasingly polarizing effect of the conflict, in which many—but not all—ethnic groups have felt compelled to become involved along ethnic lines. Almost all the people of Darfur are Muslim and ethnic identity has previously been flexible, with intermarriage between ethnic groups, particularly in urban areas.

⁹ Numerous smaller ethnic groups, such as the Tama, Eringa, Berti, Bergit, Dorok and Tunjur, have also been targeted by the government-militia forces, especially as the conflict has broadened geographically over time.

locality.¹⁰ All these incidents should be investigated in depth, and prosecuted as exceptionally serious international crimes, including potentially the crime of genocide.

Based on investigations by Human Rights Watch in Darfur in 2004,¹¹ this paper describes events leading up to and details of two specific incidents in south-western Darfur in March 2004—the summary executions by government forces and their allied militias of more than 200 Fur men in the Wadi Saleh area of West Darfur and the attacks on and detentions of thousands of Fur civilians in the neighboring Shattaya locality of South Darfur. The government’s military offensives in late 2003 and early 2004 in this area were characterized by extremely high levels of violence against Fur civilians, the predominant ethnic group in the area.

Dar Fur: Wadi Saleh, Mukjar and Shattaya localities

Deleig and Mukjar localities (*mabalias*) in West Darfur state and neighboring Shattaya locality in South Darfur state are in the central belt of Darfur¹². This area, which includes the Jebel Marra mountains and the land around it, is among the most fertile agricultural areas in Darfur. Historically, the area is part of the *dar* or homeland of the Fur tribe, from which Darfur takes its name and whose sultanate ruled most of Darfur for several hundred years before the British captured the area in 1916.

Some of the key towns there--Deleig, Garsila, Mukjar, Shattaya and Kailek—are located in a U or semi-circle shape around a cluster of hills or small mountains (*jebel*) called the Sindu Hills, which straddle the border between West and South Darfur. The Fur tribe is mainly agricultural and rural village-based, although many communities also own livestock and some are semi-nomadic or transhumant.¹³ The larger towns, such as

¹⁰ The crime of genocide requires a specific intent to commit acts such as killing, rape, or serious injury with the purpose of destroying, in whole or in part, a national, ethnic, racial or religious group, as such. See Convention on the Prevention and Punishment of the Crime of Genocide, entered into force on 12 January 1951.

¹¹ Human Rights Watch conducted five fact-finding trips to Chad and Sudan in 2004 (February, March-April, June, July-August, September-October) and interviewed hundreds of witnesses and victims of abuses in Darfur. Until the September-October research trip to government-held areas of Darfur, however, access to victims and witnesses from the Fur areas of Darfur was minimal because the Fur mainly reside in central Darfur and the vast majority did not seek refuge in Chad. Most refugees from Darfur in Chad are Zaghawa, Masalit and other smaller ethnic groups inhabiting areas along the Sudanese-Chadian border.

¹² For a map of West Darfur, see the Draft West Darfur Field Atlas by the Humanitarian Information Center for Darfur at <http://darfur.v3.net>

¹³ Transhumance is the seasonal movement of livestock between mountain and lowland pastures, or as in Sudan between rainy season and dry season pastures. The livestock owners are not nomads but live in settlements from which they, their youth, or others move the livestock.

Garsila and Mukjar, are administrative centers and have a greater ethnic mix due to the presence of merchants, traders, military forces and migrants from other parts of Sudan.¹⁴

Historical tensions over land

While the area is bordered by historically pastoral or nomadic¹⁵ groups of Arab ethnicity such as the Beni Halba, whose *dar* is south of Shattaya, an important point of contact between settled Fur communities and migrating Arab tribes has been during the annual livestock migrations. Several north-south migration routes (known as *marhal*) transit the Deleig-Mukjar-Shattaya region.¹⁶

Darfur's migration routes have been delineated since the days of the British colonial rule, when the system of *dars* was elaborated. Official and customary law regulated the timing and use of migration routes by nomads and included prohibitions on cultivation or fencing along the routes, many of which have been reasserted in more recent agreements between ethnic groups as both the area under cultivation and livestock numbers have increased.¹⁷ However, over the past few decades, there has been increasing conflict over land, especially between sedentary Fur¹⁸ farming communities and migrating Arab nomads, particularly landless nomadic groups, due to a number of factors: increasing human and livestock population, environmental degradation, expanding agricultural cultivation, inadequate water resources and the migration of nomads from Chad into Darfur.¹⁹

¹⁴ There are also small communities of Tama, Eringa, Gimr, Misseriya Jebel and Masalit ethnic groups living throughout the rural areas, many of whom migrated from other parts of Darfur during the famine of 1984-85.

¹⁵ Pastoralism includes a broad variety of livestock-based movement ranging from "pure nomadism" such as the long-distance seasonal migration practiced by camel-owning nomads in North Darfur to the short-distance migration of small flocks of sheep and goats practiced by some sedentary agriculturalists. See also "Pastoral Land Tenure in Sudan," Study prepared for UNDP Project Reduction of Resource-based Conflicts among Pastoralists and Farmers, SUD/01/013, prepared by Dr. Salah Shazali, DSRC, UK, p.3.

¹⁶ Northern camel-herders--known as abala or gamala camel nomads--typically bring their animals south into the area in the dry season (October – May) in search of water and pasture, then return north in the rainy season (June – September). Southern cattle-owning tribes known as baggara travel even further south in the dry season, entering the Central African Republic and Bahr El Ghazal state in southern Sudan, but return north into the Deleig-Mukjar-Shattaya region in the rainy season.

¹⁷ "Pastoralist Baseline Survey, Greater Darfur 2003," Al Massar Charity Organization for Nomads [sic] Development and Environmental Conservation (MONEC). See also "Pastoral Land Tenure in Sudan," Study prepared for UNDP Project Reduction of Resource-based Conflicts among Pastoralists and Farmers, SUD/01/013, prepared by Dr. Salah Shazali, DSRC, UK.

¹⁸ There has also been growing conflict between Arab pastoralists and other non-Arab agriculturalists, such as the Masalit, as well as among various nomadic groups, such as between Arab and Zaghawa nomads.

¹⁹ Ethnic groups such as the Salamat, Saada and Tarjum are reported to have migrated from Chad to Darfur in the 1970s and 1980s. In some places, these groups were allocated land for settlement, but not ownership, by Fur leaders.

Darfur has long experienced underdevelopment, as have most Sudanese regions on the periphery of Khartoum. Since the current National Congress government took power in a military coup in 1989, however, Fur and other non-Arab communities increasingly complained that instead of addressing the underlying causes of the Darfur conflicts, the government armed and assisted the nomadic Arabs in the localized clashes that took place in the late-1980s and 1990s. These local conflicts—and the hostility and mistrust that they have provoked between communities—have been a contributing factor in the violence of 2003-2004. These local clashes were, however, far surpassed in scale and suffering by the impact of the conflict that has been taking place between the government of Sudan, its ethnic militia allies, and Darfur rebel movements since 2003.

Events in 2003-2004

By all accounts, the Darfur conflict first assumed serious dimensions in the Deleig-Garsila-Mukjar area in August 2003, as in much of West Darfur, several months after the government launched its counter-offensive against the insurgency in North Darfur. By July 2003, the main rebel group—the SLA—had established a presence not only in North Darfur and the Jebel Marra massif, but also in the Sindu Hills located south of Jebel Marra, within the Deleig-Mukjar-Shattaya semi-circle.

In August 2003, the SLA launched attacks on police stations and government offices and looted weapons and ammunitions stocks, fuel depots and other resources in the Mukjar area. In one of its first attacks in the area, in early August 2003, the SLA struck the police station in Bindisi town, south-west of Mukjar, and looted weapons and a radio. Two people were reportedly killed in the attack, including an Arab prisoner in the police prison, and a local businessman was reportedly abducted. Other attacks on Mukjar and Arwala (northeast of Garsila) followed the same pattern but “didn’t hurt anyone,” according to a government official in Mukjar.²⁰ Human Rights Watch received reports that some civilians fled into Garsila in late-2004 following SLA attacks in the area, but is unable to confirm the precise number or origin of the displaced people.²¹

The first government offensive: August-December 2003

In August and September 2003, following a policy initiated in other parts of Darfur, the government of Sudan recruited and mobilized militia forces in West Darfur in response

²⁰ Human Rights Watch interview, West Darfur, October 16, 2004.

²¹ Confidential communication to Human Rights Watch, December 2003.

to the SLA's attacks. This force was conceived as a key supplement to the small number of army troops deployed in the region, and to the use of aerial bombardment.

As in other parts of Darfur, these militias, some of which were recruited into the government-sponsored Popular Defence Force (PDF)²² along ethnic lines, included mainly nomadic or semi-nomadic groups of Arab origin. According to several witnesses, the Sudanese government followed two distinct strategies in its recruitment. First, it issued a public call to arms to defend against rebel incursions. In some places, members of non-Arab ethnic groups such as the Fur and Masalit responded, but Human Rights Watch was consistently told that the government turned these individuals away or refused to give them weapons, unlike the Arab recruits.²³ Second, Human Rights Watch was told that the Sudanese government pursued secret meetings with key leaders of Arab tribes in Darfur, particularly those tribal leaders belonging to the ruling national party, and tried to enlist these leaders and their followers in the militias.²⁴

Many leaders of the larger Arab ethnic groups, which had their own *dar* or homeland, such as the cattle-owning Riziegat of South Darfur and the camel-owning Beni Hussein of North Darfur, refused to join the government's cause; while some individuals from those tribes have participated on both sides of the conflict, the tribe as a group has not.²⁵ For some of the smaller nomadic tribes, however, particularly those without a *dar*, including those groups who recently migrated to Darfur from neighboring Chad, joining the militias provided an opportunity to gain loot and access to fertile land and water resources.

The government-backed militias became known by their victims as "Janjaweed," drawing on a local term for highway robbers and outlaws. One observer told Human Rights Watch, "After the [SLA] attacks on Mukjar [in August 2003], the government started recruiting Difa al Shabi [PDF] and they didn't stop until the rebels removed themselves from the area."²⁶

²² The Popular Defence Force (PDF) was created in 1989, after the current government came to power, as an Islamist government-sponsored militia under the jurisdiction of the Sudanese army, which trains, arms, and supervises these forces. It was intended as a supplement to the army, which was then dominated by western-trained officers and considered too secular. PDF recruitment reflected the locality, and in Darfur was along Islamist lines until the recent conflict, and previously incorporated many of the now-targeted ethnic groups. The Darfurian PDF were used extensively by the government in the war in southern Sudan.

²³ Human Rights Watch interviews, Darfur, October 2004.

²⁴ Human Rights Watch interview, South Darfur, October 1, 2004.

²⁵ Other Arab tribes who refused to respond to the government's call included the Beni Hussein, the Ta'isha and the Ma'alia, among others.

²⁶ Human Rights Watch interview, West Darfur, October 2004.

The Mukjar and Bindisi area appears to have been among the first areas in West Darfur to be targeted by the government's newly-assembled militia forces. On Friday, August 8, 2003, Janjaweed militia was mobilized and according to an elderly woman from Mukjar, "a helicopter came three times to re-supply the Janjaweed with ammunition."²⁷

One week later, at least seven villages in the area were attacked by government and militia forces. In the village of Kudun, near Bindisi, less than twenty kilometers from Mukjar, one witness said, "I was awakened by the sound of heavy artillery and approaching Janjaweed....The Janjaweed were in front and then there were two cars from the police behind them carrying the ammunition."²⁸ While many fled the village and survived, at least eleven people were killed in Kudun that day. "Everyone ran away to save their lives. Most of the old men were killed that first day...Everyone who didn't run was killed," said a forty-year-old Fur resident.²⁹

Attacks on other villages in the area followed a similar pattern of killing and looting. In many of the attacks in August and September 2003, however, the villages and crops were initially left intact. Since most of the residents were farmers anticipating harvesting their crops in October-December, many of the displaced people remained in the bush in hiding for several days before tentatively returning to their homes. In most cases, the government militia attacked the Fur residents several times, often with increasing violence if there was any resistance, until the residents were entirely expelled from the area. For instance, the Janjaweed militia attacked Kudun again in late-August 2003 and killed thirty-two people. By late-August 2003, however, some of Kudun's residents mobilized to protect themselves, and fifteen of the attackers were reportedly killed.³⁰

By November 2003, towns like Bindisi and Mukjar more than tripled in size due to the influx of displaced people from the surrounding villages. People fled to these towns because there was some government administrative presence, and sometimes army troops and the faint hope of relief and transport, in these locations.³¹ More than eighty villages in these areas had been attacked, looted and burned, sometimes several times.

²⁷ Human Rights Watch interviews, October 2003.

²⁸ Human Rights Watch interview, West Darfur, October 16, 2004.

²⁹ Human Rights Watch interview, West Darfur, October 16, 2004.

³⁰ Human Rights Watch interviews, October 2004.

³¹ It is likely that initially many people still retained some expectation that they would find some security in the larger towns. In any event, options for flight were limited by continuing fighting and transport difficulties. Bindisi and Mukjar are in a very remote part of Sudan, far from the state capitals. In later months, including up to the present time, many people fled Mukjar and Bindisi for even larger towns such as Nyala in South Darfur, and Zalingei, where they hoped for greater protection.

Villages in the Garsila-Deleig area north of Mukjar came under attack slightly later, with the brunt of the offensive taking place in October and November 2003. A Fur observer in Garsila described the government's response in that town to Human Rights Watch:

In September 2003, they called the Arab tribes together—the commander of the police, Mubarak al Khidir, the Garsila commissioner, Jaffer Abdel Hakh,³² and [several other officials]—they called us and told us they wanted people to arm themselves to defend. The weapons were given to Hamdi, an army soldier with two stripes. Hamdi only called the Arab tribes—the Fur went to get their quota and he said 'Frankly, you Fur are all rebels.' The Arab tribes were given uniforms and guns.³³

Coordinated attacks on villages around and east of Garsila, in the hills, occurred over several weeks in October 2003, forcing thousands of civilians to seek security and assistance in Garsila and Deleig.³⁴ According to several witnesses interviewed by Human Rights Watch, one of the leaders of the Janjaweed militia forces in this area was a man with the “nom de guerre” of Ali Kosheib, from the Beni Halba tribe, who was based in Garsila.

Simultaneous with the attacks on villages to the west and southwest of the Sindu Hills, government and militia forces attacked villages on the eastern side of the hills, in the Shattaya locality of Kass province, South Darfur. Ahmed Angabo, the commissioner of Kass town, the provincial capital of Kass province, openly acknowledged recruiting militias and integrating them in the regular armed forces.³⁵

Villagers in the Shattaya area fled the ground and air attacks by running to the nearby hills or to the larger towns. A thirty-one-year-old Fur teacher from Tiro, a village between Shattaya and Artala, told Human Rights Watch:

³² Jaffer Abdel Hakh left the position of Garsila commissioner shortly after these events, on or around April 2004, and was promoted to the position of Minister of Health for West Darfur.

³³ Human Rights Watch interview, West Darfur, October 14, 2004.

³⁴ Coordinated government-militia attacks also took place in other parts of West Darfur. Dozens of villages around Murnei, eighty kilometers east of Geneina and along the border with Chad in Dar Masalit, were repeatedly attacked and “ethically cleansed” of the Masalit population in the period between October and December 2003. For further details see Human Rights Watch report, *Darfur Destroyed*.

³⁵ *Situation of human rights in the Darfur region of Sudan*, Report of the United Nations High Commissioner for Human Rights, E/CN.4/2005/3, p. 16.

Tiro was initially attacked on December 5, 2003. December is the time for the harvest so the day Tiro was attacked I was carrying my sorghum and groundnuts from the farm to the house. When I came near the house I heard the shouting [sic] of the guns...I saw people running and then suddenly I saw Janjaweed wearing khaki soldiers' trousers and shirts....We went to Artala on foot, about three-and-a-half hours. The people of Artala saw so many people from Tiro that day. You could see the smoke rising and covering the sun.³⁶

The government and militia offensives in the area in late 2003 were accompanied by another development—the early migration of camel and cattle nomads through the area. Typically, pastoral movements through the Wadi Saleh farmland were restricted until well after the main October-November harvest, when pastoralists would graze their animals on the harvested fields, fertilizing them. This arrangement, while fragile and prone to small-scale clashes, had been agreed upon again by Arab and Fur communities at the end of the bloody 1987-89 Fur-Arab conflict.

By November 2003, however, huge herds of camels were already making their way through the area, taking advantage of the emptied villages and farms to graze directly on farmland that was usually off-limits for several more months. Many desperate villagers stayed in the vicinity of their villages, trying to salvage some part of their crops, only to see the bulk of the harvest eaten or trampled by the animals. Individuals who tried to return to the villages and dig up their buried stored grain were sometimes violently attacked by militia members. Yet even worse was to come.

The second government offensive: February – March 2004

After the collapse of ceasefire talks between the government of Sudan and the rebel groups in December 2003, Sudanese president Omar el Bashir vowed to “annihilate” the “hirelings, traitors, agents and renegades.”³⁷ The Sudanese government together with its militias conducted a massive government offensive throughout Darfur in January and February 2004; at the same time it imposed near-absolute restrictions on access to the region for humanitarian agencies who sought to assist hundreds of thousands of homeless internally displaced persons.

³⁶ Human Rights Watch interview, South Darfur, October 11, 2004.

³⁷ Agence France Presse, “Sudanese president vows to annihilate Darfur rebels,” December 31, 2003.

By January 2004, many villages around the Sindu Hills had been repeatedly attacked and most of the civilian population had either congregated in the larger towns of the region—Mukjar, Bindisi, Garsila, Deleig, Shattaya, Artala and others—or were living scattered in the hills and few remaining intact villages in the area, trying to salvage parts of their harvest.

Fighting around the Sindu Hills: February 2004

Despite the Sudanese government's declaration of victory on February 9, 2004, the conflict intensified in February and March 2004, apparently because the SLA was determined to prove that it was still a viable force. In mid-February, the SLA attacked Mukjar and other locations. The rebel movement claimed to have killed more than one hundred government soldiers in its clashes with government troops. While Human Rights Watch has been unable to verify this claim, observers in Garsila witnessed unusually large numbers of wounded government soldiers brought to the town after fighting in the Sindu Hills in February 2004.³⁸

The SLA's presence and attacks prompted a massive response by Sudanese government forces and militias that targeted civilians and civilian villages. By mid-March, the government's scorched earth campaign of ground and air attacks around the Sindu Hills had removed almost all existing or potential perceived support base for the rebellion by forcibly displacing, looting and burning almost every Fur village near the hills and then extending "mopping-up operations" to villages and towns further away.

These tactics—which were replicated throughout much of Darfur--were supplemented by other particularly brutal crimes in the Wadi Saleh, Mukjar and Shattaya localities as a form of collective punishment—and total subjugation—of the civilian population for its perceived support of the rebel movement.

March 2004: Summary executions in Mukjar, Garsila and Deleig

At the beginning of March 2004, Sudanese government forces, including local government officials, police and Janjaweed militias, rounded up and killed more than 200 displaced Fur men, including community leaders, in a coordinated sweep of the Garsila, Deleig, and Mukjar areas. People displaced from villages east of Garsila and Deleig appear to have been specifically targeted. A witness to the arrests in Deleig said:

³⁸ Human Rights Watch interview, December 2004.

In Deleig it started March 5, 2004. The soldiers and the Janjaweed went to Sindu to fight the rebellion. When they came back they surrounded Deleig and caught a lot of people—maybe 100-120—and collected them in the police station over three days. Then they took them away in groups and they never came back. People saw them being taken away in groups of forty, twenty-five, five—they were killed in different places.³⁹

A Fur *sheikh* or village-level leader from a village near Deleig who was displaced in Deleig at the time of the round-up told Human Rights Watch that on Monday, March 1, 2004, several *omdas* (leader one step above a sheikh) were arrested and put in prison, allegedly for being SLA. The following Friday, March 5, he said “Those arrested were more, maybe 200. The whole place was surrounded and all the important people were taken out...They came and inspected all the houses and if you weren’t home, then ‘you are SLA.’ This order came from above, from Garsila.”⁴⁰

The operation was clearly planned and coordinated over a wide geographic area. While Deleig is fairly close to Garsila—approximately thirty kilometers northeast—Mukjar lies at least sixty kilometers south of Garsila and is at least a five-hour drive on the poor roads. Following the round-ups, the men were then taken out of the towns and executed in smaller groups.

Villagers from the Garsila area told Human Rights Watch that they woke up on March 5, 2004, to find an area encompassing thirty-two villages surrounded by government troops and Janjaweed. The government and militia forces then entered the villages and began asking men where they came from. One hundred and four individuals—most of them people who had been displaced from villages in the Zara and Kaskildo areas south-east of Deleig, in the hills, and many of them *sheikhs* and *omdas*—were taken to the government jail in Deleig. That same night, according to local people, seventy-two of the 104 were loaded into army trucks by government and militia forces, and driven two kilometers to a valley where they were executed.⁴¹

A survivor of one these mass executions told a neighbor that the arrested men were taken in army trucks and cars to a valley a few miles from Deleig. “Then they lined us up, made us kneel down and bend our heads – and shot us from behind. I was left for

³⁹ Human Rights Watch interview, West Darfur, October 15, 2004.

⁴⁰ Human Rights Watch interview, Wadi Saleh, West Darfur, October 2004. Hassa Balla, the commander of the PDF forces in Garsila who was also allegedly implicated in the executions was still in Garsila in this position as of October 2004. Human Rights Watch interview with government official, Garsila, October 17, 2004.

⁴¹ Human Rights Watch interviews Darfur, April 2004.

dead....The executioners were army soldiers and Janjaweed, operating together.”⁴² One of the Janjaweed commanders repeatedly mentioned in connection with these events was Ali Kosheib, reportedly still based in Garsila as of October 2004.

In Mukjar, events followed a similar pattern. Following an SLA attack on Mukjar in late-February 2004, any Fur men trying to enter Mukjar were screened by government and militia forces. According to several Mukjar residents, within Mukjar many of the displaced were collected in the military compound and the commissioner’s compound and “everyone who was Fur was disarmed. Then they let the Janjaweed go through the town and loot and kill.”⁴³

On March 2, 2004, the government and militia forces attacked villages east of Mukjar and “at least eleven villages [northeast] in the Sindu area.”⁴⁴ Many displaced people came to Mukjar following the attacks. As in Deleig, at least seventy displaced men and community leaders were rounded-up, taken out of town and executed. “The young men who gathered here were taken from the military compound by car to the forest and shot there,” said one local observer.⁴⁵ Another Mukjar resident who witnessed the round-ups in March said “the *omdas* and *sheikhs* were taken by the police, to the police station, and then the Arabs took them away in cars and killed them.”⁴⁶

Another Mukjar witness noted that sometimes if individuals had enough money, they could pay the militia and government forces to let them go, but “if they had no money, then they would be killed. Sometimes they took ten people at a time; the largest group was fifty-two—they were taken by Ali Kosheib north of Mukjar at the beginning of March. Ali Kosheib said he was transferring them to Garsila, but he killed them on the way.”⁴⁷

A relative of one victim was informed that his brother’s body had been seen outside Mukjar. He said, “A woman came to me, [she] had gone to collect firewood near the airstrip [under construction at the time]. She saw twenty-nine bodies. When the people

⁴² Human Rights Watch interviews, Darfur, April 2004.

⁴³ Human Rights Watch interviews, West Darfur, October 16-17, 2004.

⁴⁴ Human Rights Watch interview, West Darfur October 16, 2004.

⁴⁵ Human Rights Watch interview, West Darfur, October 17, 2004.

⁴⁶ Human Rights Watch interviews, West Darfur, October 16, 2004.

⁴⁷ Human Rights Watch interviews, West and South Darfur, October, 2004.

were killed we heard the gunshots but we thought it was just shooting. Only when the women saw the bodies, we realized they'd been shot.”⁴⁸

The relative went to the police and requested permission to retrieve and bury his brother's body. The man told Human Rights Watch, “the commissioner of Mukjar⁴⁹ was present but he said nothing. The police said [...] they would get back to me but until now there is nothing. Aside from the police, there is no other option—no court—even the commissioner is with them [those who executed his brother].”⁵⁰

A presidential commission of inquiry established by Sudanese president Omar El Bashir in May 2004 visited West Darfur, including Deleig, in late 2004, to investigate allegations of gross human rights abuses. According to local residents, members of the commission interviewed police from Deleig who told them about the events. HRW received a report that at least one police officer who told the commission about the round-ups and summary executions was dismissed.⁵¹

The commission's findings were made public in late-January 2005. It concluded that “incidents of rape and sexual abuses took place in the various states of Darfur but it has not been proven to the commission that there was systematic and widespread abuse that would constitute a crime against humanity.”⁵²

In recent months, Human Rights Watch has received reports that mass graves have been seen between Garsila and Mukjar. In one case, witnesses said they saw a trench with up to ten individuals buried in it and that they were told that at least three other trenches were in the vicinity.⁵³ Forensic analysis would be required to determine whether these bodies are from the March 2004 executions or other violence.

⁴⁸ Human Rights Watch interviews, West Darfur, October 17, 2004.

⁴⁹ Each state province has a commissioner, who is the highest-level government official in the province and usually reports to the *wali* or governor of the state, based in the state capital. The commissioner of Mukjar at the time of these events left for some months in 2004 but recently returned to Mukjar and is apparently still in this position.

⁵⁰ Human Rights Watch interview, West Darfur, October 17, 2004.

⁵¹ Human Rights Watch interviews, West Darfur, October 14-15, 2004.

⁵² “Sudan committee acknowledges rights abuse in Darfur but rejects genocide,” Agence France Presse, January 20, 2004, at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/VBOL-68TENA?OpenDocument&rc=1&emid=ACOS-635PJQ>

⁵³ Confidential communication to Human Rights Watch, December 2004.

Shattaya and Kailek: Creating a prison camp

At the same time as the events in Mukjar and Garsila but on the other side of the hills, villages in Shattaya locality experienced two sharp waves of violent attacks, in February and March 2004.

Residents of Shattaya town and nearby villages such as Artala described the attacks by government forces and militia in early February and early March 2004, including occasional aerial bombardment that forced many villagers to run into the nearby hills. A forty-year-old woman from Shattaya said:

We were attacked by twenty-seven cars with Doschka guns on top, they were shooting at the mountains. I saw them killing groups of two, three, five, seven people. When we were in the mountains we were bombed by airplanes. Some went down the mountains. When we came down, they shouted at us “*abid, abid, abid*” [slave, slave, slave] and “Tora Bora” and “SLA.”⁵⁴

A fifty-year-old Fur woman from Shattaya town told Human Rights Watch about the attack on Shattaya town and her subsequent detention in Kailek, which became notorious for the inhuman conditions in which the displaced people were held:

[We] ran to Shattaya council and some men were killed there, they were shot. [The government forces and Janjaweed] were coming behind us with cars and horses. Some people ran to Kailek, there were Difa al Shabi [PDF] there with some of our own people. The people in Difa al Shabi tried to protect them but they were also killed. All of us from Shattaya, we were climbing the mountains with our cattle. When we were resting and getting water...we saw horses and cars coming—all of them were climbing the mountains—some on foot and some on horses. They surrounded us and said, “You all go down.”...On the mountain they separated the men and women. They tied the men’s hands with rope and tied them to donkeys and beat the men and made them run behind the donkeys. People from all regions—Shattaya, Kailek—were

⁵⁴ Confidential communication to Human Rights Watch. Darfuriian civilians have told Human Rights Watch that they refer to the rebels as “Tora Bora” because the Darfur rebels hide in the hills, as did the Afghan rebels of that name. The government forces may use it as well for its “terrorist” connotation.

there and we went down and were gathered in Kailek. They said, “If you need death, you will see it now.”⁵⁵

Human Rights Watch received reports of torture and deliberate killings during and following the attacks. A thirty-five-year-old man from Shattaya was caught by the militias in their February 10, 2004 attack on Shattaya town and tortured by the militias. He said, “[I] was pressed down with a gun over my neck. Then a [clothes] iron was heated in the fire and pressed on my arm.” The man was later among the displaced persons detained in Kailek in March and April, 2004.

Several thousand displaced people from Shattaya area were held in Kailek for weeks in March and April 2004 in appalling conditions. They were subjected to heinous atrocities. According to several eyewitness accounts, men repeatedly had their hands tied with rope and were then tied to camels; the animals were then beaten into a gallop so that the men were dragged behind. One man detained there said he saw “nine people [who were] shot in front of my eyes after they were caught. Others in my group were hung from their neck from trees in a way that nearly killed them. Others were tied behind a camel and dragged around at high speed. One of them was totally covered in blood but still alive. Others were deliberately trampled on by horses and camels, killing some of them.”⁵⁶

In other cases, men were summarily executed by gunshot or stabbing, often in front of their wives and families.⁵⁷ Children were thrown into fires, and women and girls were repeatedly raped. “They used to take the young girls and rape them—they would spend two or three days outside and then bring them back,” one survivor told Human Rights Watch. The militia members controlling the town told a group of women, “You women, you hear this, there is no other god except us.”⁵⁸ Old women were forced to serve the animals with grass, and some old women were forced to carry buckets of water on their heads and serve the camels, “to be less than camels.”⁵⁹

Along with a few members of the police, the Janjaweed militias were given full control of the displaced persons in Kailek and controlled their movements, including access to water, food and other essential items. Some of the displaced people were held in Kailek

⁵⁵ Human Rights Watch interviews, South Darfur, October 2004. A few of the Darfur PDF units, some who were recruited before the conflict and not as “Janjaweed,” have attempted to protect civilians.

⁵⁶ Confidential communication to Human Rights Watch.

⁵⁷ Human Rights Watch interviews, South Darfur, October 2004.

⁵⁸ Human Rights Watch interviews, South Darfur, October 2004.

⁵⁹ Confidential communication to Human Rights Watch.

more than fifty days. Apparently, at some point in March, the commissioner of Kass issued a decree “prohibiting by force all [internally displaced persons] movement out of Kailek,” possibly to ensure that witness accounts did not reach international ears.⁶⁰

Human Rights Watch also received reports that a “court” was set up in Kailek by members of the militias, including Janjaweed leader Abu Kamasha, in which displaced people were “punished” by being beaten, sometimes to death, and raped. In some cases these abuses were reportedly carried out not only by militiamen themselves, but also by their children, whom they ordered to “help execute the punishments, to hit persons until they died.”⁶¹

By the time the Sudanese government begrudgingly permitted U.N. staff from humanitarian agencies to visit the region, in late April 2004, many of the displaced children in Kailek were in a state of extreme malnutrition. Shocked humanitarian aid workers estimated that scores of people had died in the dire conditions and noted the presence of a stock of sacks of sorghum and millet in the building used by the police. Despite the dire conditions, many of the displaced persons requested that no aid be distributed in Kailek for fear it would induce further violence against them.⁶²

United Nations staff also reported the near-total destruction of Fur villages en route to Kailek, similar to the pattern of scorched earth on the Garsila-Mukjar side of the hills. The U.N. report noted, “The visit confirmed several reports from IDPs...of heavy destruction and depopulation of the Fur villages in the Shattaya area, while the mission also passed through several ‘Arab’ villages all still standing, conspicuously intact, populated and well functioning.”⁶³

The U.N.’s telling report continued, “The last village before Shattaya is Abrugino which, until attacked on February 12, 2004 housed some 6,000 people and is of considerable size, including a large market area. The village is now completely obliterated, with all items of value looted, including doors and metal roofs on buildings.

⁶⁰ “United Nations Inter-Agency Fact Finding and Rapid Assessment Mission: Kailek town, South Darfur,” April 25, 2004, p.4.

⁶¹ Confidential communication to Human Rights Watch.

⁶² “United Nations Inter-Agency Fact Finding and Rapid Assessment Mission: Kailek town, South Darfur,” April 25, 2004, p. 5.

⁶³ “United Nations Inter-Agency Fact Finding and Rapid Assessment Mission: Kailek town, South Darfur,” April 25, 2004.

All farming areas around the destroyed villages have been looted and used as grazing spots for camel and cattle herds.”⁶⁴

Shortly after the U.N.’s visit in April 2004, and in the face of considerable Sudanese government resistance and denials of the gravity of the situation, relief agencies moved the displaced people in Kailek to Kass and other locations where security and relief conditions, while far from ideal, were a significant improvement.

The U.N. report also noted that Kailek was controlled by a mixture of police and Janjaweed militia forces, all of whom were well armed and wore government uniforms. As noted above, one of the key leaders of the Janjaweed in the Kailek area, who has been mentioned in numerous accounts of abuses in the Shattaya region, is called Abu Kamasha. He reportedly lived in Amnabasa in 2004. The former commissioner of Kass, Ahmed Angabo, is also reported to have been deeply implicated in the destructive operations in Shattaya region.

Continuing Violence

Following the government’s February and March 2004 offensive, most, if not all SLA forces in the Sindu Hills were forced out of the area; some moved into South Darfur. Despite the absence of SLA fighters (which previously provided an excuse for government attacks in the area), violence against civilians has continued at a lower level. This violence terrorizes and prevents people from returning to claim their homes and farms, on both sides of the Sindu Hills, Mukjar-Garsila as well as Shattaya.

During a Human Rights Watch visit to Wadi Saleh and Mukjar localities in October 2004, it was apparent that the vast majority of the civilian population remains displaced in the major towns, despite the often minimal protection they offer. Deleig, Garsila, Mukjar and Bindisi continued to host sizeable displaced communities who remain in the towns for fear of further Janjaweed militia attacks should they venture back to their villages.⁶⁵ Given the scale and severity of the attacks experienced in February and March 2004, the fact that the leaders of these atrocities, including key government officials and militia leaders remain in positions of authority, often in the same areas, and that displaced people have been constantly attacked when they have ventured outside the larger towns, it is clear why the climate of fear persists.

⁶⁴ “United Nations Inter-Agency Fact Finding and Rapid Assessment Mission: Kailek town, South Darfur,” April 25, 2004.

⁶⁵ See also Human Rights Watch report *“If We Return, We Will Be Killed,”* pp. 10-18.

Sexual violence and rape of women and girls remain a serious ongoing problem in these areas. Human Rights Watch heard daily accounts of rape, sexual violence and assaults on women and girls who leave the relative safety of the towns to collect firewood. Sometimes the rapes and violence are committed by Janjaweed militia members, but sometimes they are committed by members of nomadic communities passing through the area.

Large herds of camels and Arab pastoralists were evident along the route from Deleig to Mukjar in October 2004. These camels were grazing without any apparent restrictions in many deserted farms and destroyed villages of the Fur. In some parts of Wadi Saleh, displaced individuals have tried to cultivate crops in their former village areas, usually leaving the towns in the morning and returning before nightfall. Despite these efforts, local residents estimate that less than 25 percent of the usual farmland was cultivated in 2004, due to the continuing climate of fear and violence restricting freedom of movement. This minimal 2004 cultivation and harvest have led to warnings of a food crisis in 2005.⁶⁶

In addition, many of the displaced Fur from Wadi Saleh, Mukjar and other Fur areas are concerned that their displacement, and the subsequent entry of the Janjaweed and other camel and cattle-herders into their areas, is a prelude to long-term ethnic cleansing. This concern can only be reduced if greater international presence secures the area to permit freedom of movement, if there are clear strategies put in place to reverse the ethnic cleansing, and if the government of Sudan clearly and unequivocally states that no one is entitled to retain or use of any land illegally acquired during the conflict. A temporary measure interdicting any land transfers would also help boost confidence.

Despite the ongoing violence in Wadi Saleh and its importance as an agricultural region, the farming areas of Wadi Saleh have little international presence. There are few international humanitarian agencies and no African Union forces stationed anywhere near the region, although it could benefit enormously from strategic deployment of A.U. forces in key towns such as Garsila and Mukjar. Pro-active A.U. patrolling along the main roads and larger villages would also help create a more stable climate.

⁶⁶ International Committee of the Red Cross, "Food Needs Assessment Darfur," October 2004 at <http://www.icrc.org/web/eng/siteeng0.nsf/iwpList432/EA759F1F8ED77D6AC1256F47005759D3>. This survey from all three states of Darfur noted that "Most of the rural communities assessed were found by the survey to be suffering from food shortages which are expected to become worse in the longer term. On average the communities had planted less than one third of the usual crop areas."

The continuing presence of Janjaweed militias and their institutionalized impunity remain key factors in the ongoing violence. All militia leaders and government officials responsible for the atrocities in the region remain at large, and even prosper from their deeds. As time passes without accountability, some members of nomadic communities take advantage of the opportunity to roam far and wide through previously interdicted farms, occasionally assaulting displaced people and committing more robberies.

A serious risk exists that the ethnic polarization that has been created by this conflict has signaled that targeted and subjugated communities, such as the Fur, do not deserve rights and protection. Acts of violence by Arab civilians, not just militias, against such communities may become more prevalent as time passes without justice and as impunity becomes more entrenched, creating conditions that could lead to future communal violence and retribution.

Without serious measures to address and account for the crimes committed, ethnic cleansing will be consolidated and most of the Fur population will remain trapped in towns, dependent on international humanitarian assistance and unable to rebuild their lives and or return to economic self-sufficiency. Darfur's once fluid ethnic cohabitation may be irreparably damaged if serious, immediate action is not taken to prevent further instability and a new cycle of violence.

Recommendations

To the United Nations Security Council:

- Ensure accountability for serious violations of international human rights and humanitarian law in Darfur by promptly referring the situation of Darfur to the International Criminal Court following receipt of the report of the international Commission of Inquiry.
- Request the U.N. Secretary-General and his Special Representative in Sudan to put in place a clear strategy to reverse ethnic cleansing in Darfur and ensure the security and protection of civilians. The plan should promote the creation of an environment conducive to the voluntary return in safety and dignity of all refugees and internally displaced persons to their places of origin.
- Call on the government of Sudan to clearly and unequivocally state that no one is entitled to retain or use of any land illegally acquired during the conflict. A temporary measure interdicting any land transfers should also be put in place.
- Authorize the African Union Mission in Sudan (AMIS), under Chapter VII of the U.N. Charter, to protect civilians; support, through technical expertise,

logistical, communications, and other assistance, the rapid deployment to Darfur of the expanded African Union mission and urge that such forces be strategically deployed near camps and concentrations of displaced persons, and in small towns and rural areas throughout Darfur to provide civilian protection and security for delivery of humanitarian assistance and the eventual voluntary return of refugees and internally displaced persons to their places of origin.

- Authorize the United Nations Mission in Sudan (UNMISUD) to cooperate with and support the African Union in Darfur with logistics, personnel and in other ways necessary to improve the protection of civilians.
- Increase the number of Office of the High Commissioner for Human Rights monitors in Darfur, and ensure that they are deployed in Darfur's cities and smaller towns, in rural areas where internally displaced persons are attempting to return and near camps and concentrations of displaced persons. Extend the monitors' mandate to include the monitoring and investigation of human rights violations committed by the rebel groups in addition to abuses committed by other parties to the conflict, and to regularly publicly report on the human rights situation in Darfur.

To the African Union:

- Immediately deploy additional troops in Darfur up to the agreed upon number of 3,300 so that sufficient troops are located near camps and concentrations of internally displaced persons, small towns and rural areas in addition to main towns and require them to investigate, document and publicly report (within and outside Sudan) ceasefire violations, attacks on civilians, and to protect civilians in these areas.
- Pro-actively patrol the main roads and villages, particularly in rural areas such as Wadi Saleh and Shattaya, to increase freedom of movement and help create a more secure and stable climate.
- Map the locations of the key militia camps and post ceasefire monitors at military airstrips, barracks, camps, and offices of all armed entities in Darfur, including the Janjaweed militia, to monitor their activities and their disarmament, disbandment, and withdrawal.
- Secure mass grave sites and other key physical evidence of crimes committed by any armed group, including Sudanese armed forces, Janjaweed or other militia, and rebel groups.
- Closely monitor the government of Sudan's commitment to "refrain from conducting hostile military flights" in the security protocol signed by the government, the SLA and the JEM in Abuja on November 9, 2004.

To the Government of Sudan:

- Remove key officials implicated in atrocities from government positions pending international investigations and prosecutions.
- Fully cooperate with any future investigation of the crimes against humanity and war crimes committed in Darfur.
- Take all necessary steps, including by issuing clear public orders to government forces and police including the Border Intelligence Patrol Guards, and government-sponsored and supplied paramilitary and militia forces including Popular Defense Forces, “fursan,” “knights” or “mujahedeen” internationally known as the Janjaweed, to immediately cease attacks on civilians and civilian property in Darfur.
- Cease providing the above-mentioned militias and recently-formed police and other units with financial, logistical and military support.
- Disband, disarm and withdraw the Popular Defense Forces from all parts of Darfur and all other paramilitary, police or other units created after 2001.
- Clearly and unequivocally state that no one is entitled to retain or use any land illegally acquired during the conflict. A temporary measure interdicting any permanent land transfers should also be put in place.

To the Rebel Groups:

- Cease violating the N’Djamena ceasefire agreement of April 8, 2004 and the Protocols on the enhancement of the security situation and the improvement of the humanitarian situation in Darfur of November 9, 2004.

To U.N. humanitarian agencies and humanitarian nongovernmental organizations:

- Promote the protection of civilians simultaneous with the distribution of humanitarian assistance; extends operations into more remote rural areas to the greatest extent possible within security limits; develop a coordinated plan to promptly respond with necessary relief supplies to those who voluntarily return or move out of displaced persons camps to resume economic activity.