



18 May 2007

**Seventh periodic report
of the United Nations High Commissioner for Human Rights
on the human rights situation in the Sudan**

**Involvement of Sudanese security personnel in attacks on the Bulbul area of
South Darfur from January to March 2007**

Issued by the Office of the High Commissioner for Human Rights in cooperation with
the United Nations Mission in Sudan

Executive Summary

This report is issued by the Office of the High Commissioner for Human Rights (OHCHR) in cooperation with the United Nations Mission in Sudan (UNMIS). It documents violations of international human rights law during attacks on villages in South Darfur during an ongoing dispute between members of the Tarjum and Rizeigat Abbala¹ in the Bulbul area of South Darfur. Members on both sides of the dispute describe themselves as Arabs.

Large-scale attacks started in January 2007. Since then, well over 100 people have been killed, many others have been injured, houses have been burnt, property has been looted and thousands of civilians have been displaced. The most recent large-scale attack took place on 31 March 2007 when, according to credible reports, more than 60 people from the Tarjum village of Morayajengay were targeted and killed.

This is not the first dispute between members of these groups, however what is particularly striking is the intensity of the fighting, the high number of casualties and, in particular, the involvement of Sudanese security personnel, weapons and vehicles' in the attacks on villages. This report documents Border Intelligence Guards, participation in attacks on Tarjum villages of Mohajirya-Moraya, Mohajirya-Ajami Amar Jadeed, and Morayajengay in the Bulbul area of South Darfur between January and March 2007².

Despite clear and consistent evidence gathered between January and March 2007 that members of government security forces were involved in the attacks, the Government did not take effective action to prevent the attacks, control members of its security forces and use of its equipment, pursue the attackers or intervene to protect civilians. There were some attempts to promote reconciliation, however these fell far short of what was required under the circumstances to prevent further loss of life.

Moreover, after the attacks, insufficient action was taken to identify and prosecute those responsible or provide reparation to the victims and the Government has still not taken measures to prevent the reoccurrence of the attacks. The ongoing impunity for these crimes is of great concern and is a violation of Sudan's obligations under international law.

The information in this report is based on the work of UNMIS Human Rights officers who monitor the implementation by the Government of Sudan of its obligations under international human rights law and international humanitarian law.³ They also monitor

¹ "Abbala" is a general term that refers to several Rizeigat Arab sub-tribes whose primary source of income is camel-herding. They are also known as the "Northern" Rizeigat. Members of multiple Rizeigat sub-tribes may have been involved in the violence documented in this report.

² Although not included in this report UNMIS Human Rights also documented attacks in early January 2007 on the settlements of Missik, Giderke, Mordade and Maramandi involving Border Intelligence Guards.

³ The monitoring mandate of the human rights component of the United Nations Mission in Sudan (UNMIS) in Darfur derives primarily from the Joint Communiqué of July 2004 between the Government of Sudan and the United Nations, which was endorsed by Security Council resolution 1556 (2004). It is also derived from Security Council Resolution 1590 (2005), which, *inter alia*, called

respect by other parties to the Darfur conflict to their obligations under international law. In Darfur, Human Rights Officers conduct field investigations and on site visits; interview witnesses and victims; meet officials of the Government of Sudan, political and tribal leaders, representatives of UNMIS, UN Agencies, and the African Union Mission in Sudan (AMIS); and other stakeholders. To ensure reliability, information is cross-checked with other sources. Human Rights Officers regularly engage in dialogue with local, regional, and national authorities to obtain information, raise human rights concerns, and recommend corrective and preventative actions. Human Rights Officers in Darfur also provide capacity building on human rights to Government institutions, civil society, and UN agencies.

Recommendations to the Government of Sudan

- Respect its obligations under international human rights law and protect all human rights and fundamental freedoms and in particular the right of every individual to life and security of the person. Proactively investigate all reports of violations and bring perpetrators to justice.
- Take all necessary measures to avert the threat of further attacks on civilians. Seek assistance as may be necessary from the international community in order to enhance its protection capacity.
- Deploy police and regular armed forces around civilian settlements in the Bulbul area that are vulnerable to attacks with a clear mandate to prevent attacks, intervene to protect communities and create conditions to facilitate safe, voluntary return of displaced persons from the Bulbul area. In locations where a police presence exists, such as Bulbul Abujazo, issue orders and resources for stronger and more effective preventative action. In locations where there is no presence, the Government should urgently establish an adequate presence and ensure maximum protection, through regular, well-resourced, and effective patrols.
- Publicly condemn violations of human rights and hold those in command of security forces and law enforcement activities at the time violations are perpetrated personally responsible for the abuses.
- Take all necessary measures, including through disciplinary and dismissal procedures, to control regular armed forces and members of paramilitary forces.
- Take swift action in cases where security forces are involved in unlawful activities in either their official or personal capacities and prosecute those responsible. Screen members of its security forces and determine their suitability for continued service. Those alleged to have committed gross violations of human rights or serious crimes under international law should be removed from office and prosecuted to prevent the recurrence of those acts.
- Conduct an adequately resourced, independent, transparent investigation into the attacks on settlements in the Bulbul area and the allegations of Government security forces involvement in those attacks as documented in this report. The investigation should collect evidence to identify and prosecute those found to be responsible for the attacks as well as those who failed to prevent the attacks and protect the civilian population. The methodology, staffing and the ultimate findings should be made public.

for an adequate human rights presence, capacity, and expertise within the mission to carry out human rights promotion, civilian protection, and monitoring activities.

- Ensure that those directly involved and those with command responsibility for the attacks as well as those who failed in their responsibility to protect the civilian population are brought to justice. In addition to criminal prosecution, any members of Sudanese paramilitary or regular armed forces found to have violated international and domestic law in the January to March 2007 attacks or at any other time should be subject to disciplinary measures and removed/suspended from duty.
- Ensure victims are provided with reparations and witnesses protected.
- Ensure the implementation of past commitments granting UN Human Rights Officers free and unfettered access to places of detention and hospitals.

Background

In early January 2007, a long-simmering dispute between the Rizeigat Abbala and Tarjum exploded in South Darfur. The locus of the violence is within a 50 kilometer radius north and west of Nyala town, the capital of South Darfur. According to those close to the dispute, the ultimate motive for the violence is control over the land in question. The area north and west of Nyala, which includes an area broadly referred to as “Bulbul,” is part of the traditional land grant (or *hakura*) of the Fur tribe. In 1995 the Government granted the Tarjum stewardship over a portion of the area.⁴ The Tarjum, who self identify as Arab, are a primarily agricultural and cattle herding tribe. Rizeigat Abbala Arabs are largely pastoralists, whose main source of income is camel herding. Because the Bulbul area is part of their traditional migratory route, small Rizeigat Abbala settlements have proliferated on the land. Several sources told UNMIS Human Rights that tensions over the use of the land had been building between the Rizeigat Abbala and the Tarjum. For the Rizeigat Abbala in particular, who are without a *hakura*, obtaining viable land represents their main incentive for entering the Darfur conflict on the Government side.

Members of both the Tarjum and several Rizeigat Abbala sub-tribes have been pro-Government during the Darfur conflict, and have contributed to Government military efforts. A large number of Tarjum men of fighting age belong to the Popular Defense Forces⁵ (PDF) and have Sudanese Government military ID cards. Members of the Rizeigat Abbala tribes involved in the clashes belong to a variety of official Government security forces, in particular the Border Intelligence Guards⁶, but also the PDF and Popular Police⁷. Border Intelligence Guards carry official Sudanese Government military ID cards, and are known to be under the official control of

⁴ The Bulbul area is an agriculturally rich area of South Darfur named for the *wadi*, or seasonal riverbed, of the same name which supplies the area.

⁵ The Popular Defence Forces (PDF) are a paramilitary reserve component of the Armed Forces. The PDF is generally described as a citizen force which is provided with military training and mobilized on the demand of the army. It derives its mandate from the Popular Defence Force Act of 1989. During the course of the Darfur conflict, existing PDF recruitment and arms distribution structures have played an integral part in the recruitment of pro-government fighters in Darfur.

⁶ The primary role of the Border Intelligence Guards is intended to be one of information gathering, and its members are often recruited from the local population of their area of deployment. While a generally secretive unit, they are known to be under the control of Military Intelligence.

⁷ Popular Police Force (PPF) are a paramilitary reserve force of local citizens raised by the Sudanese Government to augment and provide assistance to the regular Police. It derives its mandate from the Popular Police Act of 1989. Also known as *Shurta Shabia*.

Sudanese Military Intelligence. Members of both the Tarjum and the Rizeigat Abbala have been implicated in atrocities against civilians in Darfur.

Attacks on villages and settlements

The violence in the Bulbul area of South Darfur has been characterized by a series of attacks on Tarjum villages and settlements by Rizeigat Abbala with the involvement of Border Intelligence Guards. UNMIS Human Rights has documented Border Intelligence Guards involvement in attacks on 6 and 7 of January on the Tarjum villages of Mohajirya-Moraya, Mohajirya-Ajami, and Missik, as well as the nearby settlements of Mordade, Giderke and Maramandi. They were also involved in attacks on 25 February 2007 on the village of Amar Jadeed and on 31 March 2007 on the village of Morayajengay. As explained below, there is evidence that members of the targeted population did defend themselves with armed force and that some attackers were killed or wounded.

Witness testimony about the attacks is consistent. In all instances, witnesses described hundreds of heavily armed attackers, mostly dressed in green or beige khaki uniforms, accompanied by machine gun-equipped Land Cruisers owned by Border Intelligence Guards. In many instances, victims in the affected villages, particularly men, knew their attackers by name and independently identified specific Border Intelligence commanders as being present. Witnesses reported that during all the incidents, attackers fired from the outskirts of the settlements with heavy vehicle-mounted machine guns and rocket propelled grenades (RPGs), before entering the settlements and targeting any men found inside. They then systematically looted items of value, particularly livestock, before (in most cases) burning large sections of the settlements. Although it could not be confirmed, UNMIS Human Rights received several reports from witnesses about the use of heavy weapons, including mortars, which they were unfamiliar with.

In addition to the extensive corroborating witness testimony implicating Border Intelligence Guards in the Bulbul attacks, UNMIS Human Rights obtained photo scans of military identification cards said to have been left behind by attackers (presumably wounded or killed) after incidents in Missik and Morayajengay. The words "Border Intelligence" are written on one of the military identification cards. One of the other identification cards bears the marks of both the Interior Ministry and a unit known as the Popular Police. The third ID card was issued by the Sudanese Armed Forces, and carries the mark of the "Division of Intelligence and Security."

Attack on Mohajiriya-Ajami (6 January 2007)

The attack on Mohajirya-Ajami began at 7:00 am on 6 January 2007. Witnesses reported a barrage of fire from machine guns and rocket-propelled grenades (RPGs) from the northern border of the village, causing much of the population to panic and flee. As the inhabitants fled, armed Rizeigat Abbala fighters, numbering in the hundreds and dressed in a mix of green and beige khaki military uniforms and civilian clothing, entered the village on foot, camel, and by vehicle (six or seven Land Cruisers with mounted weapons were seen). Several male IDPs from Mohajiriya-Ajami insisted that many of the attackers were members of the Border Intelligence Guards. They said they knew many of the men as previous "colleagues," friends and

neighbors, and identified some by name. They maintained in particular that the vehicles and heavy weapons used in the attack were Border Intelligence equipment. During the course of about an hour, the attackers systematically set fire to civilian dwellings and looted all items of value, especially livestock.

Several men were killed in the village. UNMIS Human Rights collected the names of 18 men killed in Mohajiriya-Ajami that day. According to witnesses, these were elderly men who were too weak to flee, those attempting to save livestock and those attempting to defend the village. While displaced persons from Mohajiriya-Ajami were reluctant to discuss the issue of armed defense of the village, it is very likely that at least some of those killed were armed as many are members of the Popular Defense Forces.

Several IDPs from Mohajiriya-Ajami reported that, in the days following the attacks, Border Intelligence Guards manned a checkpoint at a village called Degraise, between their IDP camp and Nyala, and singled out Tarjum persons traveling to and from Nyala for severe beatings, robbery, and intimidation.

Attack on Mohajiriya-Moraya (7 January 2007)

Mohajiriya-Moraya is adjacent to Mohajiriya-Ajami and it was attacked mid-morning on the following day, 7 January 2007. Witness testimony reflects a pattern similar to the attack on Mohajiriya-Ajami. Witnesses describe well over 100 camel-mounted attackers dressed in both khaki uniform and civilian clothes, arriving at the outskirts of the village. Vehicles with mounted machine guns were also seen. Some Tarjum men, themselves members of the PDF who are familiar with Government security forces in the area, identified the attackers as members of the Border Intelligence Guards, some by name. They insisted that the uniforms, vehicles, and heavy weaponry were Government-issued and belonged to Border Intelligence as they were well known to them.

The attackers opened fire on the village, causing the population to panic and flee. Some men of fighting age in the village attempted to gather women, children, and livestock to bring them to safety, and then confronted the attackers with light weapons such as assault rifles. As was the case in Mohajiriya-Ajami, it was reported by witnesses that those killed in the village were those hit by open fire, those who defended the village with arms, those who refused to surrender livestock, or elderly men who were unable to flee. UNMIS Human Rights obtained a list of 17 names of those killed in Mohajiriya-Moraya all were male, including one 14-year-old boy, who was shot in the outskirts of the village. Several interviewees reported that the attackers fired RPGs during the attack and said that the village was subjected to burning.

Attack on Amar Jadeed (25 February 2007)

On 25 February 2007, in the midst of a Government-brokered reconciliation effort between the two parties (see below), the town of Amar Jadeed, west of Kass town, was attacked by hundreds of camel and horse-mounted Rizeigat Abbala fighters. Witnesses alleged that many of the attackers were Border Intelligence commanders. Witnesses also corroborated that the vehicles and heavy weaponry used in the attack were from Border Intelligence. The attackers were described as wearing green khaki

uniforms and in the company of multiple gun-mounted vehicles. The attack began with a barrage of fire into the village from vehicle-mounted machine guns and RPGs, sending the population into panic. Attackers entered the village on camels, horses and by foot, shooting at adult male inhabitants, systematically looting livestock and other items of value, and setting fire to structures in the village. As in the previous incidents, male victims were familiar with their attackers and identified them by name.

UNMIS Human Rights obtained the names and ages of 37 people killed in Amar Jadeed, but received credible reports that the death toll was slightly higher. Two of the victims were young children said to have been hit by machine gun fire, including one 6-year-old boy who was shot in his father's arms as he was fleeing. One woman was also killed. Witnesses stated that a significant percentage of the dead were armed fighters (members of the Popular Defense Forces), but were firm that both armed and unarmed adult males had been targeted by the attackers. The Tarjum fighters inflicted some casualties on the attackers before being overwhelmed by numbers and firepower. The number of Rizeigat Abbala dead is unknown, as the witnesses said their bodies were immediately picked up by Border Intelligence Guards and taken away in vehicles.

Attack on Morayajengay (31 March 2007)

On 31 March 2007, the village cluster of Morayajengay, near a Bulbul settlement known as Abujazo, was subjected to a nearly identical pattern of attack as the other villages. Witnesses reported that hundreds of Rizeigat Abbala fighters dressed in different types of khaki uniforms, and utilizing at least four Border Intelligence vehicles with mounted machine guns, descended upon the settlement at approximately 6:30 am. Many Tarjum IDPs who had fled earlier attacks on their villages had settled in the area, as they felt Bulbul Abujazo's location on the well-traveled Nyala-Kass road offered them a level of protection against attacks. There is also a small police and army presence in Abujazo.

On 31 March 2007 Tarjum fighters attempting to chase cattle raiders fell into an ambush. The attackers opened heavy extensive fire from the outskirts of the settlement, with mounted machine guns, RPGs, and according to witnesses, unfamiliar incendiary devices. Tarjum fighters inflicted some casualties on the attackers but were overwhelmed by the firepower.

According to witnesses, more than 60 people were killed in the attack. UNMIS Human Rights obtained a list of victims all but one of those killed were adult males, including elderly men. Witnesses said that a significant percentage of the persons killed were themselves armed fighters, but insisted that all adult males were targeted during the attack. Several hundred heads of cattle and other livestock were looted during the incidents. On 16 March 2007, a smaller scale attack on Abujazo, also allegedly by Rizeigat Abbala fighters, left 10 people dead in the town and many livestock looted.

According to UNMIS Human Rights analysis the Tarjum tribe has suffered the majority of casualties and forced displacement during the violence in the Bulbul area. According to witnesses, the Rizeigat Abbala members of the Border Intelligence

Guards were far better armed and equipped and, seemed to be the aggressors in the fighting. The Rizeigat Abbala tribe may also have suffered violations however such incidents have been difficult to document due to the nomadic lifestyle of Rizeigat Abbala populations and their strong reluctance to speak with the United Nations.

Government action to prevent and respond to the attacks

Despite clear and consistent evidence over a three month period that communities in the area were exposed to threat of further attack and that Sudanese security forces were involved in attacks against civilians, the Government of Sudan failed to effectively intervene to prevent the attacks, protect civilians in the affected areas, to identify and punish those implicated in violations of international law and to provide reparations to victims. Instead, the Government's response to these attacks has been negligent and characterized by denials of responsibility, attempts to misrepresent the conflict in the Bulbul area as purely tribal and by vague promises of investigation committees which have not yet identified or prosecuted any of those responsible.

On 7 January 2007, following the attacks on Mohajirya, the offices of the Governor of South Darfur and the commissioner of Nyala released press statements denying the involvement of Border Intelligence Guards in tribal violence in the Bulbul area. The deputy Governor announced to *Al-Sahafa* Arabic newspaper that an investigation committee would be formed and that anybody found to be implicated in the fighting would be held accountable. The commander of the 16th Sudanese army brigade, based in Nyala, also publicly vowed to punish anyone involved. Three months after the January incidents and following several subsequent attacks by members of the Border Intelligence Guards, no action has been taken to prevent the violence and the attackers continue with impunity. No information has been provided on either the investigation committee which was promised or on action taken against the perpetrators.

Some attempts have been made to reconcile the groups. On 7 January 2007, the Deputy Governor, traveled by road to the Bulbul area to help encourage reconciliation between the warring parties. However his convoy was ambushed in Bulbul resulting in the death of four members of the security forces and he had to be rescued by Government helicopters. In late February 2007, a Government-brokered reconciliation conference was held in Um Zaifa in South Darfur. According to sources close to the conference, both parties to the dispute agreed to turn over perpetrators of theft and murder and pay compensation in the form of blood money for losses. However, on 25 February 2007, before the reconciliation conference concluded, Amar Jadeed was attacked by members of Rizeigat Abbala many of whom were also Border Intelligence commanders. The attack resulted in a total loss of confidence in the reconciliation process and provoked accusations from the Tarjum that neither the Rizeigat Abbala nor the Government was acting in good faith.

After the 31 March 2007 attack on Morayajengay, the Governor of South Darfur renewed the promises of an investigation committee into the Bulbul violence. However, no substantive action has been taken to date to bring those responsible for the violence to justice. Investigations launched by the South Darfur Government following major violations of international law by Government forces in the past have lacked a clear methodology, resources, and have been staffed by those with a direct stake in its findings. In most cases, findings have either never been announced, or

have simply deemed investigated incidents as “tribal” without taking action to prosecute the perpetrators and provide reparations to the victims.

Victims from more than one of the attacks told UNMIS Human Rights that while police and army helped them recover their dead following an attack they did nothing to apprehend the attackers, who were very close by or in plain sight during the recovery of bodies. Tarjum victims from the various villages attacked universally expressed frustration to UNMIS Human Rights with the way the Government has received their complaints about attacks on their villages. Many accuse the Government of outright complicity in them. They cite the fact that many of the Rizeigat Abbala Border Intelligence Guards are themselves living in Nyala, and expressed indignation that such a group could carry out multiple attacks so close to the provincial capital with impunity. They consistently stated that since January 2007, when they have approached South Darfur authorities with claims of Border Intelligence involvement, that they have been asked to provide evidence before the Government could take any action.

On 31 March 2007, at Nyala hospital, Government National Security personnel prevented UNMIS Human Rights from viewing the bodies of those killed in Morayajengay and forced them to leave the facility. When UNMIS Human Rights attempted to view the bodies at their burial later in the day they were stopped again by National Security and briefly taken to their headquarters. National Security cited “security concerns” for the action and added that the violence earlier that day had been perpetrated by “outlaws” during “tribal” violence.

On 3 April 2007, following the incident in Morayajengay, UNMIS Human Rights met with the Director of National Security in South Darfur. The Director denied any Government involvement in the Bulbul violence and insisted that the conflict was purely tribal. He specifically denied the involvement of Border Intelligence Guards as a collective unit, though he did not rule out the possibility that members had acted according to their own tribal affiliations. When asked where they may have obtained their weapons, he responded, “the market.” He denied that vehicles with mounted machine guns, or any other form of heavy weaponry were used in the violence.

Conclusion

Analysis of the patterns observed during the violence in South Darfur indicate a strong nexus between the attackers and their membership to Government security forces (especially the Border Intelligence Guards), Government military supplies previously provided to those units, their use in the abovementioned attacks and Government complacency illustrated by state inaction over a three month period.

Although UNMIS Human Rights has not found evidence that the attackers were operating under the direct command of the Government, nonetheless the Government and authorities in charge of security forces are legally responsible not only for direct actions that the authorities’ order but also for the failure to take the necessary steps to prevent or punish crimes committed by subordinates when they had knowledge of them. This framework of State responsibility applies to crimes that members of Sudan’s paramilitary forces and regular forces commit regardless of their tribal affiliation, whether Tarjum or Rizeigat Abbala.

The Government's obligations also include protecting the right to life of private individuals against the actions of other private individuals. That is, the Government must exercise due diligence in preventing murder. The right to life, as affirmed in Article 6 of the International Covenant on Civil and Political Rights, remains a non-derogable right in all situations and the Government has the responsibility to protect all persons under its jurisdiction from violation of this right⁸. Given the ongoing violence in Bulbul area of the South Darfur and the fact that it was brought to the attention of the authorities in January 2007, it is clear that the Government did not exercise due diligence to protect the right to life of those concerned . Moreover, the Government failed to comply with its obligations under international human rights law to investigate and hold accountable perpetrators of human rights violations and provide reparation to victims.

On 24 April, following various requests to the local authorities, UNMIS Human Rights delivered an official communication to the Governor of South Darfur expressing concerns with regards to the escalation of conflict between the involved tribes, the number of civilian deaths, the destruction of property and the involvement of members of the Border Intelligence Guards in the attacks. UNMIS Human Rights requested the Governor of South Darfur to provide information on any actions taken by the Government to respond, investigate and mitigate the attacks as well as on reconciliation steps which may had been taken to address the roots causes of the conflict. At the time of writing, no response had been received from the Government.

⁸ Sudan is a State party to the International Covenant on Civil and Political Rights, which it ratified on 25 January 1986.