

Statement to the Security Council on the situation of human rights in Darfur

by Ms. Louise Arbour
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Secretary-General,

Mr. President, distinguished members of the Security Council,

I am delighted for this opportunity to brief you on the recent mission that I conducted to Khartoum and Darfur, together with Mr. Juan Méndez, the Secretary-General's Special Adviser on the prevention of genocide.

As you will be aware, the Secretary-General asked us to visit Darfur to assess the human rights situation prevailing in that region of Sudan and to see what can be done, now and in the future, to provide better protection for the hundreds of thousands of civilians now so desperately in need of it.

To this end, Mr. Mendez and I traveled to Khartoum on 18 September. There we held a wide range of meetings, including with the Minister of Justice, the National Commission of Inquiry, members of the diplomatic community, officials from the United Nations, including SRSG Pronk, and national and international NGOs. I am grateful that they generously made themselves available to my colleagues and me.

From 20 to 24 September, we visited Darfur, traveling to the three regional capitals, El Fashir, Nyala, and El Geneina, and surrounding areas. In each location, we met with many IDPs, as well as with local government officials and members of the judiciary, and the United Nations teams and those NGOs operating on the ground.

I would like to praise the extraordinary efforts of these humanitarian workers, carried out in extremely difficult circumstances in Darfur. I include here the members of the African Union Ceasefire Commission with whom we met in Darfur in all three locations. They are a credit to the organizations they serve, to the United Nations system and to the international community.

But the fact that they are in Darfur in increasing – though still inadequate – numbers is a reflection of the gravity of the situation that they are seeking to address. On the basis of my conversations with them, I am confident that they would strongly support my recommendation to you that their numbers be substantially increased.

Mr. President,

You have, for some time, been seized of the crisis in Darfur. In May, the Office of the High Commissioner for Human Rights issued a report on the situation of human rights in that region. It looked at the patterns of violence that provoked the massive displacement and which have yet to be reversed. While those findings remain valid, I shall not dwell on them today but rather provide you with my reflections and observations on the main human rights protection concerns that continue to persist as we seek, collectively, to tackle this acute problem now and in the immediate future. My presentation and that of Mr. Méndez should be seen as a whole: the findings we present before you are the product of a truly collaborative effort and I am grateful to

Mr. Méndez for the invaluable role that he played, bringing his experience and expertise to bear during our mission.

In my view, there are six principal challenges impeding the effective protection of civilians in Darfur today.

The disparity in perceptions

First, is the difference in how various actors in Darfur and Khartoum portray the human rights crisis. In short, there is an alarming disconnect between the Government's perception – or at least its portrayal – of what is happening in Darfur and the assessment of that situation by almost everyone else.

The Government of Sudan has taken some welcomed initiatives. It signed a ceasefire agreement with the SLA and the JEM: a ceasefire which observers felt was by and large holding though not without individual violations. It seems also, in some places at least, to have provided an increased police presence. Further, the Government has greatly improved access for the international community in Darfur: I was granted unimpeded access to IDPs and total freedom of movement throughout my mission. However, I must signal frequent and consistent reports of harassment and intimidation of IDPs who spoke to international delegations, as well as one account by one such delegation of its inability to move to IDP camps unescorted.

However, the Government continues to convey neither a sense of urgency nor an acknowledgement of the magnitude of the human rights crisis in Darfur. It did not, in my conversations, acknowledge the severity of the counter-insurgency measures it had adopted, largely through the use of its proxy militia – the Janjaweed – nor the impact that this has had on innocent civilians. It laid the blame for their current predicament on inter-tribal conflict, banditry and on actions taken by the rebels (my mission, however, received no credible reports of rebel attacks on civilians as such but did receive reports of attacks on police officers). In West Darfur, a senior government official even suggested that the international community, for its own vested interests, was seeking to prolong the crisis by hindering the return of displaced persons to their places of origin.

The IDPs paint a different picture. They described a situation in which their safety was totally dependent upon their staying within the confines of their camps. They placed the blame for their predicament squarely on the shoulders of the Government, its security forces – in whom they had no faith whatsoever – and the Janjaweed.

Of course, living in such close, impoverished confines, in difficult and fraught circumstances for many months, and subject to the inevitable rumour mills that operate in such environments, it is possible that the IDPs themselves might exaggerate the extent of the threats that they face. I don't think that this is the case.

The consistency of individual stories, their sheer number, the traumatic circumstances which led to the displacement and detailed corroborated testimony clearly suggest that there is a very credible basis for their fear, a basis that was, by and large, supported by our United Nations, African Union and NGO colleagues in Darfur.

Mr. President,

There is nothing whatsoever about the camps that I visited to suggest that their inhabitants would choose to stay there if there was a viable alternative.

This difference in perception was most alarming when it came to our discussions of rape and other sexual violence. Our mission, and I personally, received numerous, credible reports suggesting the widespread practice of rape as a tool of intimidation and subjugation. The Government has so far failed to acknowledge the nature and extent of this problem. Few cases of rape appear to have reached the courts. Most cases are not investigated by the police, sometimes on the grounds that the alleged assailants cannot be identified. The national rape commission set up by the Government does not command the trust of the IDPs and, despite our efforts, we were unable to meet any of its members. In addressing rape, the onus – and the shame – falls totally on the shoulders of the victims who have no means of redress. There is no structure in place in Darfur that is able to seek, on their behalf, appropriate justice and healing. As a consequence, there is no deterrent for a practice that not only terrorizes women and young girls, but also prevents them from leaving their camps to collect firewood, a practice not only essential for providing them with cooking fuel but also for laying the very modest foundations of self-sufficiency by allowing them to sell some wood in camp markets.

Impunity

Second, there remains a climate of impunity in Darfur. Mr. Méndez will deal with this critical aspect of the problem in his briefing to you. In short, my mission came away from Sudan gravely concerned that the Government, its security forces – particularly the police, and the judicial system are failing the people of Darfur.

The following case is illustrative. In one camp I visited, I was taken by a school teacher to meet a small group of women. I spoke with them for over one hour in a disheveled tent that was home to one of them. She had been part of a group of seven women who had gone to collect firewood on 14 September. They were attacked by two armed men on horses and dressed in khaki who whipped and beat them all and abducted two of them: one who was the woman's 15-year old daughter and the other who was 30 years of age. I spoke to both.

While the two were taken away and raped several times, those who escaped reported their abduction to the police who had been deployed to their camp for their protection. The police refused to come to their rescue.

When the two victims were found by their friends and relatives they were naked and could not walk. They were carried back to the camp where, again, the incident was reported to the police. This time, the police accused the victims of making up the story. The victims were then taken to the local hospital which confirmed the rape and prescribed the necessary treatment. I saw the prescriptions they had been given.

Subsequently, the police said they filed the case but they have taken no further action on it, even though the victims stated that they would be able to identify their assailants who were not masked. While I was conducting this interview, elsewhere in the same camp, my colleagues were talking to the local chief of police: he informed them that no instances of rape had been reported to him.

Mr. President,

I have worked in the criminal justice system for a large part of my professional life. This case is credible and corroborated. Until the authorities in Sudan seize on cases such as this and ensure their swift processing through the courts, in full respect for international standards of justice, and

resulting in appropriate punishment for the violators then I fear we shall not see real progress in Darfur. Without such small steps being taken, the civilians of Darfur will continue, understandably, to live in fear and to distrust and despise those tasked with their protection. To the extent that the Government would need help and expertise in this area, my Office stands ready to assist in genuine efforts to support victims of abuse in seeking redress.

Safe and voluntary returns

Third is the issue of returns. Voluntary returns must only take place when the conditions are safe and that assessment must be made on the basis of an informed decision by the displaced persons themselves.

I do not consider, despite the contrary views of the Government that such conditions are in place at this point in time. In this regard, I am worried by reports we have heard of forced relocations being carried out. To the extent this is happening, it must stop immediately.

Everything rests on security and on the need to end impunity. Until the IDPs see tangible signs that the security services are working for their benefit and are a source of effective protection, then it is difficult to see when they will voluntarily choose to leave the camps which have become, in effect, prisons without walls.

Lack of systematic information

Fourth, there is a great need on the part of the international community to improve its capacity to collect, coordinate and analyse information and reports of human rights violations. This is critical to ensure that we have available empirically-founded concrete data if we are to counter the rumours and manipulation of information that is rife in Darfur. Such a capacity will be invaluable to the international community, allowing it to assess trends and further tailor its response to the crisis. It will be invaluable, too, for the Government of Sudan which clearly feels aggrieved by what it perceives to be an exaggeration by the international community as to the extent of the crisis.

Inadequate international presence

Fifth, and connected with the above, is the need to increase significantly, and across the board, the international presence in Darfur. There has already been a sizeable increase but more is needed. Darfur is large, transportation and communications are difficult, and the crisis is massive and multi-dimensional. Large parts of the country, and thus those living there, remain inaccessible or are visited only sporadically. Even those camps which are receiving daily support are often left without any international presence at night.

Virtually everyone we met felt that an increased international presence, in and of itself, would provide a noticeable measure of protection. It is imperative that the international civilian presence in Darfur continue to expand and, security permitting, continue to move out of the regional capitals to more remote population centres.

Linked with this, I would urge the Government of Sudan to renounce publicly acts of intimidation against those civilians and human rights defenders who interact with the international community, and reprimand officials who engage in such intimidation.

In line with resolution 1564 and the needs on the ground, I intend to increase, from eight to sixteen, the number of human rights observers from my Office. I anticipate that further increases will be necessary and I look forward to your support in helping to ensure I have the means to ensure their speedy deployment.

The need for a comprehensive peace settlement

Finally, and critically, true and permanent protection will be difficult to obtain in the absence of an overall peace settlement to the conflict in Darfur. Without this, instability and attendant human rights violations will prove difficult to eradicate. I therefore join in the broad-based consensus that calls for the sustained application of strong pressure on all parties to reach a peace that must, above all else, promote the welfare of the people of Darfur.

Mr. President,

There are a number of key, practical steps that I believe can – and must – be taken to address the protection concerns highlighted above. And I wish to stress that these protection concerns, essentially human rights violations, are now central to the necessary next steps in the resolution of this crisis. Urgent, safe and voluntary returns of IDPs will not and must not take place if they are simply to be sent back to face the terror which provoked their flight in the first place.

Several initiatives are being taken to seek to ensure an end to the violence and more effective protection for the civilians of Darfur. Indeed, the two recent resolutions of this Council on the situation in Darfur already provide an invaluable blueprint for action. We must continue to reinforce these efforts. To that end, I will focus on a few core recommendations. Some of these I have already mentioned, such as the need for an increased international civilian presence in Darfur, and for the Government of Sudan to move through its court system key test cases concerning human rights violations with more purpose and credibility than has been the case thus far. Still others will be mentioned shortly by Mr. Méndez.

Concerning the Government of Sudan,

First, it must express a public commitment to end its counter-insurgency strategy consisting in the use of the Janjaweed. Military action should only be carried out by regular forces, under responsible command and in full respect for the laws and customs of war.

Second, whoever the Janjaweed are, the Government has a responsibility to rein them in and to seek help in so doing if it cannot do it alone. There is currently much discourse in Sudan concerning the identity of the Janjaweed: Are they mere bandits? Or traditional Arab nomads? Or Government-utilised militia? Much of this debate, however, seems to serve no purpose other than to obfuscate. What is clear is the widespread fear held by IDPs and borne of experience, that it is men in khaki, armed and riding on horses or camels, whom they know as Janjaweed and who have inflicted massive damage on their lives, who are the prime reason for their current insecurity.

Third, the Government must make a concerted effort to tackle impunity. The International Commission of Inquiry will play an important role in this regard but it does not relieve the authorities from their own responsibilities.

Fourth, the Government needs to do more to demonstrate that those areas it alleges are safe for return are indeed so. Greater efforts are required to ensure that displaced persons are better

able to make informed decisions as to their future. Security must begin in and around the camps in which IDPs continue to live as though under siege.

For the international community, the most important initiative that should be taken – now – is the deployment of an international police presence, which is highly visible on the ground. The task of these police officers would be to accompany, encourage and monitor the national police and provide training and advisory services to them, including in human rights and police-community relations. In the immediate to mid-term such a measure will, I believe, be essential if trust is to be re-established between the citizens of Darfur and their police force.

Further, the mandate of the African Union Ceasefire Commission should be expanded and the size of the AU deployment should be urgently and substantially increased. Broadening the mandate should permit them perhaps to take on this international police function and also to address violations of human rights and international humanitarian law, possibly through the inclusion of human rights observers in their verification missions: my Office stands ready to assist in this regard. The African Union is doing an excellent job in Darfur. They deserve our redoubled support.

Mr. President,

In conclusion, as we are all painfully aware, the crisis in Darfur has been ongoing for far too long. Despite our efforts so far, we must acknowledge that there are many in Darfur whom we have not been able to protect and who are still in grave peril. The Darfur crisis will remain with us for some time. It is too big in scale, and too complex in nature, to disappear any time soon. The task today is to assist the people of Darfur in rebuilding their lives without fear.

Thank you, Mr. President.