

Interim report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, submitted pursuant to resolution 1713 (2006)

Summary

Monitoring implementation of the arms embargo

On the basis of continuing research and information provided by reliable sources and its own observations, the Panel maintains that violations of the arms embargo continue. Weapons, specifically heavy weapons (artillery pieces), small arms, ammunition and other military equipment are entering the Darfur states from other countries and from the region of the Sudan.

In spite of the clear understanding of its obligation under Security Council resolution 1591 (2005), at the time of writing the present report, the Government of the Sudan had not submitted any requests for approval to the Security Council Committee established pursuant to resolution 1591 (2005) to move weapons, ammunition or other military equipment into Darfur, thereby knowingly violating the provisions of the resolution.

In the light of the ongoing violations of the arms embargo, the Panel recommends that the Security Council revisit options for strengthening the arms embargo presented by the Panel in its previous reports, including provisions pertaining to: (a) expansion of the arms embargo to the entire territory of the Sudan (potentially with targeted exemptions); (b) verification of arms and ammunition; (c) end-use certification; and (d) restrictions on dual-use items.

Monitoring implementation of targeted financial and travel-related sanctions

By its resolution 1672 (2006), the Security Council had designated four individuals as subject to targeted sanctions. The Panel of Experts had provided to the Committee a confidential annex to its report (S/2006/795) containing information regarding individuals who could be considered for designation by the Committee as subject to the targeted sanctions. As of mid-March 2007, the Committee had not designated any additional individuals or entities as being subject to such measures. The Panel continues to monitor implementation of resolution 1672 (2006) in the Member States, particularly the 11 States in the region, identified by the Committee. During its visits to the Sudan and Chad, the Panel found that the resolution had not been implemented by these States. The Panel believes that any undue delay in the implementation of the resolution could embolden the designated individuals to carry on their acts and could also encourage others to commit violations without any fear of sanctions from the United Nations.

The Panel presents the following recommendations:

(a) The Committee may consider writing to the Member States, particularly the Sudan and Chad, impressing upon them the importance of early implementation of resolution 1672 (2006);

(b) The Committee may consider designating individuals mentioned in the confidential annex to the previous report of the Panel (S/2006/795) for targeted sanctions.

Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

The Panel has revised and updated the criteria for acts that may impede the peace process or constitute a threat to stability in Darfur and the region. The revised 10 categories are presented in annex II. The main impediments to the peace process and threats to stability in the region since September 2006 have been: ongoing hostilities in Darfur; lack of progress in the disarmament of armed militia groups in Darfur; increased fragmentation and factionalization among select non-State armed groups; impediments to the work of the African Union and the United Nations in Darfur; and incursions by armed elements across the Chad-Sudan border.

Acts that constitute impediments to the work of the African Union and the United Nations have included harassment of and attacks against the African Union Mission in the Sudan (in Southern and Northern Darfur) and United Nations personnel; and use of white aircraft by the Government of the Sudan. Moreover, the Government of the Sudan is operating a white aircraft in Darfur with United Nations, (UN), markings. The Panel is pursuing its investigations to provide information on individuals responsible for such acts.

The Panel is undertaking case study analyses into incidents that involve acts that may constitute violations of international humanitarian and human rights law in Darfur. These case studies are merely representative of the broader scope and frequency of such violations in Darfur. The case studies relate to attacks on civilians and civilian property in Buram (Southern Darfur), Abu Sikin (Northern Darfur), Jebel Moon (Western Darfur) and Sirba (Western Darfur), between August 2006 and February 2007. The Panel is also continuing its work to provide information on individuals who commit violations of international human rights law in Darfur. The Panel has gathered preliminary information and data on cases of sexual and gender-based violence in Darfur.

The Panel continues to investigate reported instances of aerial bombardment and other offensive military overflights by the Government of the Sudan.

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Abbreviations

AMIS	African Union Mission in the Sudan
AN	Antonov (aircraft)
AU	African Union
CAA	Civil Aviation Authority
JEM	Justice and Equality Movement
NRF	National Redemption Front
SAF	Sudanese Armed Forces
SLA	Sudan Liberation Army
SLM/A	Sudan Liberation Movement/Army
SLM/A (AW)	Sudan Liberation Movement/Army (Abdul Wahid faction)
SLM/A (M)	Sudan Liberation Movement/Army (Minawi faction)
UNMIS	United Nations Mission in the Sudan

I. Introduction

1. In its resolution 1591 (2005), the Security Council requested the Secretary-General, in consultation with the Committee established under the same resolution, to appoint a Panel of Experts for a period of six months to assist the work of the Council and the Committee. The Panel was first appointed by the Secretary-General on 30 June 2005. The mandate of the Panel of Experts was subsequently extended on three occasions, most recently until 29 September 2007 by Security Council resolution 1713 (2006).

2. Under its current mandate the Panel is requested to provide an interim report to the Committee. This interim report is submitted pursuant to that requirement and covers the period from September 2006 to 12 March 2007.

3. Under Security Council resolution 1713 (2006), the mandated task areas of the Panel remained unchanged from those specified in resolution 1591 (2005), namely:¹

- To assist the Committee in monitoring implementation of the measures in paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 of resolution 1591 (2005); that is, provisions concerning the arms embargo.
- To assist the Committee in monitoring implementation of the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005); that is, provisions concerning targeted financial and travel-related sanctions.
- To make recommendations to the Committee on actions the Security Council may want to consider.

4. Moreover, the Panel is identified in Security Council resolution 1591 (2005) as a source of information to the Committee regarding individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) as implemented by a State, or are responsible for offensive military overflights described in paragraph 6 of resolution 1591 (2005).²

II. Recent political and security developments relevant to the work of the Panel

A. Purpose

5. This section provides a brief overview of recent political and security developments in Darfur and the region relevant to the mandate and activities of the Panel of Experts. This section covers developments primarily from the period September 2006 until 12 March 2007.

¹ The various elements of the Panel's mandate are specified in para. 3 of Security Council resolution 1591 (2005).

² Security Council resolution 1591 (2005), para. 3 (c); sources of information identified in this paragraph of the resolution include: United Nations Member States; the Secretary-General; the United Nations High Commissioner for Human Rights; the Panel of Experts; and "other relevant sources".

B. Evolving political and security environment

6. The months following the signing of the Darfur Peace Agreement in May 2006 witnessed efforts to encourage non-signatory parties to sign on to the Agreement and to maintain the momentum generated in the closing stages of the inter-Sudanese dialogue (the Abuja process) to drive implementation of the Agreement. Those efforts failed to secure commitments from the main non-signatory parties — the Sudan Liberation Movement/Army (Abdul Wahid faction) (SLM/A (AW)) and the Justice and Equality Movement (JEM) — to sign the Agreement.

7. In November 2006, the then Secretary-General, Kofi Annan, and the Chairperson of the African Union (AU), Alpha Oumar Konaré, co-chaired consultations on the situation in Darfur, which resulted in an agreed set of conclusions from the meetings. Subsequent to those deliberations, the Secretary-General appointed Jan Eliasson as his Special Envoy for Darfur. It was agreed that the Special Envoy would work closely with his African Union counterpart, Special Envoy Salim Ahmed Salim. The joint efforts of the two Envoys commenced in earnest in early 2007 with a joint mission to re-energize the broader peace process, and specifically to create the necessary space for dialogue on a negotiated settlement.

8. In the meantime, discussions and negotiations concerning the possible transition to a United Nations peace operation in Darfur continued, with a view to seeking agreement on the deployment of a so-called hybrid United Nations-African Union force.

9. The security environment in Darfur since September 2006 has been characterized by continued hostilities, of varying intensity, between parties to the conflict and other belligerents in Darfur; an increase in the instance of intertribal disputes and hostilities, especially in Southern Darfur; incursions by armed elements across the border between the Sudan and Chad; a raised general level of insecurity; and hostile acts conducted against the African Union Mission in the Sudan (AMIS) in Darfur. The prevailing insecurity in Darfur and the raised level of harassment of humanitarian personnel have conspired to seriously curtail humanitarian operations throughout Darfur.

10. Currently, there are two ceasefire agreements in force concerning the situation in Darfur: the N'Djamena Humanitarian Ceasefire Agreement (2004) and the ceasefire provisions of the Darfur Peace Agreement (2005), with different signatories. The Government of the Sudan and the Sudan Liberation Movement/Army (Minawi faction) are the only two signatories to the Darfur Peace Agreement as against three signatories to the N'Djamena Agreement; namely, the Government of the Sudan; the SLM/A and JEM. In the past, the Government of the Sudan and SLM/A (M) had reportedly refused to allow SLM/A (AW) and JEM to attend the ceasefire meetings envisaged in the Darfur Peace Agreement. During the previous mandate of the Panel, the Chairman of the AU Ceasefire Commission informed the Panel that because of this controversy, two separate meetings were held with different signatories. However, subsequently in August 2006, two of the non-signatories of the Darfur Peace Agreement — SLM/A (AW) and JEM — were asked by the AU Ceasefire Commission to leave the Ceasefire Commission and military observer group sites.

11. During the meetings of the Panel with the Chairman and the Secretary of the AU Ceasefire Commission in March 2007, the Panel was informed that the Joint Commission, in its meeting on 12 November in Addis Ababa, had approved the creation of two chambers; one for the signatories to the Darfur Peace Agreement and another for the non-signatories. The proposal for a possible third chamber where members of the two chambers could meet, depending on the need, was left to the discretion of the Chairman of the Ceasefire Commission. The second chamber held its first meeting on 24 December in El Fasher, which was attended by representatives of the Government of the Sudan, SLM/A (AW), JEM, AMIS and the United Nations. The second chamber, however, faces some problems, as SLM/A (AW) and JEM have not been permitted as yet to be present in the sectors and group sites and other issues relating to the payment of allowance and the like during the period of suspension are yet to be resolved.

12. However, the Panel has been informed that meetings of the Ceasefire Commission are scheduled twice a week; the investigation reports on ceasefire violations are being discussed regularly in the Joint Commission meetings and statements issued by the Ceasefire Commission for taking appropriate action. On 15 December 2006, a high-level Joint Commission meeting held in Addis Ababa addressed ceasefire violations and took measures aimed at ensuring accountability of signatories and non-signatories alike.

C. Relations between Chad and the Sudan

13. The relationship between the Sudan and Chad continues to be tense, which is evident from the situation prevailing along the border: cross-border movement of combatants, vehicles and weapons and open support from both sides for rebels operating in their respective territories. Violence associated with rebel activities, particularly of armed rebel movements seeking to overthrow the Government in Chad, continues to impede and undermine the peace initiatives in the region. Under a Libyan initiative, a summit was convened and attended by the Heads of State of the Libyan Arab Jamahiriya, Egypt, the Sudan, Chad, the Central African Republic and Eritrea. The situation in Darfur and ways to improve the relations between the Sudan, Chad and the Central African Republic were discussed. The leaders agreed to reactivate the Tripoli Agreement between Chad and the Sudan, and to intensify efforts to convince the non-signatories to the Darfur Peace Agreement to join the Darfur peace process.

14. However, soon after that agreement the atmosphere changed, as Chadian armed opposition groups reportedly entered Chad from the Sudanese side and captured the eastern Chadian town of Abéché. The Chadian armed forces, however, succeeded in recapturing the town. There were reports of attacks on 12 December 2006 between Chadian armed opposition groups and the Chadian armed forces at Armankul (Western Darfur), in January 2007 at Ade and in February 2007 in Adre in eastern Chad, close to the border with the Sudan (Western Darfur). The intensification of hostilities resulted in a sharp increase in the number of internally displaced persons in eastern Chad, rising from 92,000 in December 2006 to 120,000 by the beginning of February 2007.³

³ Report of the Secretary-General on Chad and the Central African Republic, 23 February 2007 (S/2007/97).

III. Programme of work and methodology

A. Programme of work

15. The Panel commenced its work in mid-December 2006 in New York, where it held meetings with various departments/branches within the United Nations Secretariat, and with the Committee, at which time the Panel presented its initial programme of work to the Committee members. The Panel departed for Addis Ababa between 28 December 2006 and 1 January 2007, and quickly re-established its base of operations in the Ethiopian capital. While in Addis Ababa, the Panel met with the Secretary-General's Special Envoy for Darfur, Jan Eliasson.

16. The Panel moved quickly to prepare for its first mission to the Sudan under its new mandate, given the fact that the last presence of the Panel in the Sudan was August 2006. The mission to the Sudan commenced on 10 January 2007. The Panel met with its focal point within the Government of the Sudan and with many other interlocutors (see annex I), including representatives from various ministries and agencies of the Government of the Sudan, United Nations agencies, AMIS, and foreign diplomatic representatives in Khartoum.

17. During the same month, the Panel conducted a mission to Darfur, during which it visited and conducted work in the state capitals of Northern, Southern and Western Darfur. The Panel undertook meetings and consultations with a broad spectrum of stakeholders in Darfur (see annex I) and continued to carry out its work in adherence to its methodology.

18. The Panel reassembled in Addis Ababa in the wake of the African Union summit for a series of meetings and planning for a mission to Chad. The Panel conducted a mission to N'Djamena from 6 to 10 February 2007, during which the Panel held meetings and engaged in consultations with representatives from Government ministries and agencies, United Nations agencies, foreign diplomatic delegations and other individuals and entities (see annex I).

19. Following the mission to Chad, Panel members conducted visits to select locations in Europe and to Kenya for meetings and consultations. The Panel reassembled in Addis Ababa in mid-February, where it had a meeting with the AU Special Envoy for Darfur, Salim Ahmed Salim. A second mission to Khartoum and Darfur was carried out from 23 February to 12 March 2007.

20. In February and March 2007, the Panel submitted two case reports (case report M4-2, 16 February, and case report M4-3, 9 March) to the Committee, via the Secretariat, pertaining to two matters that the Panel believed should be brought to the immediate attention of the Committee. Case report M4-2 relates to the deployment of military aircraft by the Government of the Sudan into Darfur; case report M4-3 relates to the use/operation of white aircraft with United Nations markings by the Government of the Sudan in Darfur. The content of both case reports is reflected in the present report (see section VII below).

B. Methodology and working principles

Overall approach

21. In the light of the rapidly evolving security and political environment in Darfur and the region, the Panel, since embarking on its work under the current mandate, has endeavoured to fulfil its mandate in a transparent, open and proactive manner. The Panel has made every effort to reflect political and security developments in its working procedures and interactions with other actors and initiatives, while remaining focused on conducting its work according to a clearly defined methodology.

22. In addition to its interactions with parties to the conflict in Darfur and the region and a broad spectrum of stakeholders, the Panel has engaged with the leaders of other initiatives pertaining to Darfur, for the purposes of increasing awareness of the work of the Panel and to ensure that the work of the Panel has complemented other United Nations and AU initiatives to the greatest degree possible in the light of its particular mandated task areas.

Methodology

23. The Panel continued to refine and update the methodology developed under previous mandates, as described in previous reports of the Panel (see S/2006/65, paras. 66-69 and S/2006/795, para. 49).

24. The foundations of the Panel's methodology include a combined process-tracing and case study approach. The various elements of the methodology can be summarized as follows: (a) extensive literature and data review; (b) field investigations and interviews; (c) collection and collation of data and documentation; (d) validation and verification of data/information; (e) analysis of information, data and evidence; and (f) presentation of findings and development of recommendations.

25. For verification of information, the Panel continues to require a minimum of two independent, reliable and verifiable sources as the basis for its findings.

Working principles

26. The Panel's work continues to be guided by the agreed working principles of confidentiality, impartiality, transparency and assessment of evidence on the basis of a substantial body of evidence considered on the balance of probabilities.

27. With regard to its internal working procedures and decision-making, the Panel agreed unanimously in February 2007 that it would adopt the following procedures. First, on procedural or process-related issues pertaining to the work of the Panel, the Panel will make decisions by majority vote of the members of the Panel. Second, regarding decisions on substantive issues under the mandated task areas of investigation/reporting of the Panel, the Panel will make decisions by majority, with the majority to include the consenting vote of the expert member to whose area of activity the substantive issue in question most closely pertains.

C. Working constraints

28. The primary working constraints encountered by the Panel related to access at particular times to locations in Darfur because of security concerns. However, these constraints are likely to be temporary in nature as the security situation changes rapidly. It has generally presented a challenge to the Panel only when the Panel has desired to travel to a location that has been experiencing very recent attacks or security incidents.

D. Cooperation with the Government of the Sudan

29. The Panel previously recommended that members be provided with multiple-entry visas to assist in their repeated travels to the Sudan. In this regard, the Committee had written to the Permanent Mission of the Government of the Sudan to the United Nations requesting the Government of the Sudan to issue such visas. Members of the Panel's team were provided with multiple-entry visas, valid for three months, by the Government of the Sudan during their missions to the Sudan in January and March 2007. The provision and envisaged renewal of these visas has and will continue to facilitate the work of the Panel.

30. The Panel has received good cooperation from the Government of the Sudan with regard to provision of information to the Panel and to facilitation of meetings for the Panel in Khartoum and Darfur.

IV. Monitoring implementation of the arms embargo

A. Overview

31. On the basis of information received from reliable sources and its own observations, the Panel maintains that violations of the arms embargo continue unabated. Weapons, notably artillery pieces, small arms, ammunition and other military equipment continue to enter the Darfur states from other regions of the Sudan and bordering countries. The closure by the Government of the Sudan of all airports in Darfur to non-military operators during hours of darkness and on occasions at times during daylight precludes the possibility of the Panel attempting to verify suspicious aircraft cargo loads. Notwithstanding the provisions within the Darfur Peace Agreement enabling AMIS to patrol during hours of curfew, such patrols are not conducted, primarily as a result of insecurity in the area.

B. Violations of the arms embargo

Non-State armed groups

32. Information received by the Panel indicates the continued inflow of arms, ammunition, vehicles and other logistical equipment to non-State armed groups operating in Darfur. The Panel is investigating the supply of new vehicles supplied/trans-shipped from a Member State to certain groups in Darfur. The Panel believes that these vehicles are subsequently adapted for military use by the addition of light, mounted machine guns.

33. The Panel is investigating a significant supply of arms and ammunition to one of the non-State armed groups operating against the Government of the Sudan in Darfur. The Panel is actively pursuing its investigations on this case and intends to present the information to the Committee in the future.

34. The Panel continues to receive reports that the Government of the Sudan is supplying arms, ammunition and vehicles to the Chadian armed opposition groups based in or operating from Western Darfur. Investigations by the Panel to corroborate these reports are ongoing.

35. The Panel observed personnel of Chadian armed opposition groups in the town of El Geneina during their visits in March 2007. The Panel considers that these insurgents pose a significant threat to peace and security in Darfur and the region.

36. In January 2007, officials of the Government of the Sudan provided the Panel with examples of equipment seized by their military forces following engagements with non-State armed groups (see figures 1-4).



Figure 1
Twin-barrel 14.5-mm machine gun (on Government of the Sudan vehicle for display only)



Figure 2
Tavor-21 5.56-mm assault rifle



Figure 3
106-mm recoilless rifle with JEM markings



Figure 4
SLA vehicle

Government of the Sudan

37. The Government of the Sudan continues to ship both small arms and heavy weapons, ammunition and other military equipment into the Darfur states by air, specifically into the airports at El Geneina, Nyala and El Fasher. According to reliable sources, several cargo aircraft landed repeatedly at El Geneina airport in January and February 2007 reportedly to offload military equipment for the Government of the Sudan. Investigations by the Panel to verify the specific nature of the offloaded cargo is ongoing.

Deployment of military equipment to Western Darfur

38. On 24 February 2007, an Antonov AN-12 aircraft bearing registration number ST-AQE flew from Khartoum to El Geneina airport, where it crashed shortly after 9 a.m. (see figure 5). The aircraft is owned by United Arabian Airlines, but that specific flight was operated by AZZA Transport. Witnesses interviewed by the Panel stated that the majority of the passengers were military personnel. In addition to the passengers there were two D-22 type 122-mm artillery howitzers and 40 to 50 wooden boxes painted olive drab, suspected to contain arms and ammunition. The cargo was offloaded during the days following the crash under the supervision of the Sudanese Armed Forces (SAF), who continued to guard the aircraft throughout the following week.

39. The delivery of artillery weapons to Western Darfur is mentioned in a letter of notification submitted by the Government of the Sudan to the AU Ceasefire Commission on 26 February 2007. It is not known whether the artillery pieces mentioned in that notification pertain to the weapons transported on the aforementioned aircraft.



Figure 5
AN-12 (ST-AQE) aircraft at El Geneina Airport, 28 February 2007

Deployment of military aircraft to Southern Darfur

40. On 16 February 2007, the Panel provided a report to the Committee detailing the deployment of two Fantan A-5 ground attack aircraft (registration numbers 402 and 403) to the airport at Nyala, Southern Darfur, in early January 2007 (reference: 1591P/M4-2/0207). Subsequent to this action, another Fantan A-5 (registration number 410) was deployed to the same airport and was observed by the Panel on 26 February and 7 March 2007 (see figure 6). The transfer of these military aircraft into Darfur was also outlined in the notification submitted by the Government of the Sudan to the AU Ceasefire Commission at the end of February 2007, following deployment of the aircraft (as mentioned above).

41. Notwithstanding the notification by the Government of the Sudan to the AU Ceasefire Commission concerning the deployment of artillery pieces and military aircraft, the Government of the Sudan failed to submit an advance request to the Committee for deployment of such military equipment as required under paragraph 7 of Security Council resolution 1591 (2005).



Figure 6

Fantan A-5 aircraft Nos. 402, 403 and 410 at Nyala Airport, 7 March 2007

Deployment and operation of military attack helicopters in Darfur

42. The Panel observed that the Government of the Sudan Mi-24 Hind attack helicopters based in Darfur conduct flights on a regular basis. The Panel has observed several of these helicopters deploying from El Fasher Airport in Northern Darfur, and has been informed of the same regarding Nyala in Southern Darfur. Eight helicopters were based in Darfur in late February and early March 2007, three of which are in El Geneina and Nyala each, and two in El Fasher. However, one of these, number 932, was stationed in Khartoum in January and was deployed to El Fasher between 28 January and 26 February 2007 (see figure 7).

43. The Panel believes deployment may be part of the rotation of Mi-24 helicopters for maintenance purposes and that that helicopter is replacing another that had been operating in El Fasher. The deployment of that attack helicopter, in the absence of an approved request by the Committee under paragraph 7 of Security Council resolution 1591 (2005), constitutes a violation of the arms embargo.



Figure 7

Two images of Government of the Sudan helicopter Mi-24 No. 932.
Top: at Khartoum International Airport military apron, 28 January 2007.
Bottom: at El Fasher Airport, 26 February 2007

C. Observations and recommendations

44. On the basis of evidence gathered, the Panel concludes that the Government of the Sudan continues to violate the arms embargo by transferring equipment and related weapons into Darfur. In response to questions posed by the Panel to representatives from various Government ministries/agencies (including the Ministry of Defence and the Office of the Assistant Representative of the President on Darfur), the Government of the Sudan has stated its view that it does not feel obliged to request permission in advance from the Security Council for deployment of military equipment and supplies to Darfur.

45. In the light of the ongoing violations of the arms embargo, the Panel recommends that the Security Council revisit options for strengthening the arms embargo presented by the Panel in its previous reports, including provisions pertaining to (a) expansion of the arms embargo to the entire territory of the Sudan (potentially with targeted exemptions) (see S/2006/250, para. 60); (b) verification of arms and ammunition (see S/2006/795, para. 90); (c) end-use certification (see S/2006/795, para. 91); and (d) restrictions on dual-use items (see S/2006/250, para. 63).

46. Moreover, it would assist the work of the Panel immensely if the Panel had the full cooperation of the Government of the Sudan in availing the ability to monitor, in pursuit of its mandate and at the Panel's discretion, aircraft cargo transferred to Darfur that may contain military equipment and supplies.

V. Customs and border control measures

A. Overview

47. The role of the customs and border control administration of Member States has been mentioned in the past as capable of playing an important role in the implementation of the arms embargo on Darfur. It has been acknowledged by the authorities in the Sudan and Chad that there is no tangible border control between the Sudan and Chad because of the continued conflict in Darfur. Member States, especially the neighbouring ones, can play an increasing role in the control of the continued flow of arms and military equipments into the Sudan and consequently into Darfur.

48. The Government of the Sudan Customs anti-smuggling unit seized a total of 4,249 pistols, 533 Kalashnikov rifles, 161,851 rounds of ammunition and other weapons during 2006. Some of the weapons were seized in Darfur and are believed to be destined for many groups operating in Darfur. Preliminary information indicates that the source of some of these weapons is a country neighbouring the Sudan. The sale, supply or transfer of such weapons and ammunition to parties to the conflict in Darfur constitutes a violation of the provisions of Security Council resolutions 1556 (2004) or/and 1591 (2005).

49. There have been efforts by the Sudan, the Libyan Arab Jamahiriya and Chad to improve border control along their shared borders. Those efforts resulted in the signing of the Tripoli Accord on 8 February 2006 in the Libyan capital. Article 7 of the Accord proposes the establishment of a border control force and border control checkpoints, which have not yet been implemented.

50. The Panel has investigated various acts and incidents of ever-increasing carjacking in Darfur. The bandits and non-State armed groups continue to resort to carjackings to fund their activities from the sale proceeds or to use the vehicles for their own activities. These acts are carried out by the many organized groups that have links to neighbouring countries. The Panel looked into many cases, among them the carjacking of the UNMIS 4X4 Land Cruiser, which, after being violently seized by one of the organized groups operating in Western Darfur, was taken to a designated "workshop" where the vehicle was repainted and then sold to a neighbouring State. It is believed that most of the carjacked vehicles are taken to such workshops, where they are repainted and then sold to neighbouring States.

51. The Panel's investigations have revealed information and insights into how organized crime and acts of banditry have now become a source of livelihood for the many groups operating in Darfur and in other neighbouring States. Information received by the Panel indicates that some organized armed groups in Darfur levy taxes or payments on merchants operating between the Libyan Arab Jamahiriya and the Sudan. The payments are made to these groups as protection money. Failure to pay these amounts to loss of their goods and transporting vehicles.

B. Observations and recommendations

52. Currently, the arms embargo, as specified in Security Council resolutions 1556 (2004) and 1591 (2005), applies only to the region of Darfur, and not the entire territory of the Sudan. The Panel re-emphasizes the need for introducing a system of end-use certification for sale of military goods and services, as reported in the Panel's previous report (see S/2006/795).

VI. Monitoring implementation of targeted financial and travel-related sanctions

A. Overview

53. By its resolution 1672 (2006), the Security Council designated four individuals as subject to targeted sanctions, imposed by resolution 1591 (2005). The Panel of Experts had provided to the Committee a confidential annex to its previous report (S/2006/795) containing information regarding individuals who could be considered for designation by the Committee as subject to the targeted sanctions. To date, the Committee has not designated any additional individuals or entities as such.

B. Observations and recommendations concerning implementation of resolution 1672 (2006)

54. During the meeting with the Minister of Justice and other officials of the Government of the Sudan, the Panel was informed that resolution 1672 (2006) was not implemented by the Government of the Sudan in respect of the four designated individuals. The Minister further mentioned that to avoid any conflict with the provisions of the Constitution of the Sudan, particularly the Bill of Rights, guaranteed to its citizens, a committee had been constituted to examine how the resolution could be implemented. He also mentioned that two of the four designated individuals were not Sudanese nationals and their whereabouts were not known. During the previous mandate the Panel had met the officials of the Ministry of Justice and was informed that the matter was being examined by them.

55. The Panel visited Chad and met with the Minister of Justice, who informed that although he had heard about the resolution 1672 (2006), he had not seen it. He confirmed that the resolution was not implemented by the Government of Chad. The Panel provided a copy of the resolution to the Minister, who assured the Panel that the matter would be examined. During the previous visit of the Panel to Chad on 16 August 2006, under its previous mandate, a copy of the said resolution was also handed over to the then Minister of Justice, as he too had not received it.

56. During the current mandate, the Panel will visit some of the States in the region to monitor implementation of the travel ban and financial sanctions.

57. With a view to facilitate effective implementation of resolution 1672 (2006), acting on a recommendation of the Panel in its previous report (S/2006/795), a note verbale dated 24 November 2006 was sent by the Committee to all States, encouraging them to provide the Committee with relevant additional identifiers for the designated individuals. The Committee had also circulated a photograph of one

of those individuals to the Member States, which was supplied by the Panel. However, no such additional identifiers have been received from the Member States, including the Governments of the Sudan and Chad.

58. In terms of the guidelines adopted by the Committee on 23 March 2006, no requests were received by the Committee either to remove the names of individuals on the consolidated travel ban and assets freeze list or for exemptions to the targeted sanctions. The Panel believes that undue delay in the implementation of the resolution by the Member States, particularly the Governments of the Sudan and Chad, will undermine the objectives of the resolution.

59. The Panel received information about financial and logistical support being provided to the non-State armed groups in Darfur by certain persons, including the Sudanese diasporas living in Europe, the Middle East and the region. Under earlier mandates, the Panel had sought information from some Member States in respect of specific individuals alleged to have been providing financial support to these groups in Darfur. The Panel is following up with those States and plans to undertake visits to them for closer interaction and exchange of information relevant to its mandate.

60. The Panel recommends the following:

(a) The Committee may consider writing to the Member States, particularly the Sudan and Chad, impressing upon them the importance of early implementation of resolution 1672 (2006);

(b) The Committee may consider designating individuals mentioned in the confidential annex to the previous report of the Panel (S/2006/795) for targeted sanctions.

VII. Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

A. Overview

61. The Panel is identified in paragraph 3 of Security Council resolution 1591 (2005) as a source of information to the Committee on individuals who (a) impede the peace process; (b) constitute a threat to stability in Darfur and the region; (c) commit violations of international humanitarian or human rights law or other atrocities; (d) violate the arms embargo; or (e) are responsible for offensive military overflights. This section presents the interim findings of the Panel for four of these thematic areas. The fifth area, information on individuals who violate the arms embargo, is dealt with in section IV above.

B. Individuals who impede the peace process or constitute a threat to stability

62. Under previous mandates the Panel of Experts developed a set of criteria for acts that may impede the peace process or may constitute threats to stability in Darfur and the region, for the purposes of guiding the Panel's provision of information in this area. The Panel has previously sought guidance and solicited

insights from the Committee as to acts that the Committee may consider as impediments to the peace process or threats to stability. The Committee has not directed the Panel to adopt an alternate approach and, as such, the Panel continues to use revised versions of the criteria it first presented to the Committee in late 2005 to assist its work.

63. In the light of the changing political and security environment and developments in the peace process, the Panel continues to revise and refine these categories. The revised criteria — now consisting of 10 categories — are presented in annex II to the present report.

64. For this interim report various acts have been identified that constitute serious impediments to the peace process and a threat to stability in Darfur and the region. The Panel is pursuing its investigations with regard to individuals responsible for such acts, and intends to present more detailed information on these individuals as it becomes available.

65. The most serious impediments to the peace process during the period from September 2006 to 12 March 2007 included (a) ongoing hostilities in Darfur; (b) lack of progress in the disarmament of armed militia groups in Darfur; (c) increased fragmentation and factionalization among select non-State armed groups; (d) impediments to the work of the African Union and the United Nations in Darfur; and (e) incursions by armed elements across the border between the Sudan and Chad.

Ongoing hostilities in Darfur

66. During the period covered by this interim report, from September 2006 to 12 March 2007, the Panel gathered and analysed information relating to the ongoing hostilities in Darfur and the role of various parties to the conflict in Darfur in initiating or continuing offensive or defensive military operations.

67. During the period there were, among other acts, military operations and attacks by the Government of the Sudan and affiliated armed groups against non-signatories to the Darfur Peace Agreement; attacks within the territory of Chad by groups based or seeking safe haven in Darfur; ongoing fighting between militia groups associated with various tribes, especially in Southern Darfur; and attacks against AMIS personnel. Information on specific cases of these types of attacks is provided in the case studies below and will be elaborated further by the Panel in future reports.

68. Some of the military actions that the Panel is investigating include the reported use of white Antonov aircraft in conducting aerial bombardments in certain areas of Darfur.

Lack of progress in disarmament of armed militia groups in Darfur

69. The continued presence and military operations of armed militia groups that are not parties to the N'Djamena Agreement, the Darfur Peace Agreement or the Declaration of Commitment to the Darfur Peace Agreement continue to constitute a serious impediment to the peace process.

70. The Government of the Sudan has failed to fulfil its obligations — clearly outlined in the Protocol on the Enhancement of the Security Situation in Darfur (2004), relevant Security Council resolutions, in particular resolution 1556 (2004)

(para. 6), the communiqué issued jointly by the Government of the Sudan and the Secretary-General on 3 July 2004 (S/2004/635, annex) and the Darfur Peace Agreement of 5 May 2006 — to identify, neutralize and disarm armed militia groups under its control or influence. The Panel has previously reported on demonstrated instances of support, collusion and military coordination between various entities within the armed forces of the Government of the Sudan and militia groups commonly referred to as Janjaweed.

71. Reports received by the Panel indicate that the Janjaweed/armed militias continue to carry out attacks in the Darfur region. The Panel is currently investigating a case relating to attacks in Northern Darfur between October and December 2006 that were allegedly perpetrated by armed groups supported by Government forces.

72. The Government of the Sudan is under obligation to ensure that these militias refrain from all attacks, harassment or intimidation. The Darfur Peace Agreement provides for the implementation of the disarmament and neutralization plan in a phased and timely manner. Under the Darfur Peace Agreement, the Government of the Sudan was to submit a comprehensive plan for disarming the Janjaweed/armed militias including information on their locations and areas of encampment within 37 days of the signing of the Darfur Peace Agreement.

73. During the previous mandate of the Panel, the Government of the Sudan provided the Panel with a copy of their disarmament plan submitted to AU, which was under examination by AU. Recently, the Panel held a discussion with AU and was informed that the disarmament plan submitted by the Government of the Sudan was still being discussed with various parties and agencies and no final decision had been taken as yet. On 15 December 2006, a high-level Joint Commission meeting, held in Addis Ababa, emphasized the importance of the urgent disarmament of armed militia to address the issue of violence in Darfur. The Panel has been informed that no disarmament of Janjaweed/armed militias has been carried out by the Government of the Sudan since the submission of the previous report of the Panel (S/2006/795).

Fragmentation and factionalization among specific armed groups

74. Since the signing of the Darfur Peace Agreement in May 2006 there has been significant fragmentation within the two original groups that were non-State parties to the N'Djamena Agreement — SLM/A and JEM. The factionalization within SLM/A in particular reflects the previous reality of a loosely organized force of commanders and their subordinate combatants.

75. In addition to the birth of various spin-off factions from the original SLM/A and JEM, a number of alliances and new groups have emerged. The evolution of non-State armed groups is shown in figure 8.

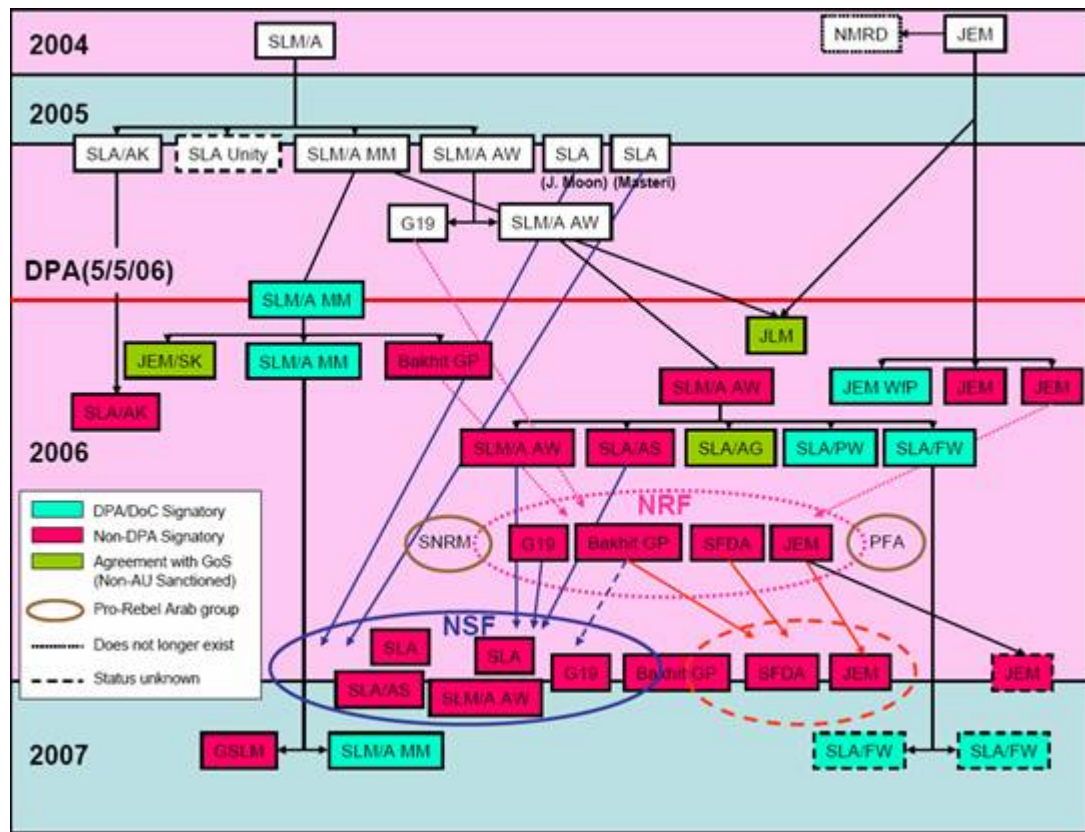


Figure 8
Evolution of parties to the conflict in Darfur, 2004-2007

76. This fragmentation of groups and factionalization constitutes a serious impediment to the peace process as it greatly multiplies the number of potential interlocutors with differing, and often unclear and ill-formulated, agendas.

77. As at 10 March 2007, a Commanders' conference, proposed to provide a forum and focus for the consolidation of the various SLA factions and SLA spin-off groups, had been postponed indefinitely.

Impediments to the work of the African Union and the United Nations

78. The Panel continues to observe acts that impede the work of AMIS and the United Nations, including harassment of or attacks against AMIS personnel. These acts have been perpetrated by a number of parties to the conflict, including the Government of the Sudan, the National Redemption Front (NRF), some SLA factions and other armed militia groups. While many such incidents have occurred, the Panel presents below two case studies of acts that constitute serious impediments to the work of AMIS and the United Nations in pursuit of their missions in Darfur.

79. The Panel also observed and documented the use of white aircraft by the Government of the Sudan, which reduces the ability of other parties to the conflict to distinguish between aircraft of the United Nations or AMIS and those used by the armed forces of the Government of the Sudan.

Case study**Attack on AMIS protection force escorting a convoy of jet fuel tankers***Background of the incident*

80. On 19 August 2006, an AMIS protection force escorting a convoy of Jet A1 fuel tankers belonging to Matthew Petroleum Company was ambushed at a place called Lwabit, killing two AMIS soldiers from Rwanda. In the ambush, three other AMIS soldiers were critically injured, one AMIS armoured personnel carrier was destroyed (see figure 9), two AMIS vehicles were damaged, seven weapons and some communication equipment were stolen and eighteen fuel tankers of the Matthew Petroleum Company were stolen by the assailants. Some of the assailants were also killed in the incident and their vehicle was damaged. In pursuing its investigation of this case, the Panel met with officials of the AU Ceasefire Commission and the Government of the Sudan, and with representatives of Matthew Petroleum Company (in El Fasher and Khartoum) during January 2007. The Panel also interviewed one of the drivers in the convoy of fuel tankers and his assistant, both of whom were captured during the attack but who subsequently escaped.

81. According to information available with the Panel, Matthew Petroleum Company, a company incorporated in the Sudan in 2001, supplies Jet A1 fuel to AMIS and, under the terms and conditions of the contract between them, AMIS provides escort to the tankers. On 19 August, a convoy of 27 fuel tankers left Kuma for El Fasher and, at a place 60 km from El Fasher, was attacked by a group of armed men in approximately 46 pick-up trucks, mounted with 12.7-mm, 14.5-mm and 23-mm machine guns and 106-mm recoilless rifles and mortars. Two AMIS soldiers were killed. Twenty of the 27 tankers were reportedly on the escort list of Matthew Petroleum Company; 7 of those listed and 2 unlisted were rescued, taking the total count of the missing tankers to 18.



Figure 9

**Destroyed AMIS armoured personnel carrier following attack on AMIS escort,
19 August 2006**

82. AMIS was ill equipped in terms of manpower, equipment and weapons and lacked air power. The assailants, including two females, appeared well equipped and well trained, and carried out the attack with proper planning and skill. They reportedly spoke in French and Arabic with a Chadian accent, and their vehicles carried the names NRF and JEM. Although the Government of the Sudan provided support, including air support, it was not effective, as the plan of the Government could not be properly coordinated with the AMIS forces and the assailants managed to escape with 18 fuel tankers and cross over to Chad.

83. The Renault and Hino fuel tankers were specialized vehicles based on advanced technology, thereby requiring a level of knowledge of their operation on the part of drivers of the vehicles. During the course of the hijacking and subsequent detention, several of the drivers and their assistants were physically assaulted by the attackers. One of the drivers was shot dead. The Panel asked witnesses about the identity of the attackers, who informed it that the attackers had attested that they were members of NRF.

84. The convoy continued, and on the way, a Chadian army colonel riding in a Chadian army vehicle took over the command of the hijacked convoy. On 10 September, a representative of the carjackers collected the keys from the 17 drivers, and 35 people, the drivers with their 18 assistants, were driven to a mountainous area of Bhai, inside Chadian territory. Four days later they were taken to the mountains of Omm Jaras, where they joined 214 Sudanese army prisoners of war.

85. The Panel also met with the Chairman and other officials of Matthew Petroleum Company, who estimated their financial loss at \$7 million including the loss of tankers, fuel, damage to tankers and compensation arising from the death of their driver and loss of business. The company lodged an official complaint with the Prosecutor in El Fasher on 24 August 2006 regarding the incident, which is reportedly being investigated by the Sudanese police. The Panel was informed that incriminating documents had been received that could link the incident with NRF. The company has also written to AMIS for compensation amounting to \$3.6 million for failure to provide adequate security according to the contract, as well as additional compensation of \$500 per day per truck until the compensation amount is paid.

86. The Panel has been further informed that the carjackers, who claimed to be from NRF, made many telephone calls to Matthew Petroleum Company officials, demanding ransom for the release of the tankers (\$175,000 per tanker) and the kidnapped personnel and that in the absence of payment, they have started looking for buyers in Chad. During the visit of the Panel to Chad enquiries were made with the authorities, but no concrete information was given about the vehicles.

Findings

87. The findings of the Panel can be summarized as follows:

- Acts listed under Category VI of the criteria set out in annex II are considered to be acts that constitute impediments to the peace process or threats to stability in Darfur and the region.
- On the basis of available evidence, the Panel believes that the assailants belonged to NRF and JEM factions and were supported by armed men from Chad.

- The Panel is continuing with the investigation with a view to providing information on the persons or entities responsible for the attack.
- The frequent attacks on humanitarian and commercial convoys, with theft of vehicles and cargo/supplies, similar to the case described above, appear to be one of the tactics employed by various non-State armed groups to fund their operations.

Case study

Attack on AMIS protection force — Gereida

Description of the event

88. On 5 March 2007, while on patrol duty, four AMIS protection force soldiers, posted at the military observer group site at Gereida, in Southern Darfur, were attacked by unknown armed groups, leading to the death of two AMIS soldiers from Nigeria.

89. On hearing about the incident, the Panel visited Gereida, including the spot where the incident took place, and held discussions with the AMIS officials in Gereida and the SLM/A (M) Commander and forces. The Panel also held discussions with the AMIS Sector II Commander in Nyala, under whose area of responsibility Gereida falls.



Figure 10
Site of attack/ambush against AMIS personnel

90. From the discussions, it emerged that AMIS personnel posted at the military observer group site at Gereida were under constant threat for a period of more than 10 months over the death of a boy of the area. SLM/A (M) reportedly accused AMIS personnel of killing the boy by running him over with their armoured personnel carrier, and demanded compensation, failing which they threatened AMIS with bloodshed. AMIS officials strongly denied this and maintained that the boy had died in a stampede outside the camp.

91. The Panel visited the scene of the incident on 7 March, which is in an open area on the road dividing the camps of internally displaced persons. The incident took place on 5 March at around 1700 hours, when four members of the unarmed patrol party were returning in vehicle. The Panel was informed that a group of SLM/A soldiers blocked the road and ordered the AMIS vehicle to stop. When the AMIS soldiers did not stop, two SLM/A soldiers opened fire at the AMIS soldiers. One AMIS soldier, who sustained injuries, managed to escape and relayed a message to the military observer group site. The attackers allegedly kidnapped the other soldiers and took the AMIS vehicle. The AMIS force went to the area later and recovered the dead body of one of their soldiers from a place about 5 km from the military observer group site. The dead body of the second soldier was recovered the next day from a place about 500 m from the scene. The AMIS vehicle has not yet been traced. While maintaining that the Gereida area fell under the control of SLM/A (M), the Commander strongly denied the allegations and alleged that AMIS had detained two of his soldiers at the AMIS military observer group site, who were subsequently released to him.

Discussion and findings

92. The findings of the Panel can be summarized as follows:

- Acts listed under category VI of the criteria set out in annex II are considered to be acts that constitute impediments to the peace process or threats to stability in Darfur and the region.
- The Panel is continuing with the investigation with a view to providing information on the persons or entities responsible for the attack.

Use of white aircraft by the Government of the Sudan

93. The Panel observed that the Government of the Sudan, contrary to its statements to the Panel and its official responses to the reports of the Panel, continues to operate white aircraft from the three primary airports in Darfur.⁴ The lack of identifying insignia could result in possible confusion over the recognition of these aircraft. Specifically, the Panel believes that the use of white aircraft by the Government of the Sudan, as previously reported (see S/2006/795), is a violation of article 24 (i) the Darfur Peace Agreement, which prohibits, “any attempt by a Party to disguise its equipment, personnel or activities as those of AMIS, United Nations agencies, the International Committee of the Red Cross/Crescent or any other similar organization”.

⁴ See “Response to the second report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) covering the period of the Panel’s extended mandate from January to March 2006”, Government of the Republic of the Sudan, 2007.

Use of white helicopters

94. The Panel observed and recorded the details of three white helicopters operated by the Government of the Sudan. The Panel observed two white Mi-171 helicopters stationed in Darfur during the period January to March 2007. The helicopters, numbered 528 and 533, have military registrations on the tail and SAF painted below the cockpit (see figure 11). Neither aircraft displays a Sudanese flag painted on the aircraft, as is the case with the third white helicopter (registration No. 531), which was observed at an airport outside Darfur (see figure 12).

95. The Panel believes that the use of white aircraft by the Government of the Sudan constitutes a deliberate attempt to conceal the identity of these aircraft such that from a moderate distance they resemble United Nations or AMIS Mi-8 helicopters used in Darfur. The Panel has received reports from two independent sources of military reconnaissance overflights by white Antonov aircraft and white helicopters, believed to be those operated by the Government of the Sudan, in the area of Jebel Moon, Western Darfur.



Figure 11

Two white helicopters used by the armed forces of the Government of the Sudan in Darfur: Mi-171 No. 528 at El Fasher Airport, 26 February 2007; and Mi-171 No. 533 at Nyala Airport, 26 February 2007



Figure 12
**Mi-171 helicopter No. 531 located at Khartoum International Airport,
January 2007**

Use of white Antonov AN-26 aircraft

96. The Panel observed a white Antonov AN-26 aircraft parked on the military apron at El Fasher airport on 7 March 2007, next to what is believed, on the basis of photographic and expert analysis and comparison to field evidence from earlier bombings, to be rows of bombs guarded by SAF soldiers (see figure 13). This is the same aircraft reported by the Panel to the Committee on 10 March 2007 (reference: 1591P/M4-3/0307) as having “UN” stencilled/painted on the upper port side wing (see figure 14). The number 26563 with the country prefix deleted is believed to have originated in Eastern Europe. The number 7705 located on the forward fuselage and tail is the Government of the Sudan registration number.



Figure 13
AN-26 aircraft No. 7705 at El Fasher Airport, 7 March 2007



Figure 14
AN-26 aircraft No. 7705 with United Nations markings (port wing) at El Fasher Airport, 7 March 2007

97. The Panel observed another white Government of the Sudan AN-26 aircraft operating in the Darfur states. That aircraft has a Sudanese civil aviation registration painted on the fuselage, ST-ZZZ (see figure 15), but SAF is painted below the cockpit.



Figure 15
AN-26 aircraft ST-ZZZ at El Fasher Airport, 15 January 2007

98. On 15 January 2007, the Panel noted two additional AN-26 aircraft with the same registration number: the crashed SAF AN-26 in El Fasher and a commercial AN-26 parked in Khartoum. The Sudanese Civil Aviation Authority (CAA) informed the Panel on 24 January 2007 that two aircraft could not be registered with the same number and that registration numbers of unserviceable or decommissioned aircraft are not reassigned to other aircraft. The registration number of the crashed AN-26 in El Fasher was later painted over and the operational SAF ST-ZZZ aircraft was painted with a small Sudanese flag and SAF under the cockpit markings that had not been painted on the aircraft in early January 2007. The Panel believes that the white SAF AN-26 registered ST-ZZZ currently operating in Darfur may have been fraudulently marked with a civil aviation registration apparently without the authorization of the Sudanese CAA.

Cross-border incursions

99. The Panel has described earlier in this report incursions by various armed groups across the border between Chad and the Sudan (see section II.C). These incursions pose a significant threat to stability in Darfur and the region. The Governments of the Sudan and Chad have each conveyed to the Panel their belief that the other party is supporting rebel groups or providing safe haven for groups within their territory.

100. The Panel will continue its investigations regarding those individuals who pose a threat to stability in the region by nature of their responsibility for such cross-border incursions.

C. Violations of international humanitarian and human rights law in Darfur

Approach and methodology

101. The approach and methodology adopted by the Panel during the current reporting period follow closely those employed by the Panel during previous mandates, namely the use of a two-level approach (a) presentation of a concise macroscopic view of the pattern and trends in violations of international humanitarian and human rights law in Darfur; and (b) in-depth case study investigation and analysis pertaining to specific acts that may constitute violations of international humanitarian and/or human rights law in Darfur. The approach and methodology for this particular area of investigation are described in detail in the report of the Panel issued in January 2006.⁵

102. The Panel has received information during the current mandate, as it has previously, from a number of sources active in the areas of human rights and international humanitarian law in Darfur. This information has included documentation provided by the Government of the Sudan, specifically the Advisory Council on Human Rights, the Ministry of Justice and the Ministry of the Interior. The Panel has used this information to assist in its own investigations of acts that may constitute violations of international humanitarian and human rights law in Darfur.

⁵ *Report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) concerning the Sudan*, paras. 166-176 (S/2006/65).

103. For the purposes of this report, some of the ongoing investigations and planned future activities of the Panel in this area of its investigation are presented in this section.

Violations of international humanitarian law in Darfur

104. The Panel has previously identified the types of acts that may constitute violations of treaty-based and/or customary international humanitarian law in Darfur, including: violence to life and person; the taking of hostages; outrages against personal dignity; the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court; attacks directed against civilians or civilian objects; indiscriminate attacks; attacks expected to cause incidental loss of civilian life, injury to civilians, and/or damage to civilian objects that would be excessive in relation to the concrete and direct anticipated military advantage; rape and other forms of sexual violence.

105. The Panel is gathering information, conducting interviews and undertaking field research on several incidents that involve some of the aforementioned acts (see case studies below). The preliminary findings from the Panel's work in this area, in addition to the specific findings of the case studies below, point to continued widespread violations of international humanitarian law in Darfur, examples of which include:

- Instances of medium- to high-altitude aerial bombardment by the Government of the Sudan, using unguided munitions, into areas with a known civilian population.
- Attacks by parties to the conflict that fail to take adequate precautions to protect civilians and fail to effectively discriminate between military and civilian persons and objects.
- Attacks directed intentionally against civilian objects.
- Harassment, obstruction and denial of free passage to humanitarian goods and supplies.
- Instances of rape and other forms of sexual violence.

Case studies

106. The Panel initiated and is pursuing case study investigations on four significant incidents during the period of investigation involving acts that may constitute violations of international humanitarian law in Darfur. The date, location and summary description of the incidents are presented in the table. These cases represent just a sampling of the incidents that have taken place in Darfur during the period covered by this report.

Case studies of incidents/attacks that include acts that may constitute violations of international humanitarian law

<i>Case number⁶</i>	<i>Date</i>	<i>Location</i>	<i>Summary description</i>
17	August 2006	Buram [villages in Buram area], Southern Darfur	Attacks directed against a number of villages in the Buram area that resulted in the killing of civilians and the destruction and looting of civilian property
18	October-December 2006	Abu Sikin, Northern Darfur	Attacks directed against a number of villages in the Abu Sikin area that resulted in the killing of civilians and destruction of civilian property
19	29 October 2006	Jebel Moon, Western Darfur	Attacks directed against a number of villages and a camp of internally displaced persons in the Jebel Moon area that resulted in the killing of civilians and destruction of civilian property
20	November 2006	Sirba, Western Darfur	Attack on Sirba village/vicinity that resulted in the killing of civilians and destruction of civilian property

Case study 17

Buram area, Southern Darfur, August 2006

107. This case study relates to a series of attacks on approximately 47 villages in Buram locality, Southern Darfur, from 28 to 30 August 2006. The attacks were undertaken by an armed militia group reportedly aligned with or constituted from members of the Habbania tribe.

Summary description of events

108. Commencing on 28 August 2006, a number of villages in the area of Buram were attacked in a coordinated action by armed militia groups with an estimated strength of between 300 and 1,000, reportedly constituted from members of the Habbania tribe. Some of the villages worst affected in the attacks included Tabaldiyah, Geweghina, Tirtish, Ligedeiba and Amodh Al-Akdhar.

109. The attacks resulted in the killing and injuring of civilians, the widespread destruction and looting of civilian property and the displacement of civilians from their villages. The exact number of civilians killed in the attacks has not yet been independently confirmed by the Panel.

⁶ Case study numbers follow on from those presented in previous reports of the Panel of Experts (S/2006/65, S/2006/250 and S/2006/795).

Preliminary assessment and status of investigation

110. On the basis of the information gathered by the Panel on this case to date, it would appear that the attacks included acts that constitute violations of international humanitarian law and international human rights law, including the intentional targeting of civilians and civilian objects; outrages against persons, etc.

111. The Panel has initiated an investigation into the aforementioned attacks, and has gathered information from a number of key sources on the incidents. The Panel has also identified a number of eyewitnesses to the attacks, and intends to pursue its investigations with a view to verifying the description of events that the Panel has gathered from validated secondary sources.

112. The Panel plans to undertake a field investigation visit to several villages in the Buram locality that were affected by these attacks, and intends to interview parties (other than witnesses) who may be able to provide information on those who may have committed the attacks.

Case study 18

Abu Sikin, Northern Darfur, October-December 2006

Description of events

113. Abu Sikin area, comprising more than 24 villages and located at a distance of about 50 km from El Fasher in Northern Darfur, bore the brunt of a series of attacks by armed militias, allegedly supported by SAF, between October and December 2006. On 6 March 2007, the Panel visited Abu Sikin village and observed that a large number of houses were completely burned and the villagers had deserted the village; some went to the internally displaced persons camp and some are hiding in the nearby mountains.



Figure 16
Burned houses in Abu Sikin village

114. The Panel held discussions with some of the villagers and the local Commander of Sudan Liberation Army (SLA) (Free Will), who narrated the events of the past months. According to information available with the Panel, Abu Sikin

and nearby villages were subjected to a series of violent attacks by hundreds of armed men, identified as Janjaweed and SAF, which resulted in 37 civilian deaths, three rapes, abductions, the destruction of properties, the burning of houses and the looting of a large number of livestock.

115. In October 2006, about 20 armed persons alleged to be Janjaweed, came in about 15 vehicles from Kutum via Umm Sayala, looted properties and livestock and killed six civilians. In December 2006, armed men, wearing khaki, green and camouflage uniforms, similar to the ones worn by SAF, and believed to be members of the Border Intelligence Guard, came in a large convoy of more than 60 Land Cruisers mounted with heavy weapons such as rocket-propelled grenades, machine guns and Kalashnikovs, and attacked the villagers in the night. They set fire to the houses and killed two people, one of whom was a 105-year-old person who was burned alive. They abducted eight girls, five of whom managed to escape, however, three were raped and sent back home naked. The witnesses mentioned that the girls were sent to El Fasher for medical treatment, and that reports were filed with the authorities to no avail.

116. The Panel was informed that, after that incident, the local commanders signed an agreement with the Government of the Sudan, but the villagers have not yet returned to their villages as they fear further attacks against them.

Discussion and findings

117. The findings of the Panel can be summarized as follows:

- Abu Sikin village and several villages in the vicinity were the subject of attacks by armed militia groups supported by various elements with the Sudanese Armed Forces (believed to be from the Border Intelligence Guard) from October to December 2006.
- The attacks resulted in the killing of civilians and the destruction of civilian property, thus constituting acts that violate international humanitarian and human rights law.
- The attacks constitute a threat to stability in Darfur.
- Armed militia groups are being supported by SAF.
- The Panel is continuing the investigation into this case with a view to providing information on the persons or entities responsible for the attack.

Case study 19

Jebel Moon area, October 2006

118. This case study relates to attacks on a number of villages and an internally displaced persons camp in the Jebel Moon area, Western Darfur, on 29 October 2006, during which civilians were killed and civilian property was destroyed.

Summary description of events

119. On 29 October 2006, several villages located south and west of the Jebel Moon area were attacked by armed militia groups with an estimated strength of several hundred, resulting in the killing of an estimated 50 civilians. According to reports from witnesses, the attackers were members of armed militia groups aligned with or constituted from a tribe in the region.

120. The villages and locations worst affected by the attacks included Hashaba, Damara, Kiskis, Khabesh, Hila Awın, Agra, Haskanita, Taif and Hijilija internally displaced persons camp. The attacks resulted in the displacement of several thousand residents because of fears for their safety. Livestock and other civilian property were also looted during the attacks.

Preliminary assessment and status of investigation

121. The Panel has initiated an investigation into the attacks in the Jebel Moon area that occurred at the end of October 2006.

122. Early in March 2007, the Panel undertook preliminary field investigation visits to two locations in the Jebel Moon area as a precursor to future, more extensive field investigations, which will include visits to the locations worst affected by the attacks.

123. The Panel's preliminary assessment of the information gathered on this case thus far points to the commission of acts during the attacks that constitute violations of international humanitarian and human rights law.

Case study 20

Sirba, Western Darfur, November 2006

124. This case study relates to attacks on the village and immediate surrounding area of Sirba in Western Darfur allegedly undertaken by SAF and an affiliated militia group on 11 November 2006, during which at least 11 civilians were killed.

Summary description of events

125. On 11 November 2006, the village of Sirba was attacked by an armed militia group with an estimated strength of several hundred on horses and camels and in Land Cruiser vehicles. The attackers targeted the civilian population and civilian property, resulting in the killing of 11 civilians; in addition, between 7 and 12 civilians sustained non-fatal injuries.

126. A large number of homes in the village were destroyed during the attacks, and civilian property was looted from the village.

Preliminary assessment and status of investigation

127. The Panel has initiated an investigation into the attacks on Sirba on 11 November 2006. On the basis of information gathered by the Panel thus far it appears that certain acts committed during the attacks constitute violations of international humanitarian law.

128. The Panel had planned to undertake a field investigation mission to Sirba on 3 March 2007; however, it was not possible to undertake the mission at that time, owing to the prevailing security environment in the vicinity of Sirba. The Panel did however travel to Kulbus, where it received a detailed briefing on the Sirba attacks and the events following the attacks from the AMIS group site command. The Panel plans to undertake a mission to Sirba in the near future.

129. The Panel has received initial information pertaining to those responsible for the attacks at Sirba and intends to pursue its investigation with a view to providing detailed information on those individuals in the future.

Violations of human rights in Darfur

130. The Panel continues to gather and analyse information and conduct its work with a view to providing information on individuals who commit violations of international human rights in Darfur. The Panel, through its work and presence in Khartoum and throughout Darfur, continues to develop a picture of the situation of human rights in Darfur, and of the threats and challenges to the protection and fulfilment of human rights in Darfur in particular. The Panel will present a more detailed overview of the situation of human rights in Darfur in its final report.

131. According to information gathered and analysed thus far, and on the basis of the field investigations and interviews undertaken by the Panel since the onset of the current mandate, some of the current threats and challenges to human rights in Darfur include (a) threats to the right to life as a result of the ongoing conflict and general high level of insecurity; (b) threats to the right to education as a result of insecurity, which hinders access to education; and (c) threats to the right to food and an adequate standard of living.

132. Sexual and gender-based violence continues to constitute a serious threat to human rights in Darfur. The Panel is in the process of gathering and analysing information from several sources in an attempt to obtain, by triangulation and independent verification of data, a more accurate assessment of the extent of the threat of sexual and gender-based violence. Such violence has been perpetrated, particularly against women and girls, during attacks on villages by certain parties to the conflict, and when women and young girls have ventured from internally displaced persons camps in search of firewood.

133. The Panel has received information from the Attorneys General of Northern and Southern Darfur and from the Ministry of the Interior in Khartoum that includes statistics on the number of rape cases reported in the three states of Darfur. The information provided by the Ministry of the Interior identifies the data as reports of rape cases in Darfur.

134. The Panel is in the process of gathering information from other sources for the purposes of assessing the level of concurrence across data sources. Moreover, the Panel needs to clarify certain aspects of the data provided by the Government of the Sudan, as it is not clear whether the data presented by the Ministry of the Interior pertains to the number of complaints submitted, the number of investigations concluded or the number of cases discharged through the judicial system. The Panel of Experts will continue its consultations with a number of key stakeholders in an effort to arrive at a more robust estimate of the number of rape cases and other cases of sexual and gender-based violence in Darfur.

Offensive military overflights

135. Aerial bombardments continue throughout the Darfur region. The area of Deim Bishara village in Southern Darfur was attacked most recently on 8, 23, 24 and 27 December 2006 by Arab militia ground forces supported by aerial bombardments from an Antonov aircraft. Casualties in the initial attack could not be completely corroborated, but the AU investigation team confirmed that four Arab militia and six JEM members were killed and 16 local residents were injured in the latter two attacks. Some livestock was killed also.

136. On 5 January the area of Bambina and Gadir was bombed by a white Antonov aircraft. The village of Anka and the Wadi Korma area were bombed by a white

Antonov aircraft on 16 and 19 January, respectively. The areas of Kariare in Northern Darfur and Bahai on the Chad-Northern Darfur border were bombed on 11 February.

137. On 5 March reliable reports were received that an Antonov-26 aircraft circled the area of Birmaza in Northern Darfur for over an hour. Although no aggressive acts were undertaken by the aircraft, its mere presence in the area had an acute psychological impact on the local population, given past aircraft activities of the Government of the Sudan.

138. In the opinion of the Panel, the Government of the Sudan is undertaking aerial reconnaissance operations and conducting hostile and offensive military overflights in the Darfur region, which is a violation of resolution 1591 (2005), article 2 of the N'Djamena Agreement, the Abuja Protocol of 9 November 2004 and the Darfur Peace Agreement.

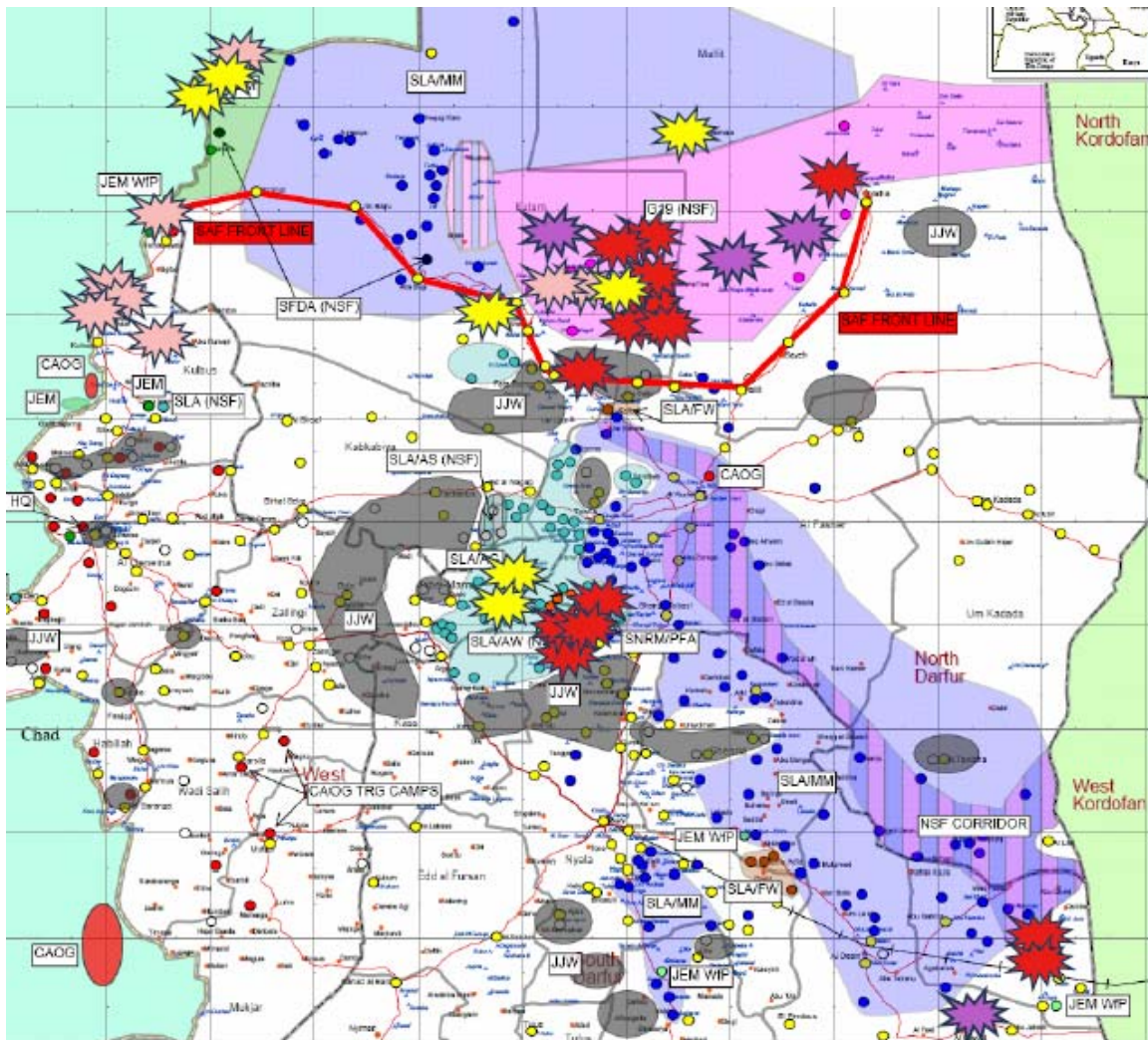


Figure 17
Overview of locations of reported aerial bombardments in Darfur, October 2006 to January 2007

D. Observations

139. The Panel will continue to pursue its investigations with a view to completing the case studies and investigations identified in this report as work in progress.

140. The Panel has previously provided information to the Committee on individuals who impede the peace process or constitute a threat to stability in Darfur and the region; commit violations of international humanitarian and human rights law; are responsible for offensive military overflights; or violate the arms embargo. The Panel believes that the designation of individuals by the Committee and the Security Council, on the basis of information from the Panel and other sources, constitutes a strong disincentive to those who may want to commit these acts, and as such can play an important role in supporting and complementing the larger peace process. The Committee and the Council may wish to consider, on the basis of previous information provided and the ongoing work of the Panel, designating additional individuals as subject to the provisions of Security Council resolution 1591 (2005).

Annex I

List of institutions/individuals consulted

The listing of institutions/individuals consulted by the Panel provided below does not include certain individuals, organization or entities with whom the Panel met in order to maintain the confidentiality of the source(s) and so as not to impede the ongoing investigations of the Panel.

New York

At the United Nations

Department of Political Affairs

Department of Safety and Security

Department of Peacekeeping Operations

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Addis Ababa

AU Special Envoy for Darfur — Salim Ahmed Salim

Secretary-General's Special Envoy for Darfur — Jan Eliasson

Department of Political Affairs

Khartoum

Advisory Council on Human Rights

African Union Mission in the Sudan

Civil Aviation Authority

Customs Authority

Diplomatic representations (various)

European Union (representatives)

Members of the Judiciary

Ministry of Defence

Ministry of Foreign Affairs

Ministry of the Interior

Ministry of Justice

National Intelligence and Security Service

Office of the Assistant Representative to the President on Darfur

United Nations Mission in the Sudan

United Nations country team

United Nations Office for the Coordination of Humanitarian Affairs
University of Khartoum (Faculty of Law)

Darfur

African Union Mission in the Sudan
National Intelligence and Security Service
Offices of the Governors (Walis) of Northern, Southern and Western Darfur
Sudanese Armed Forces
Tribal leaders in Southern Darfur
United Nations Mission in the Sudan

N'Djamena

Customs Administration
Embassy of France
Embassy of the United States of America
Ministry of Defence
Ministry of Foreign Affairs
Ministry of Justice
Ministry of Finance
Ministry of Territorial Administration
United Nations Development Programme
Office of the United Nations High Commissioner for Refugees
Office for the Coordination of Humanitarian Affairs

Antwerp

International Peace Information Service

Geneva

Darfur Consortium
Small Arms Survey
Office for the Coordination of Humanitarian Affairs
Office of the United Nations High Commissioner for Human Rights

Annex II

Criteria for acts that impede the peace process or constitute a threat to stability in Darfur and the region

Table 2

Categories of acts/omissions that constitute impediments to the peace process or threats to stability in Darfur and the region

Category I	<p>A. Consistent, wilful and systematic violations of:</p> <ul style="list-style-type: none"> • the Darfur Peace Agreement of 5 May 2006 by the parties to the Agreement • the N’Djamena Agreement of 8 April 2004, and associated Protocols, by parties to that Agreement <p>B. Failure of belligerents other than parties to the Darfur Peace Agreement or the N’Djamena Agreement operating in Darfur (e.g. non-State militia groups) to cease hostilities and to desist from acts such as those identified in article 24 of the Darfur Peace Agreement and article 2 of the N’Djamena Agreement</p>
Category II	Acts intended to obstruct or prevent United Nations and African Union (joint or unilateral) peace initiatives in Darfur
Category III	Failure of the Government of the Sudan to identify, neutralize and disarm armed militia groups, in line with its commitments and obligations under the Protocol on the Enhancement of the Security Situation in Darfur (2004), relevant Security Council resolutions, especially resolution 1556 (2004) (para. 6), the communiqué issued jointly by the Government of the Sudan and the Secretary-General on 3 July 2004 (S/2004/635, annex) and the Darfur Peace Agreement of 5 May 2006
Category IV	Actions intended to exacerbate tensions between ethnic, tribal, political and other groups in Darfur
Category V	Provision of support (financial, military, logistical, other) to armed militia groups and other parties that are engaging in ongoing hostilities
Category VI	Hostile acts committed against AMIS troops, civilian police or AU Ceasefire Commission and United Nations personnel; other acts intended to impede or frustrate AMIS/United Nations/Ceasefire Commission operations in pursuit of their respective mandates
Category VII	Failure of parties to the conflict in Darfur to enforce accountability among combatants or other persons under their control for violations of international humanitarian or human rights law
Category VIII	Failure by the Government of the Sudan and other States to fully implement resolutions of the Security Council concerning the situation in Darfur

- Category IX**
- A. Cross-border incursions by armed forces of States or State-supported armed groups into Darfur or other parts of the Sudan
 - B. Incursions by parties to the Darfur Peace Agreement and the N'Djamena Agreement, and other belligerents operating in Darfur into Chad or other States bordering Western Sudan
- Category X** Acts which force the non-signatories to sign, or to refrain from signing, the Darfur Peace Agreement and/or other United Nations/AU/joint AU-United Nations agreements and protocols
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