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Report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005). It covers the months of March and April 2006.

II. Insecurity in Darfur

2. The security situation over the reporting period was marked by serious armed clashes between the warring parties, numerous acts of banditry and hijacking of vehicles, continued in-fighting between the factions of the Sudan Liberation Army (SLA), and further destabilization along the Chad/Sudan border.

3. In Northern Darfur, there were hostilities between the Sudanese Armed Forces and SLA forces in Haskanita, Al Lait and Al Tawisa early in March, four major clashes and several other skirmishes being reported. Those clashes resulted in a number of casualties among both combatants and civilians. On 8 April, the Sudanese Armed Forces launched attacks against villages in the Jebel Wana area using two helicopter gunships. Three SLA soldiers were reportedly killed and at least 17 people injured. Late in March, the Sudanese Armed Forces and armed tribesmen attacked and looted the SLA-controlled village of Debbis and, early in April, militia attacked a number of villages in the region of Madu. On 7 April, a large convoy of Sudanese Armed Forces was ambushed by SLA in Jebel Wana between El Fasher and Kafod, and about 40 Government soldiers were killed. Government forces then attacked several villages in the area, allegedly using helicopter gunships.

4. Tensions between the SLA factions of Minni Minawi and Abdul Wahid remained high in Northern Darfur. On 3 April, the two factions clashed in the area of Khazan Jedid, while combatants of the SLA faction of Abdul Wahid launched an attack the same day in an attempt to retake control of Korma. They were repulsed by SLA troops within Korma, and scores of combatants were reported killed. There were further clashes between the SLA factions on 19 April. The Minni Minawi faction launched an attack on six villages in the Tawilla area. According to witnesses, as many as 400 attackers rode in trucks, on camels and on horseback. It is reported that the violence resulted in civilians killed, scores of people wounded,

women raped, looting, and thousands of people displaced. The attack indicates the beginning of a new pattern of rebel troops attacking civilians on a large scale and committing human rights violations against non-combatants. Other intra-SLA clashes in mid-March and early April led to thousands of people becoming displaced and caused some to flee out of fear that their villages might be the sites of attack. In the area between Tawilla and Korma, efforts undertaken by the African Union Mission in the Sudan (AMIS) to reduce misunderstanding and promote peaceful coexistence between the Arab and Fur communities were disrupted when SLA soldiers of the Minawi faction invaded the area.

5. In the Jebel Marra area, more clashes were reported between SLA, Sudanese Armed Forces and armed tribesmen. On 17 March, there was fighting between SLA and Sudanese Armed Forces in the area of Daya and Tibon, and SLA claimed that the attackers used vehicles with AMIS and United Nations markings. This practice represents a clear affront to the neutral status of AMIS and the United Nations humanitarian operation.

6. Systematic attacks by militia on civilians also continued. Umm Shugeira village in Southern Darfur was attacked by about 200 uniformed militia on horseback and on camels, and many cattle and sheep were looted. On 13 April, at least 15 villagers were killed and 19 wounded when approximately 500 armed militia launched an attack on Kurunje village south-west of Sheiria. The attackers dragged men and women from their homes, beat them, looted their houses and stole livestock. Also in the Sheiria area, Sudanese Armed Forces supported by armed tribesmen on horseback and on camels attacked Arto and surrounding villages on 16 April. Nine villagers were reported killed and 18 wounded, while 26 people were reportedly missing. On 21 April the militia, supported by the Popular Defence Force, attacked Dito, killing 25 SLA combatants.

7. On 9 April, a group of about 160 SLA fighters attacked the market at Gueighin, south-west of Buram. In retaliation, armed militia attacked and burned the villages of Higlige, Nabakaya Halalif and Talhaya. On 16 April, Sudanese Armed Forces recaptured Donkey Dereisa, which had come under the control of SLA in December 2005. On 24 April, Sudanese Armed Forces attacked Joghana, causing further displacement of civilians. Some villages around Joghana were reportedly burned during the attack.

8. In Western Darfur, armed tribesmen on 10 April attacked the Jebel Moon area and Bir Siliba, a village close to the Chadian border. Instability in Chad has further complicated the security situation in the border region of Western Darfur, and armed groups operate on both sides of the border. On 21 March, the Chadian army reportedly attacked Chadian opposition groups in Hejaer Merfaine (Chad) and Dudei close to Masteri, south-west of Geneina. On 15 March, a group from the National Movement for Reform and Development (NMRD), supported by the Justice and Equality Movement (JEM), clashed with Sudanese Armed Forces and armed tribesmen in Abu Sorouj. Up to 250 vehicles of the Chadian opposition were reportedly deployed between Masteri and Kongo Haraza.

9. As the Security Council was informed during informal consultations held on 26 April, tension along the border increased further after the Government of Chad accused the Sudan of having supported an apparent coup attempt in Chad on 13 April. The Government of the Sudan has denied any involvement in the Chad incidents. Elements of the Chadian armed opposition returned to Western Darfur

following the events of 13 April but, on 19 April, it was reported that Beida in Western Darfur was shelled from a position within Chad, one of the shells landing near a non-governmental organization compound. Despite the Tripoli Agreement of 8 February 2006, tensions between Chad and the Sudan have not diminished and the two countries have continued to trade accusations of support to different armed groups. The security situation in the area remains precarious.

10. New armed groups have continued to be formed in Darfur as local populations have sought ways to defend themselves against attack. Those groups often recruit people younger than 18 years of age. Moreover, credible allegations have surfaced that boys aged 15 or under have been arrested and tortured by the Sudanese Armed Forces and aligned militias, on suspicion of belonging to rebel groups.

11. Banditry remains another serious problem, and humanitarian and commercial vehicles are subjected to frequent ambushes and attacks. For example, in Northern Darfur, a United Nations convoy was stopped and robbed by armed men between Kabkabiya and El Fasher on 25 March. On 4 April, non-governmental organizations staff conducting a polio immunization campaign in the Shangil Tobayi area reported that SLA combatants in the village of Umm Zakaria abducted 10 staff members and two vehicles. The staff members were later released. In Southern Darfur, armed banditry continued in the area north of Menawashi along the Nyala-El Fasher road and on the route between Yassin and Assalaya south-east of Nyala.

12. Attacks on humanitarian compounds and convoys continued also in Western Darfur. For example, in Geneina, armed militia attempted to break into a United Nations guesthouse on 12 April. On 18 April, three non-governmental organization vehicles carrying commodities from Nyala to Zalingei were ambushed and shot at near Fogadiko village. In a separate incident the same day, four non-governmental organization vehicles were ambushed by heavily-armed men north of Geneina.

13. As reported in my quarterly report on the Sudan dated 14 March 2006 (S/2006/160), a troubling anti-United Nations campaign has been witnessed in Khartoum and other Sudanese cities. The campaign, which has included unacceptable language and personal attacks on the leadership of the United Nations Mission in the Sudan (UNMIS), has focused largely on the envisaged transition from AMIS to a United Nations-led operation in Darfur.

III. Human rights and protection

14. Civilians in Darfur continued to suffer the consequences of persistent violence and insecurity, with new displacement of populations, high levels of sexual and gender-based violence, and consistent denial of access to humanitarian assistance. As the conflict has become increasingly erratic and fragmented, civilians have become more exposed to attacks and abuse, and the population's need for protection more acute. Displaced persons continued to arrive from villages under attack or caught in crossfire, swelling camp populations. Some camps, such as Al Sereif in Nyala, are at the very limits of their capacity, leading to rising tensions over food and services. Harassment by armed elements, criminality, and shooting incidents have recently occurred in the Kerenek (Western Darfur) and Kalma (Southern Darfur) camps and appear to be on the rise elsewhere. Authorities' attempts to assert control over the camps have contributed to an atmosphere of intimidation and

volatility, and the population of the camps views the Sudanese police with increasing suspicion and even open hostility.

15. More generally, the protection provided to the civilian population in Darfur by international organizations has been eroding. United Nations and other international organizations, and non-governmental organizations, have all seen their ability to move freely and assist the populations reduced as insecurity continues to grow throughout Darfur. Protection of civilians has been further weakened by funding shortages that have caused United Nations and non-governmental organizations to cut down on their programmes. Activities that are most likely to be abandoned are those that are not of an immediate life-saving nature, such as educational or food-for-work programmes. This is unfortunate, because these activities are particularly effective at creating a protective environment for the most vulnerable sections of the population.

16. Meanwhile, high-ranking State officials and leaders of armed groups and militia have not been held accountable for violence and crimes against civilians. Although the Special Criminal Court on the Events in Darfur has been promoted by the Government as a key tool for bringing justice to the region, only one case of a large-scale attack typical of the conflict in Darfur has come before it: the attack on Tama in October 2005. The lack of a good faith effort to investigate and hold individuals accountable for war crimes, crimes against humanity and other offences reinforces a widely shared sense of impunity.

17. The institutional frameworks developed through capacity-building, such as the establishment, in 2005, of State commissions on sexual and gender-based violence, have not yet led to tangible results on the ground. The number of reports to UNMIS of young women and girls who have been raped and otherwise brutalized has not decreased during the reporting period, and the police have rarely taken adequate action to investigate, arrest or prosecute the perpetrators. UNMIS has documented numerous cases of sexual and gender-based violence in the past months involving armed perpetrators wearing camouflage military-style uniforms that occurred on the outskirts of Masteri, near the Chad border, during firewood and grass collection. In Nertiti (Jebel Marra, Western Darfur), where the number of reported rapes had decreased earlier in 2006 following coordinated interventions by the United Nations, the number of incidents of gender-based violence around camps for internally displaced persons, and close to the military camp, increased again from late March and into April.

18. Since 2005, the Government has pledged to provide UNMIS with free and unfettered access to all detention facilities in the Sudan, including national security and military intelligence facilities. However, local Government officials continued to limit this access. In my January report (S/2006/148), I noted that my Special Representative had requested that this agreement be put in writing. This had still not been done as at the end of March. Meanwhile, in Southern Darfur, national security officials denied UNMIS access to detention facilities throughout the month of March.

19. I have previously noted that local human rights defenders and displaced persons who raise human rights concerns to the police, or who cooperate with the international community, remain at risk of arrest and detention. These concerns were similarly raised by the Special Rapporteur on the situation of human rights in the Sudan during her visit to the country late in February and early in March 2006. I

support her call for the Government to cease treating human rights defenders as a threat to the State. On 11 March 2006, the Humanitarian Aid Commission sent a letter to a prominent national non-governmental organization engaged in protection and human rights work, ordering it to suspend its activities. The letter, a copy of which was sent to national security and military intelligence, followed a series of threats to and harassment of the staff members of the organization by security officials in Western Darfur. I was pleased to note, however, the letter of 28 March 2006 from the Ministry of Social Affairs and Information of the State of Western Darfur, stating that the organization could resume its activities. It is important that the directive in the letter is upheld and that human rights defenders are not restricted from carrying out their work in the Sudan.

IV. Humanitarian situation

20. The continuing violence rendered the delivery of humanitarian assistance difficult in large parts of Darfur throughout both March and April. The fighting in the Haskanita area in Northern Darfur has prevented the humanitarian community from effectively accessing tens of thousands of newly displaced people. In large parts of Jebel Marra, it has been impossible to resume humanitarian activities since fighting erupted there in the second half of January 2006, leaving around 200,000 people without humanitarian assistance, including as many as 40,000 recently displaced persons. Access to other areas, such as Gereida in Southern Darfur, continues to be precarious.

21. Humanitarian access has been further limited by the administrative measures taken by the Government of the Sudan, despite the extension of the moratorium on restrictions for humanitarian work in Darfur until 31 January 2007, and the signing of the status-of-forces agreement on 28 December 2005. The Humanitarian Aid Commission has further restricted the freedom of non-governmental organizations to hire national staff. Although paragraph 64 of the status-of-forces agreement provides that United Nations offices, funds and programmes, when they perform functions in relation to the UNMIS mandate, enjoy the same rights as UNMIS itself, national security officials at Nyala airport in Southern Darfur have been harassing United Nations staff without travel permits, forcing many to return to Khartoum. At the same time, Government-imposed embargoes on certain essential items, including fuel, foodstuffs and other humanitarian assistance entering SLA-held areas in Southern Darfur, have prevented the access of civilians to vital goods and constitute a violation of international humanitarian law.

22. Equally worrying is the fact that the humanitarian community has been subjected to an increasing number of targeted attacks, as described above. In Northern Darfur, the intra-SLA fighting and the practice of hijacking non-governmental organization cars have led to serious gaps in the provision of humanitarian assistance. Four key non-governmental organizations have suspended food distribution, camp coordination, and water and sanitation operations in the Shangil Tobayi, Tabit, Gallap and Dar es Salaam areas, and other such organizations have scaled down their activities. As a result, 80,000 people have currently no access to vital services, around 1,000 children per month no longer receive routine vaccinations, and a polio immunization campaign for 20,000 children under the age of 5 had to be suspended.

V. Darfur peace process

23. During the reporting period, a concerted push was made by the African Union (AU) mediation team and participants in the inter-Sudanese peace talks in Abuja to conclude the peace negotiations. During March, the focus of the talks was on security issues. On 12 March, AU presented for the parties' consideration a draft text entitled "Enhanced Ceasefire Agreement for Darfur" and prompted the parties, for the first time, to indicate and map where their forces were deployed in the field. On 22 April, the AU mediation presented the parties with a draft text entitled "Final status security arrangements", which framed the negotiations in several important areas, including disarmament of the Janjaweed, the length of time the movements would be allowed to retain their armed forces, the numbers of former combatants to be absorbed into the Sudanese security services, and the processes for their disarmament, demobilization and societal reintegration.

24. On 25 April, the African Union mediation team presented a comprehensive draft Darfur Peace Agreement, and high-level negotiations intensified with a view to concluding the negotiations by 30 April. The 85-page document prepared by the African Union mediation covers power-sharing, wealth-sharing, security arrangements, and a Darfur-Darfur dialogue and consultation.

25. On 5 May 2006, following a period of intensive negotiations, the Government of the Sudan and the Minawi faction of the Sudan Liberation Movement/Army signed the Darfur Peace Agreement. The comprehensive set of commitments paves the way for the long-awaited restoration of peace to the region, the return of displaced persons, and economic recovery and reconstruction.

26. Meanwhile, Government-sponsored tribal reconciliation initiatives continued to be pursued in Darfur. In Zalingei, Western Darfur, the Government's initiative to engage tribal leaders successfully ended months of fighting between the Al-Hutiya and Al-Nuwaiba communities. In Southern Darfur, however, an initiative of the State Government to help reconcile the Birgit, Zaghawa and Misseria communities in Sheiria was not successful. The Zaghawa representatives did not participate in the tribal talks, and the Birgit and Misseria delegates expressed the view that the reconciliation effort was premature. These examples underline the importance of organizing an inclusive Darfur-Darfur dialogue and consultation to give all Darfurians a sense of engagement in and commitment to the peace process, and to address the many local conflicts that cripple Darfur.

27. During the period under review, the Joint Commission did not meet. The serious deterioration in the situation and the consequent political instability in Chad continued to loom over the Darfur peace process. On 16 April, Chad decided to withdraw its delegation from the Abuja talks, in protest at alleged Sudanese involvement in the recent attack against N'Djamena.

VI. United Nations support to the African Union Mission in the Sudan

28. As at 21 April, AMIS had a total of 6,978 personnel in Darfur, comprising 701 military observers, 1,408 civilian police, 28 international civilian staff, 12 Ceasefire Commission personnel and a protection force of 4,829 troops. UNMIS continued to

liaise closely with AMIS, through regular contacts with the AMIS Special Representative in Khartoum, AMIS personnel in Darfur, and periodic meetings between the United Nations assistance cell and the AU Commission in Addis Ababa. A joint United Nations-AMIS liaison mechanism has been established in El Fasher to enhance coordination and facilitate the provision of United Nations assistance to AMIS.

29. On 31 March, I met with the Chairman of the African Union Commission, Alpha Oumar Konaré to discuss the future of the AU peacekeeping operation in Darfur, as well as options for a United Nations peace support operation in Darfur. At the request of the Chairman, a delegation led by the Assistant Secretary-General for Peacekeeping Operations travelled to Addis Ababa for further consultations with the AU Commission from 12 to 14 April. The discussions led to a renewed commitment to proceed with joint planning for a transition, which was articulated in the joint AU-United Nations communiqué of 12 April. Several concrete areas for United Nations assistance to AMIS were also identified.

30. The delegation then travelled to Khartoum and, on 15 April, met with the President of the Sudan, Omar Hassan Al-Bashir, to discuss the Government's concerns regarding the envisaged transition to a United Nations peace operation in Darfur. President Al-Bashir expressed the view that any discussion of, or preparations for, a transition from AMIS to a United Nations operation would be premature prior to the conclusion of an agreement in Abuja.

VII. Observations

31. I was pleased by the signing, on 5 May, of the Darfur Peace Agreement in Abuja by the Government of the Sudan and one faction of the Sudan Liberation Movement/Army. I commend the Government and the senior leaders of the Minni Minawi faction of SLM/A for demonstrating commitment to reach a political settlement. I also wish to pay tribute to the AU Chief Mediator, Salim Ahmed Salim, for his tireless efforts throughout the many rounds of negotiations, and President Sassou Nguesso and President Obasanjo, as well as their international partners, for their decisive role in the final stages of the process.

32. While the signing of the Agreement represents a major achievement, the parties must now proceed decisively in good faith, and the people of the Sudan and the international community must urgently tackle the challenge of implementation. Darfur is still far from being at peace, and the violence and the deplorable death of an African Union interpreter at the Kalma camp on 7 May 2006 illustrates this tragic reality. I am especially concerned by the fact that there are rebel leaders who have not yet signed the Agreement, and the international community must work to convince them to choose peace over conflict, for the sake of their people.

33. In her visit to Darfur late in April, the United Nations High Commissioner for Human Rights found a dramatic and ongoing deterioration in human rights, security and humanitarian conditions. Both the High Commissioner and the Under-Secretary-General for Humanitarian Affairs have called attention to the urgent need for the Government to ease travel restrictions and create a safer environment for human rights and humanitarian activities. During his visit to Darfur early in May, the Under-Secretary-General was successful in negotiating the reinstating of the Norwegian Refugee Council as Kalma camp coordinator after its expulsion without

explanation by the Government of Southern Darfur earlier in 2006. While this is a positive development, a more definitive step towards facilitating human rights and humanitarian work would be the reform of the law on non-governmental organizations, which currently places undue restrictions on the work of those organizations and on humanitarian access to vulnerable populations.

34. Even as the final rounds of discussion in Abuja were being held, all parties continued to engage in totally unacceptable levels of violence and despicable attacks against civilians, in breach of humanitarian law and earlier ceasefire commitments. I would like to emphasize, therefore, the need for all parties, and the Government of the Sudan in particular, to observe the ceasefire and desist from violence while implementation modalities for the new agreement are being developed.

35. Every effort must be made to ensure that the people of Darfur are protected and assisted, so that they can fully benefit from this historic opportunity to bring peace to Darfur. The immediate priority for the international community must therefore be to strengthen AMIS, so that it can move ahead with implementing the agreement and providing real security for civilians. Concrete requirements for support to AMIS include increasing the number of troops, and providing enhanced logistics and greater financial support. In response to the requests of the African Union, several United Nations experts are already on their way to El Fasher to help AMIS in establishing a Joint Operations Centre and provide assistance with aviation and communications. The United Nations is also ready to start exploring, without delay, the additional AMIS requirements which could then be quickly presented to a donor conference. To this end, the Secretariat is ready to participate in a special meeting with the African Union and donors' representatives in Addis Ababa.

36. A second, critical, priority is to address the continuing humanitarian crisis in Darfur. The 14,000-strong humanitarian community working in the region provides vital services to millions of people in need, despite access restrictions, a volatile security situation, sporadic targeted attacks, and administrative obstacles. A shortage of funding has caused operations to be scaled down, however, and food rations will have been halved as from the beginning of May. I therefore repeat my urgent appeal to the international community to continue supporting the humanitarian effort for Darfur in this critical phase of implementation of the Darfur Peace Agreement. Not a single day can be lost in this regard and, as the Under-Secretary-General has argued, the Government of the Sudan must join forces with the international community to bridge the current food deficit and prevent a catastrophic humanitarian crisis.

37. At its meeting at the level of Foreign Ministers held on 9 May 2006, the Security Council confirmed these two priorities and stated, also, the importance of finalizing detailed planning proposals for a United Nations operation in Darfur.

38. A first-hand assessment of the situation on the ground is urgently required. During the technical assessment, the United Nations and the African Union will consult with the Government of National Unity of the Sudan on the way forward, the new requirements for AMIS arising from the Abuja Agreement, and the possible transition to a United Nations operation. These consultations are essential, as no peacekeeping mission can succeed without the support and cooperation of the parties concerned.

39. Finally, the attacks which occurred in Chad in April have further aggravated tensions and fuelled the instability and insecurity along the common border, as well as in Darfur and Chad as a whole. It is therefore essential that every effort be made by the two Governments to defuse tensions and to implement the Tripoli Agreement of 8 February 2006.
