

THE CRISIS OF HUMAN RIGHT VIOLATIONS IN THE DARFUR CRISIS: A BRIEF SUMMARY

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Abstract

In the last one century there have been many instances of international crisis, civil war and even genocide. A state sponsored structural violence against hapless ordinary citizen some time against own people like one sees in the Darfur crisis in Sudan. The paper aims to analyse the international law violations in the human rights questions on different grounds, the role of United Nations and Human Rights Watch and lastly to discuss how the violence really affected the people. The study based on the reports submitted to the council and UN agencies *and try to take the case from the lens of the victim.*

1.0 Introduction

In the last one century, there have been great humanitarian conflict causing genocide and civil wars. Armenian Genocide (1915-17), Jewish Holocaust (1938-45), Rwanda crisis (June 1994), the Cambodian crisis (1975 -1979), have been chaotic and hugely humanitarian crisis involving state perpetrated violence against individuals and groups, an assault of structural violence against people and violating human rights and international laws. Darfur has been in chaos witnessing state-sponsored violence imposed on citizens in the Darfur area.

How one understands this humanitarian crisis which has been also rooted in racial and ethnical disputes between Arab and African People and violence. The Darfur crisis, which started in 2003, has caused an estimated 300,000 deaths and over 2 million displacements since the beginning in 2003. Since the crisis there have been huge violating human rights on several levels. The question is to what extent the violence imposed on the citizens of Darfur by the government has violated human rights. However, one has to consider how a government is responsible for violating human rights if it is withholding the rights of its citizens, but on the other hand plays the role of the enabler of human rights. But Sudan government exploitation of people of Darfur.

This study is to analyse and evaluate the context of the Universal Human Rights Charter to determine the Darfur crisis and its impact on human rights violations from displacement, psychological threats. The Sudanese authorities have reacted drastically to the recent demonstrations that broke out in September 2013 across Sudan. The responses of the Sudanese authorities have caused excessive use of force upon its own people.

As recognized by international human rights law and jurisprudence, freedom of expression and assembly are fundamental for a democratic society and play a key role in ensuring the safety of all human rights. The Charter of Rights of Sudan makes international human rights treaties an integral part of the provisional national constitution and states that "the legislation will regulate the rights and freedoms enshrined in this law and will not affect or repeal any of these rightsⁱⁱⁱⁱ.

In September 2007 UN sanctions committee discussed the fall out of Darfur crisis on international humanitarian law and human rights. The role of the Sudanese government's unlawful use military operations offensive military

overflights against ordinary citizens were widely discussed. Earlier in 2006 another report discussed the gravity of crisis and human right violations. However, as of April 2008, there has been no action taken by the UNSC to expand sanctions to any of the senior figures accountable for past or recent attacks on civilians and other people of Darfur in Sudan^{iv}.

2.0 Humanitarian Crisis and the Issue of Displacement

In the aftermath of the crisis, it was believed, a very important number, around two million people were of internally displaced persons (IDPs), and continue to be displaced in the long term, from darfur to other nation, in the absence of humanitarian assistance UNSC, and ICC.

However, there were some measures were observed to mitigate the number of reported cases of human rights violations. The worrying concern that internally displaced persons continue to face serious security fear, such as being killed, violated or war women exploitation, harassed while carrying out activities to keep life outside from the camps and worrying levels of violent sexual and gender violence and serious violations against children^{vi}.

The United Nations took serious concern on sexual violence in conflicts in the Darfur crisis. It was discussed that there were huge increase in sexual violence against children in Darfur, and also who had to face denial, shame and stigmatization further aggravating in their response^{vii}.

In Darfur, the humanitarian situation was further declined in the absence of food security, water and adverse and exploitative Sudanese government institutions, including the police. It was believed that access to areas of Darfur, expressing concern about the total number of people in need of humanitarian assistance in Sudan, asked for humanitarian access to meet the urgent needs of the quest population and asked donors, the regional authorities of Darfur and the government of Sudan to provide the financial resources necessary to reach the needy, including through the United Nations^{viii}. Many other international institutions provide financial resources to darfur such as India, EU, China and Russia.

3.0 The Role of UN Human Rights Council and Darfur Humanitarian Issue

The council established a special rapporteur on the human rights situation in Darfur, Sudan, to publicly monitor and report violations of human rights and international humanitarian law in all parts of Sudan. The special rapporteur was periodically produced to the Human Rights Council and in the General Assembly of UNO^{ix}.

4.0 The African Commission on Human and Peoples Rights (ACHPR) and Darfur Humanitarian Crisis

The commission urged the Sudanese government to immediately end the excessive forces against protesters and to investigate and hold those responsible for the illegal killings and other human rights violations that occur during these protests; support the government of Sudan to review the national security law and the police law in order to limit the broad powers granted to NISS and police officers and to repeal article 52 (3) of the national security law of 2010 and article 45 (1) of the 2008 Police Act^x which guarantees immunity from criminal and civil dealings to NISS members, the police and their links^{xi}.

The commission was urged the government of Sudan to adhere to the ACHPR guidelines on conditions of arrest, police custody and pre-trial detention in Africa also to present all outstanding reports on the implementation of the African Charter of Human and Peoples' Rights, including measures taken to ensure full respect for the rights to life, education, freedom of expression, association and peace in Darfur

4.1 On the Human Right Violation

Attacks on refugee camps In the context of new conflict, government security forces^{xii} conducted search and research operations in refugee camps in ShangilTobayi, Tawilla and Zamzam, in northern Darfur, whose residents are located mainly in Zaghawa and considered supporters of Minnie Minawi^{xiii}. During a security operation on January 23 at Zamzam camp, police and security forces entered civilian homes, looted property and beat people, killing a man. Security forces also cooperation of militance to exploitation of local people. They also arrested more than 37 people, holding many of them for a period of two weeks before releasing them without charge. In March, government forces carried out another operation, however arrested 19 people and released the majority on the same day^{xiv}.

In ShangilTobayi, on January 27, around 200 soldiers in 40 vehicles surrounded the exit of UNAMID camp and an nearby camp where thousands of displaced people settled after the clashes in December. They arrested four people and threatened to burn the UNAMID team camp and site.⁷

The abuses committed by security forces against refugee camps are reminiscent of past incidents in the Kalma camp in southern Darfur, particularly in 2008, when government forces carried out a violent disarmament operation which resulted in the death of over 30 displaced.⁸ In addition to the illegality of In these raids, they violate the agreement on the statute of forces between the government and the UNO which requires the government to notify actions relating to IDP camps.

4.2 On Sexual Violence

Since the start of the new fighting in December 2010, government forces have been to blame for the rape and other acts of sexual violence, particularly against displaced women and girls and Darfur's women.

On 22 December, in the circumstance of the attacks in the ShangilTobayi area, 3 soldiers raped a 17-year-old girl. On 18 February, 2 soldiers from Abu Zerega military camp kidnapped and raped a 10-year-old girl while shepherd sheep. with his uncle at the Zamzam refugee camp. They were fleeing fighting in the Wadi Mora area.

The government never did any arrest despite widely documented by Human Rights Watch.

5.0 Conclusion

The humanitarian crisis in the after math of Darfur crisis has been widely discussed documented and analysed from different dimensions and at different forum . There have been many significant charges and human rights violation according to the International laws but so far the crisis didn't help much in bringing justice, peace and dignity. The response from the Sudanese governments was in complete denial despite the United Nations Security Council through different proceedings, bringing the matter to International Criminal Court failed to achieve its desire aim particularly in the context of human rights violations.

6.0 References:

ⁱ Report on human rights watch on https://www.hrw.org/report/2011/06/05/darfur-shadows/sudanese-governments-ongoing-attacks-civilians-and-human-rights_page no 3-34.

ⁱⁱ The "United national declaration of human rights" available on https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf, pp 10-11.

ⁱⁱⁱ International Covenant on Civil and Political Rights (1966) on Human Rights. Accessed as on January 2011. URL-https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND

^{iv} United nation Resolution 1935 (2010) Adopted by the Security Council at its 6366th meeting, on 30 July 2010,pp 1-5.

^vHuman Rights Watch (2008), *Q& A: Crisis in Darfur*. Accessed as on January 2011. URL-<https://www.hrw.org/news/2008/04/25/q-crisis-darfur>

^v United nation Resolution 1935 (2010) Adopted by the Security Council at its 6366th meeting, on 30 July 2010,pp 1-5.

^{vi} ibid

^{lii} Martin Sara (2007), *Ending Sexual Violence in Darfur: An Advocacy Agenda*. Accessed as on Feb 2011.URL-<https://www.refworld.org/pdfid/47a6eb950.pdf>

^{viii} Report on human rights watch on https://www.hrw.org/report/2011/06/05/darfur-shadows/sudanese-governments-ongoing-attacks-civilians-and-human-rights_page, 10-30.

^{ix} The "United national declaration of human rights" available on https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf, pp 10-25

^x International rules and standaed for policing, international committee of red cross, Geneva 2015,pp 60-63.

^{xi} Human Rihts Watch (2009) *Sudan: Reform National Security Law*. Accessed as on March 2011. URL-<https://www.hrw.org/news/2009/11/06/sudan-reform-national-security-law>

^{xii}Human Rights Watch (2008), *Q& A: Crisis in Darfur*. Accessed as on January 2011. URL-<https://www.hrw.org/news/2008/04/25/q-crisis-darfur>

^{xiii}Human Rights Watch interview with victim, El Fasher (2011). Accessed as on May 2011.

^{xiv}United Nations Office of the High Commissioner on Human Rights (2009), *"Killing and injuring of civilians on 25 August 2008 by government security forces: Kalma IDP camp, South Darfur, Sudan,"* . Accessed as on 19 May. URL-<http://www.ohchr.org/Documents/Countries/11thOHCHR22jan09.pdf>