

Kalma Outrage Victims Demand Investigation

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They say an ICC probe would deter further attacks on the internal refugee camp. Victims of a brutal attack on a Darfur camp for displaced people, in which over 30 civilians were killed and scores more injured, are calling on the International Criminal Court, ICC, to investigate the outrage.

In August, Sudanese government, GoS, forces and allied janjaweed militias are reported to have surrounded the Kalma camp near Nyala in south Darfur, before allegedly pounding it with machine-gun fire, in an apparent bid to root out rebels they believed to be stashing weapons there.

Kalma is one of the largest internal refugee camps in Darfur, housing about 90,000 displaced people, or IDPs. Those who survived the attack, like Mariam Ishak, want the ICC to launch a thorough investigation, and hold the perpetrators to account.

“I want the ICC to punish these criminals and stop their crimes so that we [can] live in peace like any human being,” said Ishak.

The woman described scenes of terror during the onslaught, which lasted for two hours.

“I looked outside and saw men in uniform with rifles shouting and shooting indiscriminately at people. They just wanted to kill people. A few metres from our shelter, I saw a very small child covered with blood and lying helpless; he was dying after being shot.

“I approached to help him, but my husband didn't let me; afraid that I could become another victim. The shooting was so intense; flying bullets filled the air. It was hell. When the armed men left, the child was already dead.

“We buried him with the other victims the same day. I [will] never forget that horror for the rest of [my] life.”

If the perpetrators know they are watched by the ICC and could be held responsible for their actions, they will not dare attack again, said Ishak.

“They are doing this to us because they believe no one will ever charge them with anything. No more waiting, please – we are dying. Five years is enough,” she said.

ICC prosecutors are aware of the attack, and during a briefing in early December, chief prosecutor Luis Moreno-Ocampo raised the matter with the United Nations Security Council, UNSC.

“On 25 August in Kalma, Sudanese government forces entered the camp, reportedly to disarm IDPs, killed

31 displaced persons and wounded 65," he said.

"In the confrontation... GoS forces were heavily armed and IDPs, mostly belonging to the Fur group, carried sticks and spears."

Moreno-Ocampo told the UNSC that he had written to the GoS in September, asking whether national investigations or prosecutions were planned or underway in relation to the attack, but had received no response.

Instead, he said, genocide continues in Darfur, and "women and girls are still raped systematically in and around the camps. This is happening now.... Youths are killed if leaving the camps".

The chief prosecutor told journalists from Radio Darfur that the Kalma camp attack was similar to many others which have taken place since the conflict broke out in 2003.

"Some 2,000 pro-government forces entered the camp and started shooting civilians. They did [this] the same way as they did elsewhere in Darfur - go to villages and target innocent civilians. I have asked the Sudanese government for more information. How that happened and who was behind it," he said.

Salih Osman, a lawyer and member of parliament, said the Kalma attack was one of the most notorious human rights violations to take place during the conflict.

He is calling for thorough investigations, and stressed that Sudan's own legal institutions are "not willing to bring to justice those who commit crimes".

The ICC can only investigate and prosecute war crimes if a country is unable or unwilling to do so itself.

Although the Darfur situation was referred to the ICC by the UNSC in 2005, Sudan has refused to cooperate with the court, insisting its own justice system is able to investigate and prosecute crimes committed in Darfur.

However, the country's justice initiatives are widely regarded as a sham and its authorities believed to be complicit in the atrocities. People in the Darfur towns of Nyala and Zalingi say special courts the government claims to have set up are not valid.

In May 2007, the ICC indicted humanitarian affairs minister Ahmed Harun, for orchestrating atrocities, and janjaweed leader Ali Kushayb, for working with Harun to force civilians from their homes and into camps.

Prosecutors have also asked judges to indict President Omar Al-Bashir for genocide, and three rebel leaders for an attack on peacekeepers.

Sudan, however, refuses to hand anyone over. It has now appointed international law firm Eversheds to

give advice on what it says are “efforts to bring to justice within the courts of Sudan those responsible for crimes within its jurisdiction”, and on international law relating to the ICC and the UNSC.

Meanwhile, Darfuris, who are fed up with empty talk and ongoing violence, are urging the ICC to take further action.

“People believe their lives [are] worth nothing; they die in big numbers every day and night but the world is doing nothing to help them,” said school teacher Assha Ismaiel from Algenena in west Darfur.

Ismaiel said the ICC should focus its investigation on the “government and its militias who turn the life of the innocent people of Darfur [into] hell”.

Ali Dawood, from the Abu Shouk camp in Al-Fashir, north Darfur, says that while Harun remains in his post, the plight of Darfuris will not change.

Harun – accused of coordinating murders, rapes, torture, forced displacement, and of resourcing and arming tens of thousands of janjaweed militiamen – remains minister in charge of humanitarian affairs.

Dawood called upon the international community to apply pressure on Khartoum to remove him from his position.

“Harun is a criminal who should go and face justice but he is still in charge. If the world sends a clear and serious message to the government of Sudan and asks them to discharge Harun of his responsibilities, they would listen,” he said.

“But with these soft diplomatic policies, Harun can do whatever he wants; he can keep us in a big prison. There is always a food shortage in the camps; we are not getting enough diets. It’s a life of destitution.”

Dawood also criticised the peacekeeping force for Darfur, UNAMID, for failing to protect the IDPs.

“You hear people talking about UNAMID, but you don’t see any of its achievements; people are dying everywhere, and UNAMID can’t do anything,” he said.

“Relatives who survived the Kalma attack told me that UNAMID troops were watching when the government forces entered the camp and started shooting. People don’t expect a lot from them because they have nothing to offer.”

Noureddine Mezni, a spokesperson for UNAMID, said the force was trying its best to protect the civilians.

“The situation in the Kalma camp is improving. We have a presence seven days a week and are trying to build confidence with IDPs. We are organising patrols and escorting [women] when they go outside for firewood,” he said.

However, he admitted that troops were understaffed, under-equipped and under fire, “Our main objective is to protect [civilians] but we do not have enough troops to do the job, [and] we have been targeted by those who are armed on the ground.”

The Kalma camp representative said many survivors want to testify about their experiences at the ICC.

“They are afraid that the August attack could be repeated. The ICC should step up its efforts and add more criminals to the list,” he said.

Pointing to a fight which broke out between rival janjaweed leaders in northern Darfur, after they threatened to report each other to the ICC, the representative stressed that the court can work as a deterrent.

“I can tell you confidently that if the ICC declares an investigation into the August Kalma attack tomorrow, you will see no more attacks on the camp in the future. I am sure. Al-Bashir knows this and the janjaweed know this, and ICC should know this.”

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