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RAPE IN DARFUR

A HISTORY OF PREDATION

NOVEMBER 2015

WagingPeace

ABOUT WAGING PEACE

Waging Peace is a non-governmental organisation based in the United Kingdom that campaigns against human rights abuses in Sudan, and works with Sudanese asylum-seeking and diaspora communities to help them speak out about their experiences and to gain access to the services to which they are entitled.

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INTRODUCTION

Early in 2015, Waging Peace acquired 77 testimonies documenting first-hand accounts of rape and mass rape in Darfur. We prepared this 'snapshot' report not for use as a comprehensive guide to the issue of rape in Darfur, but to highlight the fact that sexual and gender-based violence committed by armed groups is a persistent and devastating part of the conflict in the region, as well as to pay tribute to the bravery of the women for sharing their stories.



Aicha Elbasri,
former spokesperson for the
African Union-United Nations
Mission in Darfur (UNAMID)
turned whistleblower

“ VICTIMS OF RAPE, SYSTEMATIC RAPE AND MASS RAPE IN DARFUR SUFFER IN SILENCE, AS THE USE OF THESE HORRIBLE CRIMES AS WEAPONS OF WAR NO LONGER COMMANDS INTERNATIONAL ATTENTION. BUT BRUTAL ATTACKS ON THE BODIES AND SOULS OF WOMEN AND GIRLS CONTINUE UNABATED, AND MAY HAVE WORSENERED IN THE ABSENCE OF PUBLIC SCRUTINY. REPORTS LIKE THIS GO SOME WAY TOWARD REDRESSING THE BALANCE ”

METHODOLOGY

Due to security considerations, we cannot reveal our source(s), nor release the full testimonies alongside this report, though every effort has been made to verify the information obtained. The testimonies have been made available to various UN bodies.

Interviews were originally conducted in Arabic or a local dialect, but written transcripts were then translated into English by accredited translators. The testimonies document incidents from 2004 to late 2014, though most cover incidents dating from 2012 onwards, so we are unable to comment on how the use of sexual and gender-based violence has changed over time. This is an area for future study. The testimonies cover cases across all five Darfur states and are perpetrated by several armed groups, including government and opposition forces. Though in many cases the age of the victim was indeterminable from the interview, attackers did not discriminate based on age, with many of the victims falling under the age of 18. The youngest victim was only two and a half years old. Just under half of the testimonies refer to further victims besides the interviewee.

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The report was authored by Madeleine Crowther and Odette Chalaby.

A TYPICAL TESTIMONY

A young woman, usually an internally displaced person (IDP) living in a settlement run by UNAMID, leaves the immediate area in order to carry out a necessary task, for instance agricultural work, gathering firewood or collecting personal belongings in the aftermath of a displacement. Upon leaving, the victim encounters an armed and masked man in military uniform. The victim is sometimes attacked immediately, threatened with weapons, verbally abused according to her ethnicity or perceived allegiance to opposing forces, and raped. Other times she encounters her attacker earlier in the day and is allowed to go on her way, but is then ambushed and attacked by the same man later, sometimes with a larger group of perpetrators. In many of the incidents recorded there are multiple attackers who take it in turns to rape a victim, or who rape a larger group of women and girls simultaneously.

Following the assault the victim is left alone and injured. She may not choose to tell anyone or report the incident, but is forced to do so upon becoming pregnant. If she does tell others she is often ostracised for it, and does not see her attacker held to account. She suffers with physical and mental damage for years after the incident.



“ AFTER FIVE HOURS ...,
THE CHILD [11 YEARS OLD]
COMPLETELY LOST HER
CONSCIOUSNESS, BUT HE DID
NOT SPARE HER ”

“ THEY RAPED EIGHT WOMEN
IN FRONT OF MY EYES, AND
THEN THREE OF THEM,
ALTERNATELY, RAPED ME ...
I COULDN'T RUN BECAUSE I
WAS PREGNANT ”



ETHNICITY AND POLITICS

In Darfur, rape is a weapon in the long-running conflict. It is a particularly endemic element of life in the region for women and girls from non-Arab black African ethnic groups, with over two-thirds of the testimonies coming from members of these groups, such as the Berti, Zaghawa or Bargo.

Ethnicity is a key component of the attacks. Often the attackers explicitly mention the victim's ethnicity during the rape, using words such as “Nuba”, “slaves”, “dirty”, “blacks”, and “animals” to humiliate their victims. The language used during the incidents further indicates that ethnicity is a politicised concept, with certain groups associated with rebel or opposition activity. “Tora Bora”, slang for anti-government Darfuri rebels, is a common insult used by attackers in conjunction with comments about race. Similarly, some accounts mention that the term “displaced” was used as a slur to suggest a perceived opposition allegiance.

THEMES FROM THE TESTIMONIES

THEMES FROM THE TESTIMONIES

(ETHNICITY AND POLITICS, CONTINUED)

“YOU ARE FROM THE ZAGHAWA, YOU ARE A TORA BORA WOMAN’, AND THEN THEY CURSED US SAYING; ‘YOU DIRTY WOMEN, WE ARE GOING TO KILL YOUR MEN AND LEAVE YOU WITH NOTHING...’

“THEY WERE CURSING US, CALLING US ‘BLACKS’, ‘DIRTY’ AND ‘SLAVES’, ‘WE WILL LEAVE YOU NOTHING TO EAT, EXCEPT YOUR DOGS OR THE FLYING LOCUSTS AND WE WILL ONLY LEAVE YOU THE ROPE BEDS’ ”



These quotes show that rape in Darfur cannot be understood except through the prism of conflict. The testimonies even suggest that sexual and gender-based violence may be part of a deliberate counter-insurgency strategy, aimed at discouraging support of rebel activity among the local population.

This is potentially evident in the planned nature of the attacks. As already mentioned, it would often be the case that the victim(s) would encounter their attackers earlier in the day on the way to their destination, only to be ambushed at a later time, often by a larger force of men. In cases with multiple attackers, which constituted the vast majority of the total (82%), some of the men would be tasked with keeping watch while the rapes occurred, or with holding the victim while the rape was committed. Sometimes the rapes documented were part of a mass attack on a whole village, as in the case of the mass rape of 221 women and girls in the North Darfur village of Tabit in late October and early November 2014. These facts suggest attacks are not immediately opportunist, but seemingly permitted or even encouraged by military commanders.

Rape may serve a different function for rebel and opposition forces, but its use is still widespread. However, the precise statistics on how many abuses were carried out by particular parties to the conflict are hard to fathom from the testimonies. This tells its own story: victims would often note only that men were armed, masked by shawls and in military uniform, not noticing or caring about their political allegiance. **To the victims, conflict dynamics are unimportant; their saviours one day may become their aggressors the next.**

JUSTICE

The testimonies reveal that sexual violence is almost never met by justice in Darfur, and as a consequence perpetrators act without fear of repercussions.

This is evident in the aforementioned permissive attitude among armed groups toward the attacks.

Almost three-quarters of the victims did not report their attack to the relevant authority, whether the police or UNAMID officials. This seems to be the result of two generalised perceptions. First, that reporting will not result in action being taken and second, stigma around rape. Public attitudes to rape are clearly so negative that many do not reveal they have been raped until they fall pregnant, and are thus forced to do so.

“ I DID NOT FILE A POLICE CASE. THERE IS NO USE TO DO THAT ”

In one case it was a police officer who raped a thirteen year-old girl. Unsurprisingly, when the case was reported to the police, no action was taken.

“ I NEVER TOLD ANYONE BECAUSE I WAS EXTREMELY ASHAMED ”

Unfortunately, victims' perceptions are borne out by the experience of those who do report the crime they have suffered. The testimonies reveal that reporting does not lead to access to judicial redress. There are only two cases out of the entire sample in which the perpetrators were prosecuted and jailed.

This highlights that the main reason for the generalised lack of reporting is most likely failure by authorities to initiate and complete investigations. Less than a quarter of the total cases documented (19) were reported officially, and of these, the majority (13) were not acted on by either the police or UNAMID. Four cases were reported to UNAMID specifically, and in all of these the victims stated that UNAMID "did nothing".

THEMES FROM THE TESTIMONIES (JUSTICE, CONTINUED)

“ *THE UNAMID MADE A REPORT OF THE CASE AND LEFT. THEY DID NOT COME BACK TO US AFTER THAT. AS FOR THE POLICE, THEY TOLD US CLEARLY; ('GO FIND SOMETHING ELSE TO DO. WE DO NOT HAVE ANYTHING FOR YOU. YOUR RAPE PROBLEMS ARE BOTHERING US, THERE ARE TOO MANY OF THEM, WHY DO YOU GO TO THE WILDERNESS, STAY IN YOUR CAMPS')* ”



This corroborates claims made by Aicha Elbasri, the former UNAMID spokesperson turned whistleblower. **She leaked documents to *Foreign Policy* magazine that showed that UNAMID routinely failed to act even in the face of overwhelming evidence of rape and sexual and gender-based violence during her tenure from August 2012 to April 2013.**

In addition to the impunity afforded to the perpetrators and the stigma attached to the victims, another reason that victims may be wary of reporting cases of sexual and gender-based violence is the controversial and damaging Sudanese legal framework concerning rape-related offences. Though the law on this was recently changed, it is likely that attitudes persist which continue to confuse rape with adultery. Formerly, under Article 149 of the Sudanese Criminal Code of 1991, rape was defined as 'zina', meaning intercourse outside marriage, without consent. If women or girls reported a rape but could not produce the necessary evidence, including witness statements from four males confirming that the act was 'without consent', they would instead be charged with 'zina' (adultery), and face being jailed, flogged or stoned to death. The law was changed in 2015 to reflect the fact that rape involves physical or psychological coercion, but it may take time for attitudes to shift, and victims might still fear that they, and not their attackers, will be punished if they reveal what has happened to them.

THEMES FROM THE TESTIMONIES (CONTINUED)

UNAMID'S ROLE

UNAMID must improve its relationship with those under its protection so that more incidents of rape are reported officially. One suggestion for how to do this is by the implementation of a mechanism by which the mission can consult with civilians and IDPs on their protection needs, on the model of the United Nations Organization Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO's) community liaison assistants.

The vast majority of the victims (91%) were IDPs, many of whom were long-term IDPs, having been displaced in an initial attack and then re-displaced following fresh waves of violence. Many lived in temporary shelter immediately surrounding UNAMID camps, team sites or compounds at the time of the attack.

The testimonies do highlight that UNAMID has a crucial role in providing basic protection to the civilian population of Darfur, and in particular to IDPs. UNAMID-protected sites were relative safe havens; very few of the incidents actually occurred inside these areas.

However, it is in their immediate vicinity that the worst abuses occurred. Almost two-thirds of the victims report being raped upon leaving the relative safety of UNAMID-controlled zones: either to collect firewood, perform agricultural work while living in temporary accommodation near farms, or to collect personal belongings immediately following a displacement. The similarity in the accounts provided in the testimonies suggests that such attacks proximate to UNAMID have become routine.

This demonstrates a clear need for an improvement in UNAMID's provision of physical protection for IDPs, in particular when they embark on short trips or necessary agricultural work around the camps. This evident necessity contrasts with recent reductions in UNAMID's patrolling capacity.



MEDICAL PROVISION

Most of the victims did not receive the physical or psychological medical support they required. Approximately half of the victims received no treatment at all, and 17 were treated only with medicines or medicinal plants from the local area.

The testimonies show that efforts to end the requirement for rape victims to fill out a ‘form 8’ reporting document in order to access post-trauma medical assistance have been mostly successful. The requirement formerly obstructed rape victims’ access to needed support, but was officially phased out in 2005. Only two cases mention that form 8 was required prior to receiving treatment, though given the high percentage of cases where the attack was not disclosed, it is possible that form 8 would have been required in other cases were authorities informed. Still, the limited use of form 8 in our sample does suggest a reduction in its use.



THEMES FROM THE TESTIMONIES (CONTINUED)



There are also 15 statements in which the victims explicitly reported long-term consequences, whether physical or psychological, of the sexual assault they had suffered. These included severe trauma, miscarriage, urinary fistula, and difficulties with walking and sitting. In one incident the interviewee reports how another woman who was raped in the same incident died following the attack. It is expected that most, if not all of the victims, will or have suffered such long-term consequences due to the lack of medical and psychosocial care.

This report is not intended to comprehensively detail all instances of rape, mass rape and wider sexual and gender-based violence in Darfur, but to provide a ‘snapshot’ using insights gleaned from 77 testimonies which record the first-hand accounts of women and girls in the region over an approximate ten-year period. These testimonies clearly demonstrate that the use of rape in Darfur’s conflict is still rampant, that it is politicised by members of all armed parties, and largely occurs in a vacuum of justice, with low reporting rates and even lower conviction rates for offenders – authorities often do not progress investigations even when a crime is documented. Victims also still routinely fail to receive the appropriate medical or psychological support they need.

A complete change is needed in order to transform protection, justice and accountability for the brave women and girls of Darfur. It is clear that no real security can be achieved without an end to the region’s conflict.

CONCLUSION

RECOMMENDATIONS

- 1.** **To call on all armed actors operating in Darfur** to respect international humanitarian law and to ensure that preventative mechanisms are established to eradicate acts of sexual violence perpetrated by their forces.
- 2.** **To increase patrolling and the scope of physical protection UNAMID offers** to the civilian population of Darfur, in particular to female IDPs living or in the vicinity of UNAMID-controlled compounds.
- 3.** **To investigate the possibility of introducing community liaison assistants in UNAMID camps** on the model of MONUSCO, so that residents can consult with mission representatives about their protection needs.
- 4.** **To ensure that cases of sexual violence reported to UNAMID are followed up on effectively**, with legal redress and physical and psychological support offered to the victims.
- 5.** **To press the Sudanese government to improve both their medical provision for rape victims and their reporting and conviction mechanisms**, including by running an awareness campaign informing the public that the Sudanese Criminal Code of 1991 has been amended to end the equation of rape with adultery.
- 6.** **To continue the vital work of UNAMID in all five states of Darfur**, including that of West Darfur, where the mission is slated for withdrawal despite the fact that abuses continue to occur. UNAMID must act to enforce its mandate, and in doing so be offered the political support of the African Union, the UN, and all parties to the conflict in Darfur, for the benefit of civilians across the region.
- 7.** **To urge European Union member states** to ensure that those who flee their homes because of sexual violence in Darfur have their asylum claims heard fairly and are offered protection.
- 8.** **To address the use of sexual violence as a weapon of war in Darfur** under the UN Security Council resolution 1325 which was designed fifteen years ago to better integrate women's perspectives and needs into international responses to conflict.
- 9.** **To re-open the International Criminal Court investigation** hibernated by Chief Prosecutor Fatou Bensouda in December 2014. Probes on events in Tabit should be included as a bundle of information to reinvigorate the process.