



Rendered Invisible: Darfur Deteriorates as International Pressure Shifts to the Referendum Process

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Introduction

Concurrent to the Southern Sudan referendum for self-determination and negotiations between the National Congress Party (NCP) and Sudan Peoples' Liberation Movement (SPLM) on implementation of outstanding Comprehensive Peace Agreement (CPA) elements, intense fighting occurred in Darfur amidst a deteriorating environment for humanitarian aid. Throughout December alone, over 32,000 were displaced from the Khor Abeche region, which extends from South of El Fashir in North Darfur to outside Nyala in South Darfur.¹ The devastation has largely been rendered invisible: despite the magnitude of devastation and suffering in Darfur, international attention has largely shifted to North/South issues, with the crisis in Darfur “de-coupled” by the international community to encourage the referendum process. Indeed, the referendum has, in many ways, exacerbated the situation in Darfur as it offered a cover for Khartoum to withdraw from Doha while simultaneously urgently pressing for a solution and refusing the mediations’ proposal, resume fighting with their Darfur Peace Agreement (DPA) partner the Sudan Liberation Army/Mini Minawi (SLA/MM), and continue implementation of the “peace from within” strategy.²

¹ Radio Dabanga, “UN: 32,000 new Darfur Refugees since 10 December”, 31 December 2010

² The fate of Darfur is delinked from the South, but has also been perpetually involved due to shifting negotiation tactics. Diplomacy has dealt with North/South issues separately from each other, which has successfully allowed attention to be placed on one region at the expense of the other. Just as attention has shifted in the past months to the North/South axis, the crisis in Darfur also impeded on the potential of the interim period: despite the programme of legal reform and democratic transformation aimed at addressing the core causes of

Conflict in Darfur was not confined to December – January. In the past year and a half, clashes between the SAF and rebel factions have increased significantly and have been accompanied by attacks on villages. The largely inaccessible and rebel controlled Jebel Marra area was bombed and attacked by militias throughout 2010, displacing an estimated 100,000.³ Humanitarian organisations also had tremendous lack of access to conflict-affected areas and IDP camps to conduct assessments and provide aid – humanitarian aid was cut off to Jebel Marra, and clashes in Kalma IDP camp over the Doha peace process in July led to aid being blocked for the better part of August and most of the IDPs deserting the camp.⁴ Blockages in access on the pretext of insecurity has been disputed by IDPs suffering from malnutrition and disease, who believe that the government themselves are the instigators of insecurity and are attempting to dismantle the camps and encourage IDP returns, an element of the government’s new Darfur strategy.

Violence has been characterised by looting and destruction of property and villages, rape, arbitrary arrests, and the killing of civilians. One incident on 2 September in Tabra, an ethnically Fur village in North Darfur, was particularly illuminative of the internecine violence that was present during the early years of the conflict.⁵

In December, fighting reignited in the Khor Abeche region of North Darfur between the only rebel group to have signed the 2006 DPA in Abuja, the SLA/MM, and the Sudanese Armed Forces (SAF).

Dissolution of the Abuja Agreement and Attacks in Khor Abeche region

Though the relationship between the SLA/MM and the Sudanese government has been tense in past months, and indeed since Minawi took office, the return to armed hostilities and the National Congress

conflict in Sudan – lack of opportunity and development, the exclusion of the peripheries from governance, amongst others – international attention was heavily focused on Darfur, and no real, conscientious effort was made to make unity attractive for Southerners. Little international attention was placed on Darfur from 2003 – 2005, some of the deadliest years of the conflict, as international pressure was placed on securing the CPA. Though there are substantial cleavages in experiences for Darfuris and Southerners, many of the root causes of both conflicts underscore life in Sudan’s peripheries. When the “Black Book”, an analysis of the disproportionate balance of power and wealth in the Sudan (and later linked to the founders of the Justice and Equality Movement, JEM) was distributed throughout Northern Sudan in 2000 and 2002, “it said nothing to the average Northern Sudanese that they did not know already. What created a shock were not the contents of the book but simply the fact that an unspoken taboo had been broken and that somebody had dared to put into print what everybody knew but did not want to talk about”.(Gerard Prunier, “Darfur: the Ambiguous Genocide”, 2005).

³ See “Mixed Outcomes of the Doha Peace Process and Conflict in Jebel Marra”, *Sudan Human Rights Monitor*, December – May

⁴ See “Humanitarian Blockade of Kalma Camp Renews Fears of Forced Expulsion”, *Sudan Human Rights Monitor*, June - July

⁵ Eighty six individuals were injured, and fifty six (the majority male), killed. Those killed were mainly shot at point blank range, and some were reportedly dragged by cars. Survivors were taken to the former MSF clinic in nearby Tawilla, despite the clinic not having the capacity to treat the survivors and MSF no longer having operations in Darfur due to government-imposed blockages. UNAMID was not able to gain access to Tabra until the following week to conduct a thorough investigation. A Commission of Inquiry has been established by the Government, but their work is not public and includes members of the police and security. See “Darfur Attacks”, *Sudan Human Rights Monitor*, August – September.

Party (NCP)'s calls for the South to expel Mini Minawi represents a complete deterioration of relationships between the two parties. On 10 December, Minawi announced that he considered the Government to have withdrawn from the DPA and was prepared to return to war.

Other rebel groups, such as the Justice and Equality Movement (JEM), and the other faction of the SLA led by Abdul Wahid al-Nour (SLA/AW), rejected the 2006 Abuja agreement. Modeled in part on the CPA, Minawi was appointed the top Sudanese official in Darfur as chairman of the Transitional Darfur Regional Authority (TDRA), and what was technically the fourth highest position in the Government as Senior Assistant to the President of the Republic. However, Minawi's role was largely ineffectual as the NCP pushed him out of the decision-making process. One of the first rifts between Minawi and the government occurred when Minawi supported UN Security Council Resolution 1706 in August 2006 - which proposed UN peacekeepers to assist the AU's peacekeeping mission - going against the official government position. Despite this, the SLA/MM remained active in North Darfur due to its alliance with the government, and SLA/MM candidates won parliamentary seats in April 2010 in Kutum, North Darfur, and Gereida, South Darfur.⁶ SLA/MM soldiers were armed from time to time by Khartoum. Rumours of a rift began to develop when Bashir did not renew Minawi's post following elections and Minawi moved to Juba. Still, the SLA/MM endorsed Khartoum's new peace strategy.

In October 2010, the SLA/MM signed the security arrangements accord of the Abuja agreement. Only a month later, Minawi denounced the accord and accused the government of attempting to completely disarm his forces, and having made no progress on power and wealth sharing, security arrangements, and the Darfur-Darfur dialogue in the four years since.⁷ In October 2010, West Darfur Governor Gaafar Abdul Hakam stated that all opposition movements that had signed peace agreements should immediately integrate into the SAF, or "leave the state altogether".⁸ Governor Hakam was later appointed chairman of the TDRA, Minawi's former position.

The relationship between the government and the SLA/MM collapsed in the beginning of December, when Khartoum reported SLA/MM troops heading South from their assigned areas to be hostile. UNAMID reported that members of the SAF shot at a SLM/MM patrol. Minawi was dismissed from his position as chairman of the TDRA days after, and on 5 December the TDRA's offices in El Fashir were raided by police searching for SLA/MM members. The entire staff of 18 was arrested, as well as 5 people in Nyala. Thirteen members of the group were released on 7 December, and five individuals remain in NISS custody. On 16 December, Governor Hakam dismissed ten members of the SLA/MM from the TDRA.

Attacks began in Khor Abeche one day before the sacking of SLA/MM members, and ended one day after on 11 December. Two civilians were killed, and 24 wounded. The last attack on Khor Abeche was on 17 December. Following the attacks on Khor Abeche, Shangil Tobabya in North Darfur was attacked.

On 14 December, the Governor of North Darfur, Osman Mohamed Kibir,⁹ passed through Shangil Tobaya alongside other government members and SLA/MM field commanders while travelling to see a

⁶ Small Arms Survey, "SLA-Minni Minawi", October 2010

⁷ Sudan Tribune, "Darfur's Minawi distances himself from security arrangements accord", 22 November 2010

⁸ *Ibid*

⁹ Kibir, a senior NCP member, is also known his involvement in *Souk Al-Moasir*, "Pipes Market" in El Fashir, North Darfur. *Souk Al-Moasir* was established in August 2009 as a transactional market. Locals, including IDPs and the poor, were promised high returns on their investments. Many sold all of their valuables to invest. There have been

SAF commander at Shearia. Minawi forces allegedly fired on the convoy.¹⁰ The next day, SAF forces were deployed to Shangil Tobaya, though State Media denied that attacks had begun, stating that Kibir's convoy had been mistaken for an invading force. On 20 December, a government force travelling to Shangil Tobaya burnt parts of the village and arrested and tortured a civilian, killing him. Militia members opened fire on Shaddad IDP camp, causing hundreds to flee. Attacks on Shangil Tobaya and five neighbouring villages began in earnest the following day, and continued through the 22nd, when Shangil Tobaya was burnt down.

Attacks have been ethnically targeted and an attempt to eradicate perceived Zaghawa support to the SLA/MM through destruction of villages and property. All of the victims of attacks, except for one, were members of the Zaghawa tribe. In many cases, civilians were interrogated and asked who in the village owned weapons, and soldiers produced lists of residents suspected to be members of the SLA/MM. Those who did not provide information were often intimidated, and in one case, kidnapped. A prominent sheikh who hid his name (which was on the list of supposed SLA/MM members) but revealed his ethnicity as Zaghawa was threatened by a soldier that forces would kill them all, rape all of the women and cut the shiekh into small pieces. Attacks in Shangil Tobaya, Khor Abeche, and Jebel At-tin were characterised by deaths of civilians, gender based violence, arbitrary arrests in house to house searches, and looting and destruction of property. Survivors of the attacks have reported that the soldiers did not appear to be Darfuri.

Though not an exhaustive list, the following incidents illuminate the dire insecurity throughout Darfur.

Deaths of Civilians

Attacks on 21 December killed three and led to four arrests in Shangil Tobaya. The three individuals killed are:

- Abdalla Ibrahim Wadi, 50 year old Zaghawa farmer, Jebel At-Tin
- Adeh Abaker Wadi, 22 years old Zaghawa, Tibin village
- Bakheit Hary Tibin, 45 year old Zaghawa, Tibin village

On 23-25 December, attacks took place in Jebel At-Tin, displacing its' residents to ZamZam IDP camp. Abdallah Ibrahim Wadi, a 30-year old Zaghawa farmer, was killed by the SAF. Around 4 PM, four SAF vehicles stopped in the Jebel At-Tin village. Two of the vehicles, with seven armed soldiers in total, entered Mr. Wadi's farm. When he tried to prevent them from robbing him, they shot him in the head. They stole a number of his animals and fired warning shots to the residents of Nifasha IDP camp.

serious allegations that the market was designed by the central government to break down the regular market system in the area, in order to halt financial support to opposition groups. On 27 April, Governor Kibir issued a statement denouncing government involvement, and requesting victims to bring their claims to a special procedural court established in El Fashir. On 2 May, some victims organised a peaceful protest to submit a memorandum to the governor requesting that their assets be restored after more than 50 arrests were made in connection to the market. The police blocked the way to the governor's residence and used light arms and machine guns, killing 17 and injuring over 200. Additionally, Kibir has become well-known for intimidating opposition in North Darfur. During the nomination period for elections in 2010, North Darfur's State High Election Committee approached Kibir the day prior to the closing date of nominations for gubernatorial candidates and gave him the list of each candidate's nominators. In the following days, over 100 of the nominators were approached by security agents and intimidated.

¹⁰ Sudan Tribune, "Convoy of Governor Attacked", Sudan Tribune

On 28 December, Radio Dabanga reported that a government airplane bombed Khazan Jadeed area, killing ten people. The group included at least five children.¹¹

Attacks and deaths of civilians continued in surrounding areas and against remaining residents even after the official campaign:

- On 21 December, Abdulkareem Bakhiet Wadi, a 45-year old Zaghawa from Abohatab village outside Shangil Tobaya was killed.
- On 3 January, Abdalla Mohamed Badawi, a 60-year old Zaghawa, was killed in Kurua village outside Shangil Tobaya.
- On 8 January, Ayoub Abdelrahman Tamim, a 27-year old Zaghawa, was killed in Shangil Tobaya.

On 31 December, militias and government soldiers killed 5 civilians in Id Bayda, a village outside of El Fashir, North Darfur, after looting their farms. All those killed were members of the Zaghawa ethnic group.¹²

Arbitrary Arrest and Incommunicado Detention

Simultaneous to security forces entering Shangil Tobaya and neighbouring villages on 21 December, soldiers arrested civilians. It is unclear why some civilians were killed and others arrested. The following individuals were arrested and detained incommunicado:

- Bashir Ali Khatir, Zaghawa
- Abdelkhair Abaker, Zaghawa
- Adam Mohamed Khalil, Zaghawa
- Adam Hassan Fadul, Zaghawa
- Babiker Adam Hassabala, 22, Zaghawa (arrested on suspicion of being a SLA/MM member)

Arrests continued through December and January:

- On 14 December, Adam Mohamed Khalil, 52, and a Tunjur from Shangil Tobaya
- On 17 January, Mohamed Hussein Mahdibul, 47, a Zaghawa, originally from Um Hashaba displaced to the camp near the UNAMID base.
- On 21 December, Hamida Harun Abdulla, 23, a Zaghawa originally from Shangil Tobaya
- On 21 December, Sair Ishag Ali, 20, a Zaghawa from Shadadd IDP camp
- On 21 December, Bahrid Harry Bayin, 31, a Zaghawa from Ahmed Hasalbala village
- On 27 December, Badul Abdelgadir, 35, a Zaghawa originally from Shangil Tobaya
- On 17 January, Assadig Mohamed Karkur, 34, a Zaghawa from Um Hashab Village displaced to the camp near the UNAMID base.
- On 17 January, Yahgoub Bushara Abdulla, 57, a Zaghawa from Um Hashab Village displaced to the camp near the UNAMID base.
- On 21 January, Adam Hassan Fadul, 35, a Zaghawa from Shangil Tobaya displaced to the camp near the UNAMID base.
- On 26 January, Ibrahim Suleiman Hajar, 32, a Zaghawa from Shangil Tobaya displaced to the camp near the UNAMID base.
- On 26 January, Amier Ibrahim, 42, a Zaghawa from Sharia area displaced to the camp near the UNAMID base.

¹¹ Radio Dabanga, "Air Strike in Darfur Kills 10, including 5 children", 28 December 2010

¹² Sudan Tribune, "Sudanese Army and Militiamen kill 5 villages in North Darfur – rebels", 4 January 2011

- On 26 January, Yahgoub Hassan Foder, 27, a Zaghawa from Shangil Tobaya
- On 26 January, Bakir Mohamed Younis, 35, a Zaghawa from Um Hashaba displaced to the camp near the UNAMID base.
- On 27 January, Ahmed Abdulnebi Ahmed, 27, a Zaghawa from Banda village
- On 27 January, Salibo Zakaria Fadul, 60, a Zaghawa from Lenda village
- On 29 January, Musa Adam Ishag, 40, a Zaghawa IDP from Tabldiat Village and displaced to the camp near the UNAMID base.
- On 29 January, Abdulla Ali, 65, a Zaghawa from Shangil Tobaya.
- On 3 February, Aziza Mohamed Jumma, a 32-year old Zaghawa midwife from Shangil Tobaya displaced to the camp near the UNAMID base.

On 15 January, NISS agents burnt parts of the market in Nertiti and detained 200 civilians briefly following the murder of a NISS agent who had been guarding the headquarters in Nertiti on Friday evening.

Looting and Destruction of Property

- On 21 December, Bakhit Hamid, a 51-year old Sheikh of New Shangil Tobaya, reported that around 20 armed soldiers in seven vehicles stormed his house, looting and destroying his property. When one of the soldiers threatened to kill the sheikh, another soldier persuaded him not to. A third soldier had a list of 51 names, including Sheikh Bakhit, and enquired as to which members of his tribe live in Shangil Tobaya. When Sheikh Hamid replied that he was Zaghawa, the soldier threatened to kill them all, rape all of the women and cut the shiekh into small pieces. The soldier showed him the list and said that those on it were suspected of being SLA/MM members. Fortunately, Sheikh Hamid did not tell the soldiers his real name. The soldiers stole two grinding machines and 53 instruments. When leaving, the soldiers arrested his neighbor and cousin, Babiker Adam Hassabala, a 22 year old farmer, on suspicion of being a SLA/MM member. Sheikh Bakhit also reported the kidnapping by soldiers of Bakheit Hari Bain, a 27-year old farmer in the East of Shangil Tobaya on 20 December.
- Mustafa Mukhtar Khalil Musa, a 37 year old cleaner at the UNAMID team site and resident of New Shangil Tobaya, was stopped on his way to work by two military vehicles, each containing 6 – 7 men in uniform. The group asked him where he was going. When he answered and showed the soldiers his ID, a soldier snatched the ID and put it around his own neck. Another soldier asked him about the population of New Shangil Tobaya, and asked who possessed weapons in the village. Mr. Musa replied that he did not know anything as he was a civilian. A third soldier took his mobile phone, and 240 Sudanese pounds. They beat him, tied him up, and drove him around in the back of the military jeep for forty minutes before dropping him off again in New Shangil Tobaya.
- On 21 December, five men in SAF uniforms using a military vehicle broke into the home of Ali Abdulla, a baker in New Shangil Tobaya area. They stole 20 boxes of flour, fire wood, and two barrels of water. On 14 December, Mr. Abdulla had been shot in the stomach when Governor Kibir visited Shangil Tobaya.
- On 21 December, a group of Sudanese military forces in uniform and driving a military vehicle broke into the shop of Ahmed Haroun Shogar, a 30 year old engineer working in UNAMID's newly established shop in Shangil Tobaya. The group stole four TVs, four digital receivers, a speaker, and two Panasonic recorders.
- On 21 December, a mixed group of SAF members and Arab militias in a military vehicle entered Abdulazeem Omar Suleiman's, 26, shop and home in New Shangil Tobaya. Mr. Suleiman is employed

as a cleaner for UNAMID. They stole four beds, a bag, and mobile phone minutes worth 1,000 Sudanese pounds. The group also broke into his store and stole four blankets and two bags of millet.

- On 21 December, a group of military entered Nifasha IDP camp in two military vehicles and proceeded to loot and beat people. Three soldiers approached Adam Mohamed Idriss, a 60 year old tailor, and asked him his ethnic background. When Mr. Idriss replied that he was Fur, a soldier hit him on the head and accused him of being a liar.
- On 22 December, military forces attacked Aboud Ali Arabi, a 50 year old businessman, and Hamida Bashir Suleiman, his wife and a supporter of the SLA/MM resident in New Shangil Tobaya. They looted the couple's property. The couple had been living in Old Shangil Tobaya, but moved following the Governor of North Darfur's visit to the village on 14 December.
- The following people were also subjected to looting on the 21 - 22 December in New Shangil Tobaya. They are:
 - Sheikh Adam Jali, 53
 - Ahmed Zakaria, 26
 - Ibrahim Suleiman, 35
 - Yagoub Hassan Fadul, 35
 - Sheikh Katir Suleiman, 40
 - Abdalla Sidig Adam, 40
 - Abdalla Tahir Adam, 25
 - Abdulbasit, 27
 - Adam Hassabala, 68
- On the morning of 23 December, Mariam Mohamed Hassalbala, a 38 year old resident of Jebel At-Tin, was at home with her blind sister. Three soldiers entered her home, and took all of her property and fired warning shots before leaving. Ms. Hassalbala took her sister and fled to the camp near the UNAMID base.

Gender-based Violence

On 22 December, roughly 100 military cars entered Shangil Tobaya in North Darfur coming from the South on a road linking El Fashir and Nyala. The following young women were raped:

- M., 17, Zaghawa
- A., 15, Zaghawa
- A., 20, Zaghawa
- Z., 18, Zaghawa
- I., age unknown, Zaghawa

In M.'s case, three SAF members in uniform entered the home of her 40-year old mother, A. A. was home with her sisters and M.. The adult women were ordered to one corner of the room at gunpoint, and all three soldiers raped M. in front of her mother and aunts. They stole 200 Sudanese pounds and some gold jewelry valued at 500 Sudanese pounds.

Five incidents of rape were reported in Jebel At-Tin from 23-25 December. On 18 January, soldiers attempted to rape E., a 13-year old Zaghawa girl, in Shangil Tobaya. They were stopped by E.'s neighbours.

Additional cases of rape by armed groups were reported by UNAMID and Radio Dabanga:

- In the second week of December, six women and girls were raped by government soldiers in ZamZam IDP camp. Three of the girls were under 18, and one was a 12-year old girl whom six soldiers took turns raping. Radio Dabanga reported that the families of the survivors preferred that they recover at home as the process to get approval for treatment is too cumbersome, and seeking treatment involves obtaining “form 8” from the police. Women are often questioned extensively to get the forms, putting rape survivors at additional vulnerability.¹³
- On 26 December, government forces stationed near Rwanda IDP camp in Tawilla, North Darfur, raped two girls, ages 15 and 19. They entered the camp firing gunshots into the air, and looted shops.¹⁴
- On 13 January, an armed group raped six IDPs, ages 14 – 20, in Dorma near Tawilla in North Darfur.¹⁵ The girls had gone out to look for firewood, accompanied by two men. They were attacked by a group of men on two camels, who attacked and tied the men up before raping the girls.
- On 6 February, two Zaghawa women were raped in the camp near the UNAMID base site. They are:
 - E., 32 years old and from Hilla Salih, North Darfur.
 - K., 26 years old and from Hilla Salih, North Darfur.

In all of the incidents monitored by the Centre, the survivors did not report their cases to avoid repercussion as the perpetrators are still in the area, and their names have not been published by the African Centre to protect their privacy. But it is worth mentioning that while women are not obligated to report rape, obtaining medical treatment involves filling out “form 8” from the police and is often accompanied by extensive questioning, re-traumatising survivors and putting them at further risk if their rapists are officers or members of the SAF. All programmes for gender-based violence (including counseling and mental health services) in Darfur disappeared following the March 2009 expulsion of 13 international and 3 national human rights and humanitarian NGOs.

Legislation governing sexual violence, as well as military and police conduct, preempts women from reporting incidents of rape, as it is often without remedy and can lead to counter-charges. Immunities for members of the Sudanese Armed Forces and police under the Armed Forces and Police Acts allow for impunity for acts committed in the line of service, and can only be prosecuted if the military decides to do so. The use of rape by the SAF and proxy militias in Darfur has been well-documented, as well as its usage by Public Order Police and the NISS throughout the North. Despite the establishment of the Special Courts for Darfur to combat the International Criminal Court’s investigation in Darfur, the Courts have never tried any cases on sexual violence.

Due to stringent legislation governing sexual violence in the *sharia*-based Article 149 of the Sudanese Criminal Code of 1991, many women are hesitant to report rape as it may lead to counter-charges. The evidentiary standards for rape are four male witnesses to prove that the act was nonconsensual or a confession; if this cannot be proven; there is no distinction between rape and *zina* (adultery), which is punishable by flogging and stoning for married women. As a coalition of Sudanese human rights organisations known as Alliance 149 have noted, legislation governing sexual violence has no deterrent effect, and discourages women from pressing charges and seeking medical attention.¹⁶

¹³ Radio Dabanga, “Six women and girls raped by government soldiers in Darfur”, 11 December 2010

¹⁴ Radio Dabanga, “Government troops rape 2 girls in Darfur camp, terrorise refugees”, 28 December 2010

¹⁵ Radio Dabanga, “Six Girls Raped in Darfur”, 17 January 2011.

¹⁶ Alliance 149, “Alliance of 149” for reform of rape law”, 27 January 2010

Aftermath of the Attacks in Khor Abeche Region

On 22 December, Shangil Tobaya was burnt down. On 23 and 25 January, Aboua, Tabit, Kotoa, Maasalit, Numirah, Dua, Tabaldia Dolmiy, Hummaida, Hajrat, Shurfa, Alkuro, Hashaba, Dali, and Antranwa villages were all bombed. Some residents travelled to El Fashir. Those displaced were largely prevented from accessing the IDP camps of ZamZam, Rwanda, and Shadadd, and have established spontaneous camps near the UNAMID base site, where they have continued to be terrorised.

A joint attack on the SAF was launched by the Sudan Liberation Army/Abdul Wahid (SLA/AW), Liberty and Justice Movement (LJM), Justice and Equality Movement (JEM), and SLA/MM, who won control of Shangil Tobaya. Despite Shangil Tobaya and Khor Abeche now being under the control of the rebel groups, a significant amount of the population has fled to Nifasha IDP camp. The spontaneously-erected camps near the UNAMID base site are out in the open, and have little drinking water and food. Though UNAMID has a protection mandate, the IDPs remain extremely vulnerable to attack when peacekeepers change shifts or go on patrols.

In an extension of the initial visit to Shangil Tobaya to assess SLA/MM support, ZamZam IDP camp was raided in late January. At 3 AM on 23rd January, joint forces of the SAF, the NISS, and the Central Reserve Forces cordoned off ZamZam IDP camp in North Darfur and searched the camp. More than 80 IDPs were arrested, including three women. Two people were killed, including one Ismail Abakr Sabun, whose body was found inside the camp. Allegedly, UNAMID peacekeepers came and took the bodies of those killed. Thirty seven cars belonging to IDPs were stolen and taken to the Central Reserve Police in El Fashir.

Reorientation of Peace Talks from Doha to Sudan

Just weeks later on 6 February (and one day prior to the official announcement of secession through the referendum), President Bashir made a speech to NISS officers pledging implementation of the new Darfur strategy, as well as promising that “Darfur would be clean from the outlaws (rebels) before the end of July”.¹⁷

July is not an arbitrary time of the year for the NCP. The CPA and the Interim National Constitution (INC) will expire in July, ending the interim period and officially dividing Sudan into two countries. A host of issues associated with state break-up are yet to be resolved: the two CPA partners have yet to agree on critical referendum arrangements such as citizenship, wealth and power-sharing, oil, and Abyei.

¹⁷ Divisive statements and thinly veiled threats like the one above made by Bashir in the past year have empowered local authorities to expel international staff in Darfur when there has been no legal basis to do so. Following UNAMID’s refusal to turn over six sheikhs accused by local authorities of instigating the July clashes in Kalma camp without due process guarantees and UN monitoring, President Bashir issued a directive to local authorities allowing them to expel international organisations if they should “exceed their stipulated mandate or obstruct the work of local authorities”. Days later, Sudan expelled 5 NGO workers in West Darfur, including the heads of the UNHCR and the Food and Agriculture Organisation in West Darfur, and the UNHCR in Zalengei. In January in Nyala, Bashir stated that aid was no longer needed in Darfur; days later, a staff member of the World Food Programme was attacked by unknown militia. Additionally, statements have been made that have been entirely contrary to the reality on the ground. At the beginning of President Bashir’s presidential campaign in El Fashir, Bashir announced in late February 2010 that the “war in Darfur was over”. Shortly after, the SAF began bombing Jebel Marra.

International monitoring to safeguard the end of the interim period and build a cooperative relationship between the two states will likely detract attention from the west of the country.

The new Darfur strategy was launched in September by Dr. Ghazi Salaheldin, the Presidential Advisor on Darfur. The strategy shifts the centre of gravity of the Darfur peace process from the jointly mediated talks in Doha to Darfur itself; and will “re-orient” humanitarian activity in Darfur towards the resettlement of IDPs after providing security within their home areas.¹⁸ Additionally, the new strategy claims to take a radically different approach, addressing root causes of insecurity rather than dealing mainly with fragmented rebel factions. The strategy suggests that the referendum carries a potential threat for Darfuri separatist tendencies and derailing the Darfur peace process, going so far as to say that “as the North and South pursue negotiations on post-referendum issues, Darfur may be a source of tension; likewise, tense negotiations between the North and South will likely complicate a resolution in Darfur”.¹⁹

While not all elements of the new strategy are controversial, the reality of return for many IDPs simply isn’t feasible for a host of reasons. Many IDPs desperately do want to return home, but are well aware of insecurity throughout Darfur and that their homes may no longer be theirs. Many communities are now occupied by members of different ethnic groups, and reportedly with immigrants from Chad and Niger. The government’s mobilisation of militias was predicated on the premise of militias’ obtaining IDPs’ land; lack of land resources²⁰ for Arab tribes and the central government’s security concerns were mutually beneficial. The new strategy is reminiscent of the government’s use of “peace camps” in the early 90’s in the Nuba Mountains during the Second Sudanese Civil War, arguably some of the most devastating years in the Nuba Mountains.²¹ The Peace camps essentially amounted to forced relocation and the separation of women and men. The South also had its own “peace from within” process that culminated with the short-lived Khartoum Peace Agreement signed in 1997 by breakaway factions of the SPLM.

Though Dr. Ghazi Salaheldin dismissed allegations that the implementation of the “peace from within” strategy was timed with the withdrawal of the Government’s delegation to the Doha Talks, the delegations return to Sudan is all the more regrettable considering that the Doha Process’ potential had been amplified with JEM rejoining the negotiations.²² On 28 December, President Bashir gave rebel groups an ultimatum to sign the Doha Peace Accord proposed by the mediation within 24 hours during a televised speech from Nyala, or else the talks would be moved internally to Darfur. The deadline for

¹⁸ Office of the Presidential Advisor, “Towards a New Strategy for Achieving Comprehensive Peace, Security, and Development in Darfur”, September 2010.

¹⁹ *Ibid*

²⁰ Conflict in Darfur is occurring with a backdrop of protracted environmental degradation, as well as transition in terms of livelihoods and migration including urbanisation. Many of the IDP camps in Darfur are located around large market towns, established because of familial links and a greater deal of security. Compared to other camp planning scenarios in other environments, environmental degradation will occur in some of Darfur’s best farmland areas, rather than worse. The long-term effects of protracted displacement will make the environment even more vulnerable. (Tearfund, Darfur: Relief in a Vulnerable Environment”, 2007).

²¹ For a fascinating article on the genocidal *jihad* movement in the Nuba Mountains in the early 90s and transition to low-intensity conflict, as well as important similarities and differences between the Nuba Mountains and Darfur, see “Averting Genocide in the Nuba Mountains, Sudan”, by Alex de Waal.

²² For a comprehensive overview of the Doha Talks, please see the Small Arms Surveys “Darfur Peace Process”, updated January 2011

signature of the accord had previously been 31 December. The Government withdrawal was all the more extraordinary considering that the Justice and Equality Movement (JEM) had finally been persuaded to rejoin the talks after leaving Doha in May 2010, ongoing clashes in Darfur, and the formation of a new rebel coalition, the Alliance of Resistance Forces, which includes membership from the LJM, SLA/MM, SLA/AW, and the JEM.²³

The LJM accepted the mediation's proposal on 30 December on power-sharing, security arrangements, compensation, and justice in Darfur. Sudan rejected the proposal despite the LJM's compromise on several outstanding issues such as compensation and regional authorities, stating that the proposal was inconsistent with the framework agreement between the LJM and government signed in March 2010. Interestingly, a spokesperson for the Government delegation further rejected the inclusion of the status of Darfur (the LJM has repeatedly insisted that the three Darfur states be reattached into one Darfur, as they were prior to the government mandated split in 1990) as the government wishes to hold a referendum in Darfur to decide the future of the region, a stipulation of the Abuja agreement.

The delegation returned to Doha on 10 February.²⁴ Talks between the government and the LJM are stalled over the reunification of all three Darfur states and appointment of a vice president from Darfur, and the JEM has yet to finalise a cessation of hostilities agreement. Talks were stopped last month. Finalise peace plan by the end of February.

Deteriorating Humanitarian Conditions and Lack of Access throughout Darfur

Approximately 32,000 individuals were displaced by the fighting in December, with an unconfirmed amount in January. From January – October, the UN's Office for the Coordination of Humanitarian Affairs reported that 106,715 people were displaced throughout Darfur.²⁵ Aside from the chronic insecurity IDP camps face, basic living conditions are dire. Humanitarian access is heavily restricted throughout Darfur, particularly in Jebel Marra, due to lack of access on the basis of insecurity and through obstruction by government ministries, the Humanitarian Aid Commission, and local authorities.

²³ According to SUNA, the state-sponsored news media, the Alliance of Resistance Forces is based in Northern Bahr el Ghazal, Southern territory. On 8 January, the JEM merged with the Federal Alliance of Eastern Sudan, a splinter group of the Eastern Front. JEM's operations in Darfur and accusations by the North that the South is hosting rebels such as Minawi complicated the referendum registration as well in November. Bombings by the Sudanese Armed Forces (SAF) in the South in Kiir Adem, the border area between South Darfur and Northern Bahr el Ghazal, drew a restrained response from the SPLA. Though the SPLA accused the SAF of flying planes along the border to intimidate Southerners and cause insecurity, they did not launch retaliatory attacks - likely to not risk derailing the referendum. The bombings in Kiir Adem on the border between South Darfur and Northern Bahr el Ghazal highlighted the urgent need to finalise negotiations on post-referendum arrangements, such as border demarcation. Though Kiir Adem is approximately 15 miles north of the 1956 border, the Bahr el Arab river just above Kiir Adem has been recognised for generations as the border and is ethnically Dinka. On 12 November, a second bombing wounded seven members of the SPLA and five civilians. When the bombings were initially reported, the SAF denied the first attack and admitted the second, stating that they had been in pursuit of rebels from the Justice and Equality Movement (JEM). OCHA reported that up to 1,500 civilians were displaced, while the SPLM reported 2,500. Some residents remaining told the Associated Press that they did not want to leave, as they had already registered and could not vote at a different location.

²⁴ Sudan Tribune, "Sudan's Delegation Returns to Doha to finalise Darfur Peace Deal", 10 February 2010

²⁵ IWPR, "UN Accused of Caving in to Khartoum Over Darfur", 7 January 2011

Despite frequent incursions by the SAF and emergency thresholds for malnutrition and disease being rampant, many Darfuris see the IDP camps as the best available option for ensuring their security.

Service provision and humanitarian aid tasked with caring for 3 million IDPs never fully recovered following the expulsion of NGOs in March 2009, and the space for humanitarian work in Darfur has radically diminished in the past year and a half. Aside from the more immediate effects of lack of access in providing aid to suffering IDPs, lack of access has impacted Darfur by creating an information vacuum for reporting on humanitarian conditions, as well as having a more pervasive impact of acquiescence to Sudanese authorities to maintain the little access that they do have. Access often waxes and wanes intentionally: as the former US Envoy to Sudan put it “that’s why in IDP camps you lose electricity which is needed to bring fresh water - to keep leaders off balance and strengthen the [regime’s] hand against anti-government forces in the camps. It’s creating more trouble in the camps”.²⁶ Aid organisations still functional have been blocked from accessing communities and beneficiaries they are mandated to protect by security and local authorities, either due to insecurity or through obstruction of their work.

Blockages on the Basis of Insecurity: In Jebel Marra, there has been little to no humanitarian access throughout 2010 due to high intensity conflict. Aerial bombardment of villages has been accompanied by SAF tanks followed by Arab militias. The government has only sporadically allowed humanitarian aid into Jebel Marra; no thorough mapping exercise and needs assessment have been conducted to determine where communities have fled and their living conditions. One senior UN official reported that government official had denied access, saying that the SAF “didn’t want to confuse” UN vehicles with that of other rebel groups who have similarly coloured cars. In late July, tension in Darfur’s Kalma and Almahidia internally displaced persons (IDP) camps turned deadly as clashes broke out between political rivals and amidst longstanding disputes over IDPs’ political representation in the Doha peace process. In the following weeks, local authorities surrounded the Kalma camp near Nyala in South Darfur and blocked humanitarian aid, citing insecurity in the area, and intimidated IDPs. On 17 August, Sudanese authorities partially restored humanitarian access to the camps to allow delivery of food and fuel for water pumps. Those present in the camp reported wide portions of it deserted.

Obstruction of Humanitarian Access: To many IDPs, the restriction of humanitarian space, both through restrictions on freedom of movement and threats to expel international organisations should they overstep their bounds, is part of a deliberate attempt to intimidate and pressure IDPs to leave the camps and the government to control them in the interim. One doctor in an IDP camp in Darfur stated that “since July, doctors who come from outside to work in the clinics inside the camp are only given two hours per day by the government for their work. Sometimes they spend half of this time just getting there”.²⁷

IDP leaders have reported that babies and children have been the most impacted – as no one gets enough food, new mothers are often unable to breastfeed their babies. Children have reported being too hungry to go to school, and those that are well enough have had to drop out to work to assist their families. Specialised clinics designed to treat malnutrition have all been shut down.²⁸ Children, women, and elderly people have all begun to die.

²⁶ *Ibid*

²⁷ Institute for War and Peace Reporting, “Khartoum Under Fire Over IDP Camp Conditions”, 23 November 2010

Those who agree to share responsibility for the protection of refugees must be capable of rapidly deploying protection, and having an on-site presence. UN's Guiding Principles on Internal Displacement into domestic law. Under Article 3 of the Protocol, the State of Sudan has the primary responsibility for the protection of IDPs and has an obligation to "facilitate rapid humanitarian access where needed" and in cases where a government does not have this capacity, the state "shall accept and respect the obligation of the organs of the international community to provide protection and assistance".

Dilemmas Surrounding Darfur Post-Referendum

The incidents monitored in Khor Abeche region and in the months preceding are intended to provide an overview of Darfur's dwindling security environment and dire humanitarian conditions against an increasingly volatile political context. Though international monitoring was essential in safeguarding the referendum process, its overwhelming focus on North/South issues came at Darfur's expense. The incidents monitored by the African Centre in December and January from the Khor Abeche region all took place during the end of referendum registration, the appeals process, the voting period for the referendum itself, and tabulation of votes. There are likely many more rights violations.

The legacy of violence that has plagued Sudan since independence has permeated the experience of Sudanese living throughout the country. National elections prescribed by the CPA to ensure placement of democratically elected leaders for the conclusion of the interim period ended up consolidating power for the NCP in the North and SPLM in the South, respectively. Both CPA partners will have the opportunity to redefine themselves through constitutional renegotiation and the completion of post referendum arrangements.

Darfur is not isolated from the political events of the North; the Darfur conflict has also occurred against rising food prices and severe repression of civil and political rights. Austerity measures that have sparked protests throughout the North have led to rising prices on food and other commodities. One can imagine how this has impacted urban IDPs and those living in poverty. The Radio Dabanga and HAND staff arrested in a wave of arrests targeting Darfuri human rights defenders in late October 2010 in Khartoum were only released recently.²⁹ Two members of the group, Jaafar Sabki Ibrahim, an *Al Sahafa* journalist, and Abdelrahman Adam Abdelrahman, a member of HAND, remain detained. Lack of tolerance and respect for civil and political freedoms has made it difficult for Darfuris to address the crisis in Darfur, much less insert their views into policy and negotiations.³⁰

²⁹African Centre for Justice and Peace Studies, "Darfuri Human Rights Defenders Arrested in Khartoum", 1 November 2010

³⁰The international community is also guilty of this: the AU Mbeki Panel has been accused of being selective and ad-hoc to civil society voices, and the UN Security Council did little to advocate for IDPs arrested after speaking to them in Abu Shouk and Al Salaam IDP camps in El Fashir.³⁰ Two demonstrators were killed and nine injured during a Doha Forum Civil Society Consultation in Zalengei after riots began over an opposition student group was not allowed to participate.³⁰ Civil society participation in previous rounds of the Doha talks has been at times counterproductive; representation invited by the Justice and Equality Movement was rejected and IDP leaders travelling to Doha have been stopped in the Nyala airport. The issue of representation has been a main reason for the failure of the Doha talks; if Darfuris and IDPs are not able to voice their own views, any peace agreement reached will lack legitimacy. Further, these rights are necessary elements in ensuring that the peace process in Darfur adequately addresses the concerns of conflict-affected communities, and not just the Government of Sudan and participating rebel groups.

Finally, deterioration in Darfur during the referendum process and the failure of the Abuja Agreement serve as a corollary for the North's mismanagement of the interim period. The South has remained engaged in Darfur even as it's a part of the geographical North; President Salva Kiir has served as a mediator in peace talks. Though there will always be Southern constituency in the North, the loss of the South will likely put the NCP under tremendous pressure to resolve Darfur following the expiration of the interim period. In the initial weeks since the referendum, there have been troubling signals that the NCP intends to consolidate its power through any means necessary. The same will likely be true for Darfur.

In the last days of the interim period, equally sustained attention must be placed on the processes envisioned by the CPA to promote human rights and democratisation in Sudan. If these provisions are not addressed as one of the key root causes of war in Sudan, the exclusion and marginalisation of large portions of the population will continue. National elections, as well as voter registration and the census, were marred by technical and procedural irregularities that undermined the legitimacy of the electoral process, which were widely regarded as neither free nor fair by Sudanese. Nowhere were the patterns used to manipulate the census and voter registration, gerrymandering, and cooption of traditional leaders and bribing of tribal loyalties more rampant than in Darfur.³¹ IDPs and other already marginalised and targeted groups in Darfur have little to no representation by politicians who legitimately represent their interests.

Renewed efforts must now be made to address structural defects in political participation for Darfuris. The failed DPA was supposed to lead to the agreement's incorporation into the INC. Though it failed, it also included a referendum that had the potential to unite Darfur's three states into one region.³² Future negotiations outside the country and with strong consultation with civil society could pave the way for Darfuris to map out a common future that would end the conflict and address pervasive inequities, marginalisation, and lack of political representation; as well addressing grievances in the form of compensation for victims and communities, justice, and providing durable solutions to end the conflict. In the post-interim period, referendum arrangements, constitutional renegotiation, as well as the Doha process and implementation of the "peace from within" strategy, will define the realities of Darfuris' futures. Possibilities for change exist, but they have to come from Darfuris themselves.

³¹ "Shifting through Shattered Hopes", May 2010

³² The Darfur region was divided in 1990 into three states, making the majority Fur a minority in each three states. One senior Reizagat Baggara politician stated that a referendum amongst Darfuris to reunite the three states into one province could be disastrous: "the idea of a single region is based on the principle of dedication of this region to the ownership of one tribe....and aims at creating first-class and second-class groups". (Presidential Adviser Massar, volcanic lava statements 'mustashar al-ra'is massar fi ifadat kal-humum al-burkaniya], *al-Intibaha*, 8 December 2008, cited by Eddie Thomas in Chatham House, "Deadlines and Decisions: a Critical Year for Sudan", January 2010.