

**Report on Impunity and Accountability in Darfur for 2014** UN Office of the High Commissioner for Human Rights

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This report is issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR). It presents the analysis of OHCHR with regards to impunity, including challenges to access to justice and the right to remedy for victims of human rights violations and abuses and serious violations of international humanitarian law in Darfur.

The report highlights sources of impunity in Darfur. In particular, it describes the failure of initiatives taken so far by the Government to combat impunity in Darfur, including the creation of the Special Court for Crimes in Darfur (SCCD), amendment of Sudan’s Criminal Code of 1991 to make provisions for crimes against humanity, genocide, and crimes pertaining to the conduct of hostilities, as well as related provisions in Sudan’s Armed Forces Act 2007. The failure of accountability mechanisms has contributed to a climate of impunity which remains a major concern in Darfur.

The report covers human rights violations and abuses documented by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in 2014, committed by all parties to the conflict. Through the examination of the authorities’ response to these cases, the report illustrates continued difficulties for victims and their families to seek or access justice and remedy.

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UNAMID has been documenting human rights violations and abuses that have been perpetrated by all parties to the conflict, including members of Sudan’s Armed Forces (SAF), Sudanese Police, the Central Reserve Police (CRP), Border Guards, Rapid Support Force (RSF), armed opposition movements, and Government affiliated armed militia groups. UNAMID has also documented inter-communal conflicts which resulted in killings, injuries, mass civilian displacements and disruption to livelihood activities.

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Violations and abuses of the right to life

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In 2014, UNAMID verified and documented the killing of 392 civilians across Darfur. The majority of these killings were directly linked to the conflict while other incidents occurred in the context of the conflict, if not always directly resulting from it. Cases which involved Government security elements and affiliated militia tend to illustrate the weakness of law enforcement institutions and the degree of impunity in which violations are committed. A number of these cases are instructive.

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Other violations and abuses of the right to physical integrity

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In 2014, UNAMID documented 411 cases of violations and abuses of the right to physical integrity affecting 980 individuals. These included abductions, physical assaults, and armed attacks against civilians, particularly IDPs, causing injury or death. SGBV cases, including allegations of rape, gang-rape and sexual harassment. The number of cases documented by UNAMID is believed to be much lower than the actual number of SGBV incidents owing to a tendency to underreport such cases, generally due to fear of reprisals, social stigma and lack of trust in law enforcement authorities to take remedial action.

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Sexual and gender-based violence

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Women and girls continued to be exposed to and suffer from SGBV across Darfur. SGBV incidents have occurred within and around the vicinity of IDP camps. Poor security conditions in IDP camps, farmlands and adjacent localities have exacerbated insecurity, especially for women and girls, who remain the primary victims of SGBV.

However, SGBV cases continued to be under-reported. When cases are reported, most survivors' quests for justice remain unfulfilled. Addressing this sensitive issue has proved to be challenging given the prevailing social stigma which discourages reporting and discussion

outside the victims' immediate family settings and even within the family spheres. Survivors also in many cases fear reprisals. (...) Weak judicial structures coupled with general lack of will and capacities of law enforcement agencies, as well as the lack of an effective national witness and victim protection and assistance programme, have further compounded the plight of survivors of SGBV. For example out of the 127 cases documented by UNAMID, only 12 were brought to court

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### Conduct of hostilities

In 2014, UNAMID documented violations of international humanitarian law perpetrated by all parties to the conflict. UNAMID has observed that patterns and incidents of violations of international humanitarian law deteriorated following the deployment to Darfur of RSF in February 2014, which was part of "Operation Decisive Summer." During the campaign UNAMID documented cases in which RSF launched attacks including on civilians suspected of being sympathetic to armed opposition movements in both North and South Darfur States. The attacks involved multiple human rights violations and serious violations of international humanitarian law, including indiscriminate killing of civilians, destruction of civilian property and objects, as well as considerable displacement of civilians.<sup>30</sup> UNAMID also obtained information from victims and witness accounts that pointed to a pattern of burning of villages, looting of civilian property, including livestock, and destruction of sources of livelihood necessary for civilian survival. According to OCHA, as of 31 March 2014, the number of newly displaced civilians as a result of the military campaign stood at 199, 268.

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### Accountability Mechanisms for Darfur

The Darfur conflict continues to generate conditions of impunity with civilians as primary victims. In adopting Resolution 2173 to renew UNAMID mandate in August 2014, the Security Council condemned the "increased human rights violations and abuses in, and relating to, Darfur, including those involving extrajudicial killings, the excessive use of force, abduction of civilians, acts of sexual and gender-based violence, violations and abuses against children, and arbitrary arrests and detentions." The Security Council further urged parties to the conflict to "comply with their obligations under international human rights law and international humanitarian law, [and] stressing the importance that the Council attaches to ending impunity including through ensuring accountability and bringing to justice the perpetrators of crimes committed by all parties in Darfur." The Council reiterated the need for 'the Government of Sudan to comply with its obligations' to ending impunity including through ensuring accountability and bringing to

justice the perpetrators of crimes committed by all parties in Darfur.

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Over the years, the Government of the Sudan had taken some initiatives to combat impunity in Darfur through establishing national commissions of inquiry and judicial investigation mechanisms.<sup>41</sup> The mandate of some of these judicial mechanisms was sourced from Sudanese law with references to crimes under international law.<sup>42</sup> However, the impact of these mechanisms has been negligible, with only a few investigations initiated. In rare instances where alleged perpetrators were indicted and prosecuted, amnesties through presidential decrees were issued to quash sentences or discharge accused persons.<sup>43</sup> Most of these mechanisms have now ceased to exist.

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The institutional bodies that supports the Sudan's constitutional and justice structures have a major role to play in the promotion of human rights and justice. During the Sudan's UPR of 2011, the Human Rights Council made recommendations to the Government to effect reforms to its national laws, especially the National Security Act and Armed Forces Act. While some of the recommendations have been implemented such as the establishment of the National Human Rights, those relating to reforms of coercive national legislation are yet to be effected. These disparities between constitutional provisions, domestic legal settings, and international law, have negatively impacted human rights and access to justice."

The Report makes several recommendations to the Government of the Sudan to address the human rights and impunity issues outlined in the Report.

Read the full report

[here](#)

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