



20 August 2007

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

**Women abducted, raped and kept as sex slaves
following the December 2006 attacks on Deribat**



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

1. The Office of the High Commissioner for Human Rights (OHCHR) issued a public report in April 2007 focusing on details of the attacks on Deribat and eight other villages in East Jebel Marra, South Darfur in late December 2006. The villages were attacked by Government and allied militias on land and by air. Local sources reported 36 civilian deaths. The April 2007 report focused on a number of specific cases of sexual assault including abduction and rape.
2. This report, issued by OHCHR in cooperation with the United Nations Mission in Sudan (UNMIS), is a follow up to the April 2007 report and contains additional information gathered from victims, witnesses and subsequent field missions. While other human rights violations were committed this report focuses on cases of sexual and gender based violence. It benefits from the systematic documentation by UNMIS Human Rights of human rights violations over the period December 2006 to May 2007. In May 2007 UNMIS Human Rights conducted a field mission to East Jebel Marra to further investigate the attacks. During the field mission human rights officers interviewed former inhabitants of Deribat who were present during the attacks, including women who were among those abducted and raped. Similar attacks, abduction and rape by militia and Government forces in East Jebel Marra had earlier been reported in 2004.
3. Despite a difficult security situation, human rights officers were able to interview a significant number of victims and witnesses. Interviews were conducted independently and individual testimony by each witness was systematically corroborated. UNMIS Human Rights also interviewed a number of other secondary witnesses who provided useful complementary testimonies. Initial conclusions of the investigation were presented to local authorities in Nyala, South Darfur. No investigations were carried out by the authorities.
4. According to witnesses, the attack began early in the morning of 26 December 2006, when armed men on horses and camels, accompanied by at least three vehicles and an aircraft, attacked the village. *“There was a plane or helicopter in the air. We were scattering in the mountains when the plane approached and once the plane had left, we would come back again”*, one witness said. Although it has been difficult to determine the exact number of attackers, witnesses estimated their number at several hundreds. As soon as the attacks started, people began fleeing Deribat, seeking refuge in the nearby hills.
5. According to testimonies some women were abducted in small groups by different armed men at various locations including Deribat market. One witness, supported by multiple additional witness statements, indicated *“The attackers collected many women from the town and took them to a wadi (stream) between Kutur and Deribat”*. According to inquiries made by human rights officers approximately 50 women and many children were forcibly taken to the *wadi* (stream). All of the abductees were from Deribat and most were from the Fur tribe. The attackers are reported to have pitched tents in the *wadi* and the abducted women and children were forced to remain in the middle of the camp to prevent them from escaping.
6. Interviews indicate that the abducted women were systematically raped. One witness stated *“they were raped by any man who wanted. Whenever any man came to them, the women were supposed to comply, otherwise they were badly beaten”*. Another woman abducted with her sixteen year old daughter described how women were raped in front of each other. Women who took time to take their clothes off were slapped and forced to the ground. If a woman continued to resist, she would be beaten with sticks. One witness described how she tried to escape but was caught and tied with a rope for three days; she said *“I was raped by three men while my hands were tied and my legs were only opened for the rape”*. The victims that UNMIS Human Rights interviewed were from the ages of 25 to 40. The women and children were held by the abductors for approximately one month.
7. The multiple rapes by many of the attackers led to grave health risks from the consequent physical injuries and psychological trauma. A number of women became pregnant as a result of the rape, with pregnancy and delivery further risking the health of physically injured mothers. Some women are reported to have sought abortions, again resulting in serious health risks. Other women, who were already pregnant at the time of the abduction, gave birth under dire conditions.

8. Mothers and children received inadequate food and no medical attention during the abduction period. Some children were beaten by their abductors and they were exposed to the traumatic scenes of rape. *“They often watched what happened to their mothers”*, according to one witness. One abducted woman reported *“I was abducted together with my sixteen year old daughter. The girl was also raped and became really sick”*. After the incident, the girl traveled to a village seeking medical treatment. She is still sick and in that village as it is difficult to bring her to the mountains in her current condition. The same mother also reported that her three young sons who had fled the attack were later caught and killed in Deribat. *“They were slaughtered”*, she told UNMIS Human Rights.

9. No formal medical treatment was available to any of the abducted persons, who relied only on traditional medicine, when available. During their abduction, women were forced to cook and serve food for their abductors. The abducted women and children were given insufficient food, receiving only the leftovers, but were afraid to ask for more because of fear of mistreatment.

10. According to witnesses interviewed by UNMIS Human Rights, some women managed to escape only when SLA factions fought with the abductors during another attack. The Jebel Marra region has been the stronghold of SLA/Abdul Wahid. *“There were attacks and we fled in different directions”*. The survivors described the fighters who attacked their abductors’ positions as *“our sons from Rokero and other villages”*. The Rokero area is known to be under SLA Abdul Wahid faction control.

11. In this report, the main armed groups responsible for the attacks, rape and abduction of the women are listed. In addition to the Popular Defense Forces (PDF), some of the information gathered identified that the attackers were from the Abu Gasim faction who are from the Fur tribe but who are currently aligned with the Government. Witnesses indicated that the abduction, rape and other human rights violations that continued throughout the period were committed by the same group of men who conducted the actual attack. Witnesses report that some of the attackers were wearing khaki or green uniforms while others wore blue camouflaged uniforms, and were armed with swords, sticks, machetes or guns. Witnesses report that some of the attackers spoke in Arabic, in contrast to the Fur language spoken by most of the women. Many of the attackers were described as light skinned, while others were dark skinned implying that there were both Arabs and people from African origin. In some cases but not all, language, complexion and other descriptions can link persons to a certain area or tribal or militia affiliation, but under no circumstances should these factors alone be conclusive indicators for criminal responsibility.

12. UNMIS Human Rights gathered information indicating that the following persons may share criminal responsibility, possibly including leading or authorizing the attacks on Deribat and the abduction and abuse of the women.

- Ali Mohammed Hussein, a former SAF Sergeant. He is currently the PDF commander in Gardood PDF base, 65-70 km northwest of Nyala.
- Hamid Mohammed Hamdan, alias *“Juma Dogolo”*, militia commander from Arab Mahamid side in Gardood militia base.
- Yousif Ali Yousif, of the Beni Mansor, is the overall PDF coordinator at Malam since 2004. He allegedly coordinates all the attacks launched in the Deribat area. He is based in Nyala and his physical presence during these attacks and the aftermath was not established. However, as the alleged coordinator of the whole offensive, he is believed to have knowledge of the events that occurred during and after the attack.

13. Consistent reports also indicate that the attackers included some Fur men who allegedly belonged to the SLA/Abu Gasim faction. Abu Gasim was a former field commander with Abdul Wahid who is supported by the Government after signing a deal with them in November 2006. On 21 February 2007, President Bashir appointed Abu Gasim as the Governor of West Darfur State.

14. Reports indicate that the attackers from the Saada, Hotiya, Mahamid and Taalba tribes were based in the Gardood militia camp, northwest of Nyala, South Darfur. Attackers from the Beni Mansor, Awlad Zaid, Saada and

some other Arab tribes were from the Malam PDF camp, about 120 km northeast of Nyala; and the Abu Gasim faction were stationed, along with regular Government forces, at Dobo Al Madrassa and Dobo Al Omda.

15. The pattern of past attacks and abductions in Jebel Marra suggests that victims in Deribat were targeted because the Fur community in Jebel Marra has been perceived as sympathizers of the SLA/Abdul Wahid or SLA/Abdul Shafi factions, which are considered two of the main anti-Darfur Peace Agreement (DPA) factions and mainly composed of Fur fighters and based in Jebel Marra.¹

16. A full legal qualification of alleged violations and crimes committed in Deribat is reinforced if the attack is examined in the light of other similar attacks. A widespread and systematic pattern of abuse has been established where the Government fails to protect its civilians.

17. For example, a 25 year old Fur woman was interviewed by UNMIS Human Rights in March 2006 in Kalma camp in Nyala, South Darfur. She reported that she had been abducted from Brojo village near Rokero in East Jebel Marra in February 2004, describing her perpetrators as “Janjaweed”, some of whom were in camouflage and green uniforms and some in civilian clothes. The witness indicated that 63 women were abducted from East Jebel Marra and taken to Nyala airport and from there in a green aircraft to Alobeid, in Kordofan. Then they were taken to Al Nihud in Kordofan for eight months. “*Women were divided among their attackers. I was given to a man called Sanosi Haroun. He later took me to Buram town south of Kadugli*”. The women were kept as sex slaves. One woman who was abducted with her three year old daughter later gave birth to twins conceived from the abductor. She managed to escape in the beginning of 2006.

18. The Jebel Marra region has been the stronghold of SLA/Abdul Wahid and consequently has witnessed a multitude of attacks by Government forces and allied militias. This pattern of mass abduction which reportedly started at the beginning of the conflict in 2003/2004 still seems to be occurring. The African Union has no presence in Jebel Marra as they consider it unsafe leaving the civilian population unprotected and at the mercy of attackers. Furthermore, most International Non-Governmental Organizations (INGOs) pulled out of the area when the attacks started in November and December 2006. Only a few INGOs have returned to the area since then.

19. Furthermore, most areas in East Jebel Marra are inaccessible and women are further vulnerable due to the lack of security and humanitarian assistance. The women are unaware of what they should do in such incidents, including receiving medical treatment. Due to the insecurity in the vicinity, the isolation of this area also contributes to the gross violations of human rights which remain unreported.

Acts committed

20. According to the information gathered by UNMIS Human Rights during its interviews, a series of violations have been committed that constitute both violations of international human rights law and international humanitarian law. Some of these may also constitute war crimes.

21. Rape: sexual violence is prohibited under the prohibition of torture and cruel, inhuman or degrading treatment or punishment. If rape, sexual slavery, or any other form of sexual violence of comparable gravity are committed as part of a widespread or systematic attack directed against civilians, the above-listed forms of sexual violence can constitute a crime against humanity, and potentially fall within the jurisdiction of the International Criminal Court (ICC). Committing rape, sexual slavery or any other form of sexual violence also constituting a serious violation of common article 3 of the Geneva Conventions in the course of a non-international armed conflict is a war crime pursuant to the Statute of the ICC.

¹ There are currently three SLA factions controlling Jebel Marra: SLA/Abdul Shafi (non-DPA signatory) controls mainly areas north of Jebel Marra, including Deribat Town and the villages north of Deribat. SLA/Abdul Wahid (non-DPA signatory) controls mainly south-western Jebel Marra, including Feina, Lieba, Gobo, Saboon-AlFagur, Gorlanj-banj, Torontonga, Golol, Kutorum, Baldong, and Golol; SLA/Abu Gasim (Government ally) controls mainly the eastern Jebel Marra area.

22. Abduction: the practice of abduction can violate numerous human rights, including the right to liberty and security of the person. The prohibition of abduction is understood to be absolute, even in times of emergency. See Human Rights Committee *General Comment No. 29 on States of Emergency (Article 4)* at para. 13(b). Abduction of civilians also constitutes a violation of international humanitarian law when the crime is committed in the context of an armed conflict. Beatings and other mistreatment: the beatings and other mistreatment of the women and children during the period of the abduction could amount to torture, or cruel, inhuman or degrading treatment or punishment under international criminal law, and could constitute cruel, inhuman or degrading treatment or punishment under international human rights law. International humanitarian law applicable in non-international armed conflict namely common article 3 to the Geneva Conventions similarly prohibits physical abuse and mistreatment of civilians.

Responsibility

23. Under international law, the Government of the Sudan accrues responsibility for the actions of its armed forces and other informal, allied forces that fight alongside its side. In the Government's response to the Human Rights Council's Experts Group June 2007 Recommendations², the Government acknowledged that the Deribat territory was outside of Governmental control and the conflict is between movements that are not parties to the Abuja Agreement. The Government thereby attempted to attribute the violations to rebel factions engaged in fighting with each other. However, the information gathered by UNMIS Human Rights strongly indicates that PDF and members of Abu Gasim's men were involved in the attacks and subsequent abduction and rape of women. Under international criminal law, individuals who participate in serious human rights abuses and/or have command responsibilities for those abuses are also subject to criminal prosecution. In the attacks on Deribat in late December 2006, there are clear indications that Government personnel participated in these attacks. This is evident through witness testimony, the use of Government air and ground support in the attacks, and other consistent testimonies that PDF members participated in the Deribat attacks. The PDF is a legally constituted branch of Sudan's military. The mandate of the PDF derives from the Popular Defence Forces Act of 1989, which defines the PDF as 'Paramilitary forces'. The PDF is described as a citizen force which is provided with military training and mobilized on the demand of the army. Article 6 of the Act states that the functions of the PDF are to 'assist the People's Armed Forces and other regular forces whenever needed', 'contribute to the defence of the nation and help to deal with crises and public disasters' and perform 'any other task entrusted to them by the Commander-in-Chief himself or pursuant to a recommendation of the Council.'

24. There are also consistent reports that members of a militia under the command of Hamid Mohammed Hamdan were fighting alongside these Government forces. Additionally, members of the Abu Gasim faction were allegedly involved in the attack. The Abu Gasim faction in November 2006 signed a political agreement aligning itself with the Government; and Abu Gasim became the Governor of West Darfur in February 2007. It is under these circumstances that Deribat was attacked and that approximately 50 women were abducted and taken to an area under the control of the Government where militias were present. Many of the women were then raped and kept as sex slaves for about one month.

Recommendations

- **The Government and rebel factions must cease all attacks against civilians, especially women and children.**
- **The Government should protect the safety of victims and witnesses.**
- **The Government should issue immediate clear instructions to all troops under its command including PDF and other militias that rape and other forms of sexual violence will not be tolerated; that they constitute war crimes.**

² See UN document A/HRC/5/6, 8 June 2007, page 66.

- **The Government should establish an independent body to investigate abduction, rape and sexual slavery committed in the region. Those suspected of being responsible should be brought to justice in trials that meet international standards of fairness. The results of the investigation should be made public.**
- **The Government should suspend immediately, pending investigations, any member of the Sudanese Armed Forces suspected of having committed or ordered rape, abduction and other forms of sexual violence.**
- **The Government should ensure full reparations, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition for victims of human rights abuses, including rape and sexual violence, and for the relatives of those unlawfully abducted and killed.**
- **The Government should undertake to review its legislation, in particular articles 145 and 149 of the 1991 Criminal Code, so that women are not deterred from reporting rape by fears that their claims will be associated with the crime of adultery.**
- **The Government should ensure implementation of the National Action Plan to combat violence against women in Darfur, and its extension to the rest of the country.**

In addition, it is recommended that:

- **The African Union maintains a presence in the area; this should be negotiated with the non signatories.**
- **The international community should assist in establishing reproductive health clinics in the area, provide an adequate number of post rape kits and ensure counseling facilities are made available for survivors.**