

U.N. Panel of Experts on The Sudan: Mid-term Briefing During Extended Mandate of the Panel under SCR 1713

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Overview of Briefing

- **Context**
- **Programme of work**
- **Review of methodology, working principles**
- **Findings**
 - Monitoring implementation of the arms embargo
 - Monitoring implementation of targeted sanctions
 - Provision of information to the Committee on select thematic areas of interest
- **Observations**



Reporting by Panel of Experts to the Committee Since Commencement of Mandate

- **11 February: Progress Update**
 - Covering period 1 – 31 January 2007
- **16 February: Case Report M4-2**
 - *Deployment of Military Aircraft to Darfur by the Government of the Republic of The Sudan*
- **9 March: Case Report M4-3**
 - *Deployment and operation In Darfur of Aircraft With United Nations Markings by the Government of the Republic of The Sudan*
- **16 March: Interim Report**
- **Mid-term Briefing**

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Context – Recent Political and Security Developments Relevant to the Work of the Panel

- **Darfur and the Region: A dynamic political and security environment**
 - Ongoing political initiatives to engage parties to the conflict ... non-signatories to the DPA and other belligerents
 - Concurrent with ongoing discussions and negotiations on transition to a United Nations peace operation in Darfur
 - Security environment
 - Continued hostilities between parties to the conflict in Darfur
 - Increase in inter-tribal conflict and disputes
 - Incursions by armed elements across Chad-Sudan border (both directions)
 - Raised general level of insecurity and lawlessness
 - Hostile acts committed against AMIS personnel
 - Now two 'active' ceasefire agreements
 - Relevant provisions of DPA
 - N'Djamena Ceasefire Agreement (April 2004)
- **Relations between Chad and the Sudan**

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Programme of Work

December 2006 to April 2007

- **Panel commenced work in mid-December 2006**
- **Re-established base of operations in Addis Ababa early January**
- **Three missions to the Sudan (Khartoum; El-Fasher and other locations in Darfur) since commencing work**
 - 10 – 31 January
 - 23 February – 12 March
 - 21 – 28 March
- **Two missions to Chad (N'Djamena and Abeche)**
 - 6 – 10 February
 - 20 – 24 March
- **Other travel in pursuit of the Panel's mandate**
 - For meetings, consultations and investigative work
 - Kenya; South Africa; United Arab Emirates; select locations in Europe

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Review of Methodology and Working Principles

- **Continued refinement of methodology**
- **Methodology uses a combined process-tracing and case study methodology**
 - Elements include
 - Extensive literature and data review
 - Field investigations and interviews
 - Collection and collation of data and documentation
 - Validation and verification of data/information
 - Analysis of information, data and evidence
 - Presentation of findings and development of recommendation
- **Continued requirement for a minimum of two independent, reliable and verifiable sources as a standard for investigative findings**
- **Panel continued its work according to principles of confidentiality, impartiality, transparency and assessment of evidence based on a substantial material body of evidence considered “on the balance of probabilities”**

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Summary of Areas of Investigation and Monitoring

- **Substantive task areas for the work of the Panel:**
 - Assist the Committee in monitoring implementation of the **ARMS EMBARGO**
 - Assist the Committee in monitoring implementation of **TARGETED FINANCIAL AND TRAVEL-RELATED SANCTIONS**
 - **PROVIDE 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 IHL, IHRL
 - Commit other atrocities
 - [Violate the arms embargo]
 - Are responsible for offensive military overflights
 - Make recommendations on courses of action Council may want to take

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Findings I

Monitoring Implementation of the Arms Embargo

- **Violations of the Arms Embargo: Non-State Armed Groups**
 - Continued inflow of arms, ammunition, vehicles to non-state armed groups operating in Darfur
 - Ongoing investigations concerning,
 - Supply of new vehicles
 - Supply of large consignment of arms and ammunition to one non-state armed group
 - Equipment captured by Government of the Sudan during military engagements with particular groups:



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[Findings I](#)



Monitoring Implementation of the Arms Embargo (Continued ...)

- **Violations of the Arms Embargo: Non-State Armed Groups**

- Equipment captured by Government of the Sudan during military engagements with particular groups:



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[Findings I](#)



Monitoring Implementation of the Arms Embargo (Continued ...)

- **Violations of the Arms Embargo: Government of the Sudan**

- Deployment of military equipment to Western Darfur
 - 24 February 2007: crash of Antonov AN-12 aircraft (reg. ST-AQE) at El-Geneina airport; owned by United Arab Airlines; Operated by AZZA transport
 - Cargo included two D-22 type 122-mm artillery howitzers, 40-50 wooden boxes suspected of containing arms and ammunition
 - Cargo subsequently offloaded by Sudanese Armed Forces
 - Delivery of artillery pieces mentioned in letter from GoS to AUCFC on 26 February



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Findings I

**Monitoring Implementation of the Arms Embargo
(Continued ...)**

● **Violations of the Arms Embargo: Government of the Sudan**

- Deployment of military aircraft to Southern Darfur
 - Reported to Committee in mid-February, Case Report M4-2
 - Deployment of aircraft by GoS subsequently mentioned in GoS letter to AUCFC

Aircraft # 402 & 403 arrived 10 January 2007



Aircraft # 410 arrived 30 January 2007 (upper left)



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Findings I

**Monitoring Implementation of the Arms Embargo
(Continued ...)**

● **Violations of the Arms Embargo: Government of the Sudan**

- Deployment and operation of military attack helicopters in Darfur



Khartoum, 28 January 2007

El-Fasher,
26 February 2007



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Customs and Border Control Measures

- **No tangible border control on the ground between Sudan and Chad due to continued conflict**
- **Govt. of the Sudan anti-smuggling unit seized weapons and ammunition, some of which were seized in Darfur**
- **Efforts by the Sudan, Libya and Chad to improve border control along shared borders**
 - Tripoli Accord, February 2006
 - Article 7 proposes implementation of a border control force and border control checkpoints, not yet implemented
- **Increased incidence of hijacking of vehicles and trans-shipment into neighboring states**
 - Provides source of revenue for non-state armed groups

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Findings II

Monitoring Implementation of the Financial Sanctions and Travel Ban

- **Implementation of Security Council resolution 1672 (2006)**
 - Government of the Sudan
 - Committee established to see how resolution could be implemented
 - According to GoS, 2 of designated individuals not Sudanese nationals
 - Government of Chad
 - Ministry of Justice: Resolution has not yet been implemented by the Government; Implementation will be examined (by Ministry of Justice)
- **Note verbale to all states on 24 November 2006 encouraging provision of additional information**
- **Panel is planning visits to regional states in May – June 2007 to monitor implementation of resolution 1672 (2006)**

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Findings III – A
**Information on Individuals Who Impede the Peace
 Process - Criteria**

● **Revised categories of acts that may impede the peace process**

| | |
|---------------|--|
| Category I | A) Consistent, wilful and systematic violations of DPA, NHCA B) Failure of belligerents other than parties to the Darfur Peace Agreement or N'Djamena Ceasefire Agreement operating in Darfur (e.g. non-state militia groups) to cease hostilities |
| Category II | Acts intended to obstruct or prevent UN and/or AU peace initiatives in Darfur |
| Category III | Failure of the Government of the Sudan to identify, neutralize and disarm armed militia groups |
| 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 UN personnel; other acts intended to impede or frustrate AMIS/UN/CFC 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 DPA, the N'Djamena Ceasefire 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 DPA and/or other UN, AU sponsored/mediated agreements, protocols |



Findings III – A
**Information on Individuals Who Impede the Peace
 Process – Highlights**

● **Foremost among acts that impede peace process**

1. Ongoing hostilities and military operations in Darfur
2. Lack of progress in the disarmament of armed militia groups in Darfur
3. Increased fragmentation and factionalism among select non-State armed groups
4. Impediments to the work of the African Union and the United Nations in Darfur
5. Incursion by armed elements across the border between the Sudan and Chad

Findings III – A



Acts That Impede the Peace Process

On-going Hostilities in Darfur
Lack of Progress in Disarming Non-State Armed Groups

- **Military operations and attacks by Govt. of the Sudan against non-signatories to the DPA**
- **Attacks within the territory of Chad by groups based- or seeking safe haven in Darfur**
- **Ongoing fighting between militia groups aligned with various tribes**
- **Attacks against AMIS personnel**
- **Lack of progress by Government of the Sudan in taking action to identify, disarm and neutralize armed militia groups in Darfur**

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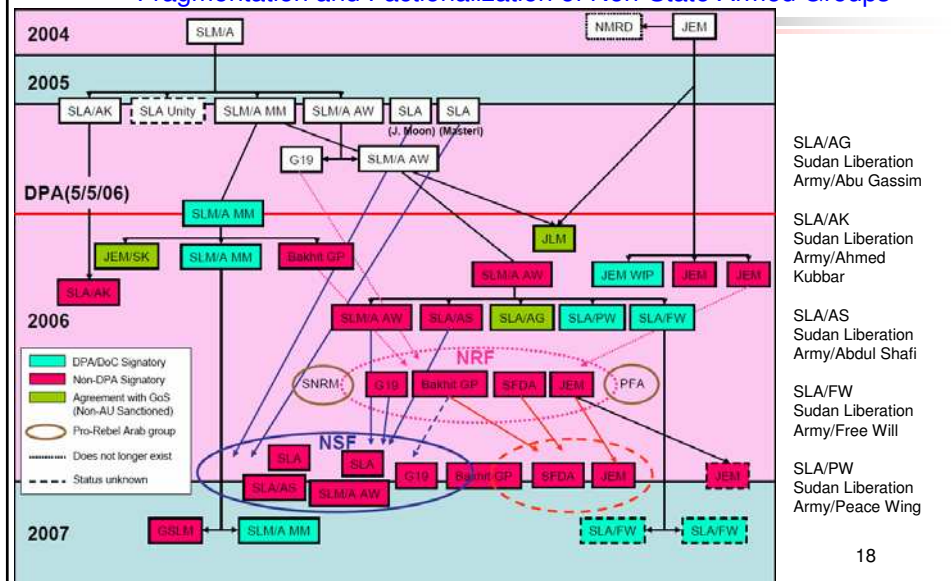
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Findings III – A



Acts That Impede the Peace Process

Fragmentation and Factionalization of Non-State Armed Groups



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Findings III – A

Acts That Impede the Peace Process

- **Use of White Aircraft with “UN” Markings by Armed Forces of the Government of the Sudan**

SAF AN-26 #7705 parked at El Fasher military apron next to rows of bombs 7 March 2007, with UN markings on top left wing.



SAF AN-26 #7705 parked at El Fasher military apron 27 March 2007, with UN markings on top left wing.



Findings III – A

Acts That Impede the Peace Process

Impediments to the Work of AU and UN

- **Attacks against AMIS personnel**

- Panel case studies on,
 - Attack on 19 August 2006; AMIS escorted fuel convoy; 3 AMIS PF members killed
 - Attack against AMIS personnel, Gereida (S. Darfur), 5 March 2007; 3 AMIS personnel killed
 - Killing of 5 AMIS PF members, Umm Baru, 1 April 2007





Findings III – B

Information on individuals who commit violations of IHL and IHRL

- **Continued widespread violations of IHL by parties to the conflict in Darfur, including**
 - Indiscriminate and intentional attacks against civilians and civilian objects
 - Failure to take adequate precautions to prevent civilian casualties
 - Harassment, obstruction and denial of free passage to humanitarian goods and supplies
 - Execution and ill-treatment of prisoners
 - Instances of rape and other forms of sexual violence



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Findings III – B

Information on individuals who commit violations of IHL and IHRL (cont ...)

- **Case studies under investigation**

| Case | Date | Location | Summary Description |
|------|-------------------------|--|--|
| 17 | August 2006 | Buram [villages in Buram area], South Darfur | Attacks directed against a number of villages in the Buram area which resulted in the killing of civilians and the destruction and looting of civilian property |
| 18 | October – December 2006 | Abu Sikin, North Darfur | Attacks directed against a number of villages in the Abu Sikin area which resulted in the killing of civilians and destruction of civilian property |
| 19 | 29 October 2006 | Jebel Moon, West Darfur | Attacks directed against a number of villages and an IDP camp in the Jebel Moon area which resulted in the killing of civilians and destruction of civilian property |
| 20 | November 2006 | Sirba, West Darfur | Attack on Sirba village/vicinity which resulted in the killing of civilians and destruction of civilian property |

- **Other cases include:**
 - Attacks and hostilities in East Jebel Marra; Gereida etc.



Main Observations & Recommendations

- **Committee should consider information previously provided by the Panel on individuals in the various categories identified in SCR 1591 (2005)**
 - Confidential Annex and Supplementary Information
 - December 2005 and March 2006
 - Confidential Annex
 - September 2006
- ... **with a view to designating additional individuals**

- **Committee should review recommendations presented in previous reports to the Committee and Council, on:**
 - Enhancing the arms embargo
 - Enhancing monitoring and implementation of targeted financial and travel-related sanctions
 - Designation of individuals
 - No-fly zone

- **Council and Committee action can complement and therefore enhance peace initiatives rather than counteract them**
 - Provides disincentives to spoilers (those who wish to impede the peace process)