

Concern Over Janjaweed Immunity

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Activists say Darfur militiamen absorbed into army to prevent them facing justice. By Tajeldin Abdhalla Adam, Assadig Mustafa Zakaria Musa, Simon Jennings and Katy Glassborow in Hilversum and Blake Evans-Pritchard in The Hague

Concerns are growing that members of the pro-government janjaweed militia who may have been implicated in atrocities in Darfur are being drafted into the army to make them immune from prosecution.

Rania Rajji, a Sudan researcher from human rights group Amnesty International, says there is strong evidence to suggest that men known to have belonged to the militia – which terrorised Darfuri villages – have been integrated into a military unit known as the Border Intelligence Guards.

Officially, this group takes its orders from the military intelligence unit of the national armed forces, and is mandated to gather intelligence information in Darfur.

But human rights group claim that its main aim is to shield criminals, such as former members of the janjaweed militia, from prosecution, since it is very hard for civilians to bring a case against military personnel.

In a report published in October 2009, a panel of experts from the United Nations agreed that some former tribal militias, including members of the janjaweed, have been absorbed into the Border Intelligence Guards.

The report also notes that the unit was initially set up in 2003 to repel the armed rebellion, and that landless Darfuris, trained and armed by the government, were recruited.

It is difficult to put a precise figure on the number of Border Intelligence Guards operating in the region, but UN reports suggest that they may number as many as 3,000.

In mid-January, members of the unit reportedly stormed a police station in Sirba, a village in west Darfur, to release two men who were being held on suspicion of attacking three boys and killing one of them.

Two men were killed in the gunfire, and the two imprisoned suspects managed to escape.

Witnesses at the scene claim that the assailants were members of the Border Intelligence Guards, and the two escaped suspects were driven away in their car.

Over the past few years, Amnesty International has documented a number of similar incidents, where members of the unit have allegedly been involved but rarely prosecuted.

Many ordinary Darfuris are also wary of the Border Intelligence Guards, viewing them as glorified janjaweed militiamen rather than a part of the armed forces.

"Because all the world started to speak about what the janjaweed has done... they changed the name from the janjaweed to Border Intelligence Guards," said one man, speaking on condition of anonymity, at the Gaga refugee camp in eastern Chad. "If international justice... asks... they can say there is no janjaweed, only border guards."

Darfuris who claim to have been victims of Border Intelligence Guards' violence complain that it is impossible to bring a case against them.

The lawyer for the victims in the Sirba attack, who did not want his name to be used, says that although a case was submitted to the civil court in El Geneina, a military committee intervened and ruled that no member of the armed forces was involved in the fatal shootings.

Bound by this ruling, the attorney general in El Geneina had no basis for further investigations of his own, added the lawyer.

"I can do nothing," he said. "The attorney general should have opened up an independent investigation,

not rely on the findings of the army investigation.”

Salih Mahmoud Osman, a Sudanese Communist Party member of parliament and human rights activist, insists that the Border Intelligence Guards have committed many abuses against civilians over the last few years and are not a legitimate part of the army.

“The issue of border guards was raised in parliament last year, after [an attack by] the border guards in El Fasher,” he said. “But no action was taken.”

Army spokesman Lieutenant-Colonel Khalid Alsawarmi rejects allegations that members of the army are immune from prosecution.

“The only recognised immunity in Sudan is the immunity of the politician, granted by the state,” he said. “There is no such a thing as military immunity. We categorically deny that our forces commit acts of aggression against civilians, [but] if that proved to be the case we would intervene and... deal with the suspect.”

Alsawarmi said there needs to be a proper investigation to establish whether those suspected of committing crimes in Darfur are border guards or not, rather than simply relying on hearsay.

“If we find they are indeed border guards, it is our responsibility to curb and punish them,” he said. “If the police for any reason say they cannot stop them from harming the people or violating their rights, they have to bring their complaints to the nearest military base so we can take action.”

But human rights groups question whether there is really enough political will to investigate or punish members of the Sudanese armed forces, if they are accused of criminal activity.

“We need a judicial system which is totally independent to carry out trials,” said Hafiz Mohammed from Justice Africa, an international NGO. “The problem is all the justice apparatus is controlled by the government.”

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