



American Model United Nations

**Historical Commission of Inquiry
of 2005**

**Report to the Historical Commission of Inquiry
of 2005 on International Commission of Inquiry
for Darfur**

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1 Summary of Investigation

2 While still located in New York City, we heard several testimonies. First, we heard from a Sudanese military
3 attach at the United Nations (UN) on 27 October 2004, though we requested to speak with the Sudanese Ambassador
4 to the UN. The main points of his testimony were the following: The attach emphasized the role of the Sudanese
5 military as keeping order against rebel encroachments. In reference to civilian casualties he said, "These are matters
6 that just happen in war." Regarding the activities of the Janjaweed militias, he listed the following:

- 7 Rape
- 8 Genital mutilation
- 9 Burning of villages

10 Although he confirmed these actions on the part of the Janjaweed, he denied any official support for the
11 militias, stating that the Sudanese government has provided "no funding, no food, no uniforms." In reference to
12 the actions of the Sudanese government, he stated that "bombs are rather indiscriminate," further emphasizing
13 his point that there is collateral damage. Next, on 2 November 2004, we heard from UN High Commissioner for
14 Refugees (UNHCR) Goodwill Ambassador Angelina Jolie, who testified as follows: "Attacks on aid workers have
15 been increasing."

16 There have been "terrible acts of genocide and injustice." This knowledge was based on her conversations
17 with people in refugee camps in Darfur. Additionally, she stated that she believes that the motivations for the attacks
18 are religiously and/or ethnically motivated. She was clear that her evidence is all anecdotal, rather than first hand
19 experience.

20 On 10 November 2004, we received a written statement from the Secretary of State of the United States of
21 America, Colin Powell which stated the following: "The United States collected the testimony of more than 1,100
22 Darfurian refugees currently in the neighboring state of Chad. Three quarters of those interviewed said that Sudanese
23 military forces were involved in the attacks which drove them from their homes, and that villages often experienced
24 multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it
25 impossible for villagers to return." He also included the definition of genocide found in the Genocide Convention of
26 1948.

27 He implicated both the Sudanese military and Janjaweed militias in the attacks on civilians and humanitarian
28 aid.

29 On that same day, we heard from a representative of Dr. Samantha Power, an expert on genocide and a
30 Harvard University faculty member. Her representative affirmed the integration of the Janjaweed into the Sudanese
31 police and military forces, based on her first-hand experiences in the region.

32 The Commission then moved its offices to Nairobi, Kenya on 18 November 2004. At that time the Commission
33 was made aware that the nations of Belarus, Russia, and China have provided weapons and military technology to the
34 Sudanese government. Additionally, the Commission was informed that the President of Security Council declined
35 to meet with the delegation from Darfurian rebel groups, based on the Council's agenda. The Commission also heard
36 from a representative of the African Union Mission in Darfur on the same day. Her testimony addressed the following
37 topics:

38 A significant lack of resources is limiting the ability of the AU to respond to and investigate the situation.

39 The AU has not been able to determine if the violence in the region has a specific target, because of limited
40 resources.

41 She also described her first-hand experiences with the forced relocation of families with children.

42 The representative indicated the presence of some level of dialogue between the Sudanese government and
43 rebel groups.

44 The representative stated that militias "are not what [she] would call hyper-organized," and she did not feel
45 "comfortable comparing it to a traditional military conflict."

46 The representative did not view the deployment of UN Peacekeepers as a viable option, but instead preferred
47 the deployment of further resources to preexisting humanitarian and investigative efforts.

48 The representative concluded that her testimony could not definitively represent the state of the situation
49 in Darfur, given the lack of resources and the enduring confusion on the ground.

50 Later that day, the Commission heard from a representative of the Sudanese government, who testified
51 as follows: He echoed the sentiments of the military attach the Commission spoke with on 27 October 2004. He
52 described potential crimes against humanity as "collateral damage" and "something that happens in war." He accused
53 the Janjaweed militias of committing crimes and blaming the Sudanese government, stating that the government
54 "[does] not have a connection to Janjaweed, and [feels] that should be made explicitly clear." Provided no clear
55 statement about measures to mitigate civilian casualties. The representative was unwilling to discuss specifics of
56 military strategy and action. He categorically denied any government involvement in the forced relocation of civilians
57 and stated that it falls under the definition of "ethnic cleansing, and that is something that [the government] is not
58 engaging in at all." The representative claimed that the government fully supports aid workers. Would not conclusively
59 deny that the Sudanese government had not considered utilizing Janjaweed forces, but rather stated that they had
60 no need to use the Janjaweed militias as an addition to the military.

61 On 27 November 2004, the Commission received word that the UNSC had adopted resolution 1574. Addi-
62 tionally, restrictions on humanitarian aid were lifted in western Darfur, and Libya lifted restrictions on humanitarian
63 aid for northern Darfur. The Commission then unanimously decided to temporarily relocate to Darfur to meet with
64 representatives of Doctors Without Borders (MSF) and of the rebel groups in the region.

65 On 2 December 2004, an AU officer traveling to investigate allegations by Sudanese rebels of attacks on an
66 occupied village, was wounded by an unidentified gunman. The Commission was also made aware of ceasefire talks
67 to take place in Abuja on 9 December 2004.

68 Later that day, the Commission heard from a doctor working with MSF. His testimony was as follows: He
69 has been in Darfur since March 2004, providing medical care, first at a mobile clinic, then at a stationary clinic,
70 due to an attack on the mobile clinic. The Sudanese government has "neither hindered nor helped" MSF. In reference
71 to the nature of the injuries he sees and treats, he stated that "there's always gruesome stuff," because "there's
72 been a lot of violence." He also explicitly mentioned several injuries including amputations and disembowelments.
73 He mentioned supplies still come in quarterly, but things occasionally "go missing" because "it's valuable stuff." He
74 was hesitant to comment on the politics of the conflict because it could put his team in a "bad situation." He also
75 provided anecdotal evidence that attacks on aid workers have increased in frequency over time.

76 On 15 December 2005, the Commission received word that the English charity Save the Children had
77 withdrawn from Darfur, because four of their personnel were killed. It is believed that two were killed by SPLM/A,
78 and the other two have not been attributed to any group. Sudan also released eight rebel prisoners in accordance
79 with the peace treaty signed on 9 November.

80 The Commission then heard from Colonel Abdallah Abdel Kerim, a military spokesperson of the SPLM/A,
81 who testified as follows: Described the efforts of the SPLM/A and JEM as defensive. Claimed that the Sudanese
82 government has violated the treaty of 9 November 2004. Claimed neglect of Darfur by the Sudanese government, no
83 resources for development. When questioned about official support of the Sudanese government for the Janjaweed, the
84 Colonel responded, "It seems they are [supporting the Janjaweed], as they are the group that are attacking civilians."
85 Accused the Sudanese government of war crimes. Stated that the government is bombing villages and civilian targets,
86 taking advantage of the rebels lack of an air force. Stated that the government is "attacking mainly the civilians that
87 support [SPLM/A and JEM]." Condemned attacks on aid workers.

88 The Commission heard testimony from Sheikh Musa Hilal, who is a recruiter on behalf of the militia groups
89 known as the Janjaweed, as well as a tribal leader in Darfur: He expressed displeasure with the term "Janjaweed"
90 stating that the term is derogatory, and claiming "we are not bandits, we are not thieves, we are not criminals."
91 Claimed the motive of the militias is to "protect" Arab people and protect the rule of law. "Stated that the Arab
92 people of the region are concerned the unrest and where it might lead. The militias "have signed up to support
93 the Sudanese government. "Stated no fewer than five times that the militias work with and are directed by the
94 Sudanese government in Khartoum." The forces are directed by President al-Bashir." The forces are organized and
95 directed by the president and we take all of our orders from Khartoum. When asked directly about claims made by
96 representatives of the Sudanese government that the militias are committing heinous war crimes and are in no way
97 associated with the government, he responded "I would tell you that we take our orders directly from the Sudanese
98 government." Also stated that these militia groups are directly commanded by Sudanese generals. When asked about
99 the issue of the displacement of massive numbers of civilians, he responded that "it [these events] would make sense
100 given the context of the instability of the region."

101 On 20 December 2004, the Commission returned to Nairobi, Kenya. AU Mission to Sudan suspended all air
102 operations because one of their helicopters came under fire. The rebels have perpetrated three attacks one on an oil
103 pumping station, one on a town, and one on a troop convoy. In response the Sudanese government has launched a
104 counterattack in southern Darfur and accused rebels of using a refugee camp as a base. The World Food Program
105 has withdrawn, and the UN has suspended all humanitarian operations in southern Darfur. 260,000 people are now
106 without their monthly food ration.

107 Sudanese government issued a written response the statements of the Janjaweed and other statements about
108 their conduct. Denies all connection and asks the Commission not to conflate militia activity with the actions of the
109 government. The Commission received another statement from the SPLM/A expressing condolences at the deaths
110 of the aid workers from Save the Children. A new rebel organization, the Sudanese National Movement for the
111 Eradication of Marginalization, claimed responsibility for these attacks.

112 2 Analysis and Conclusions

113 Regarding the bombing of villages and crimes against women and children:

114 Bombing of Civilians and Destruction of Villages:

115 The Commission heard many testimonies supporting the prevalence of bombing campaigns conducted by
116 the Sudanese government aimed at civilian targets in in Darfur. Sudanese military attach spoke of bombing by the
117 Sudanese government, as did the representative of Doctor Samantha Power, Human Rights Watch, and the repre-
118 sentative of the rebel groups SPLM/A and JEM. Their testimonies are contained above and spoke of comprehensive
119 neglect on part of the Sudanese government in preventing civilian casualties and even malicious targeting of Darfurian
120 civilians. The Commission thus concludes from this body of evidence that the Sudanese government, by means of its
121 air forces, are directly perpetrating these actions, to the extreme detriment of the people of Darfur. Statement from
122 the representative of Doctor Samantha Power mentioned that it "appears that the Janjaweed have been engaged
123 in burning villages from the ground." Amnesty International satellite data from the Mornay region of west Darfur,
124 home of the Fur and Masalit peoples, indicates that 44% of the villages in that area have been burned.

125 Crimes Against Women and Children

126 2002 report by the U.S. State Department by means of the Bureau of African Affairs entitled "Slavery,
127 Abduction, and Forced Servitude in Sudan" provides extensive background on the prevalence of slavery in Sudan to
128 the outbreak of the current civil war. Human Rights Watch received reports of rape in "roughly half the villages" they
129 surveyed, but the real number is likely much higher. Human Rights Watch directly blames the Janjaweed militias for
130 these actions. "The Janjaweed kill, rape, and pillage" with impunity." An Amnesty International study conducted
131 in 2004 reports that "thousands of women have been raped" within the territory in Darfur. The Sudanese military
132 attach reported that the Janjaweed had perpetrated acts of rape, femicide and genital mutilation. Broadly speaking,
133 these points have been completely confirmed by the testimony of the rebel colonel interviewed by the Commission.

134 Displacement and Relocation:

135 On 10 November of 2004, the Commission received a report of the abduction of ten children by rebel groups,
136 as reported by Sudanese state media. On the same day, U.S. Secretary of State Colin Powell's office released a written
137 statement on how villages are being burnt to the point that their Darfurian residents are completely unable to
138 return. They were destroyed by burning and shelling. Described the destruction of villages as a "coordinated effort"
139 by Janjaweed and Sudanese government. The African Union representative the Commission met with on 18 November
140 2004 witnessed first-hand the forced relocation of families with children. Human Rights Watch alleges widespread
141 "forced depopulation" of land belonging to the Fur, Masalit, and Zaghawa ethnic groups. References looting carried
142 about my Janjaweed is "part and parcel of a deliberate policy of forcible displacement." The ethnic makeup of the
143 region will be permanently altered if the large-scale displacement that has occurred is not urgently addressed and
144 reversed. Human Rights Watch discusses the repeated destruction of the same villages, the destruction of livestock,
145 the poisoning of water sources, and utterly destroyed all that can support life. Testimony collected by Amnesty
146 International provides extensive evidence on atrocities perpetrated by the Sudanese government and loyalist militias,
147 including the burning of civilians in their houses, alive. Note that these attackers arrived on horseback.

148 On the Definitive Ties Between the Janjaweed and the Sudanese Government:

149 Colin Powell's office, Doctor Samantha Power's representative, the Janjaweed representative, and the Colonel
150 representing the SPLM/A and JEM all agreed on the explicit collaboration of the Sudanese government with the
151 Janjaweed. Note that the Janjaweed were more comfortable speaking of this relationship. Both representatives of
152 the Sudanese government explicitly denied these ties, as did the written statement of the Sudanese government at
153 large, received 20 December 2004. However, the Janjaweed recruiter repeatedly stated that the Janjaweed militias
154 answered directly to, and received support from, the Sudanese government in Khartoum. Omar al-Bashir stated on
155 31 December 2003, in a speech, "We will use the army, the police, the mujahedeen, the Fursan, to get rid of the
156 rebellion." Fursan means "horsemen," the name the Janjaweed give to themselves.

157 Based on this body of evidence, the Commission can definitively accuse the Janjaweed militias of Sudan of
158 multiple counts of war crimes under the Rome Statute of the International Criminal Court. The Commission will also
159 offer the severest censure of the government of Sudan for contributing, directly and indirectly, to the perpetrators of
160 these crimes against humanity.

161 As such, the Commission of Inquiry on Darfur brings charges of the perpetration of the following crimes
162 against humanity:

163 Article Seven, Point A, Murder.

164 Article Seven, Point C, Enslavement.

165 Article Seven, Point D, Deportation of forcible transfer of population.

166 Article Seven, Point G, Rape.

167 Article Seven, Point H, Persecution of any identifiable group and collectivity etc.

168 Article Seven, Point K, Other inhumane acts of a similar character.

169 The Commission of Inquiry on Darfur finds indisputable evidence of collaboration between the Janjaweed
170 militias and the Sudanese government in perpetrating the war crimes as stated above.

171 Additionally, this Commission finds circumstantial evidence indicating that the SPLM/A and JEM have
172 chosen to attack aid workers and violate other international norms of just war.

173 **3 Recommendations to the Security Council**

174 The Commission fully supports the peace talks conducted in Abuja and commends the states and parties for
175 the work they have done and encourage further progress. Recommends immediate UN support for the African Union
176 Mission in Sudan, as per the recommendations of the Security Council, so that humanitarian aid may resume and
177 remedy the situation there. We suggest that the International Criminal Court immediately open an investigation into
178 the war crimes discussed above. We further urge the Security Council to quickly condemn the war crimes perpetrated
179 by the Janjaweed and the Sudanese government, and take all appropriate action to preserve peace and safeguard
180 human life.

181 **4 Interim Reports**

182 The Commission then moved its offices to Nairobi, Kenya on 18 November 2004. At that time the Commission
183 was made aware that the nations of Belarus, Russia, and China have provided weapons and military technology to the
184 Sudanese government. Additionally, the Commission was informed that the President of Security Council declined to
185 meet with the delegation from Darfurian rebel groups, based on the Council's agenda. The Commission has now also
186 heard from a representative of the African Union Mission in Darfur, who described the Mission's purpose as ensuring
187 the compliance of both the rebel groups and the Sudanese government with the peace accords. The representative
188 indicated that the primary need of the AU Mission is more resources and manpower. Additionally, she stated that
189 she has witnessed first-hand the forced relocation of families in Darfur.

190 To the Security Council:

191 The Commission has requested to speak with a number of representatives and witnesses to give testimony
192 on the situation in Darfur. We have requested leaders of militant groups, political and diplomatic representatives,
193 and various impartial third parties. We have heard from two witnesses, but at this time we wish to wait to report on
194 these testimonies until we are able to verify them, because we are still in the fact-finding stage of our investigation.
195 At this time no definitive conclusions can be drawn, and we will continue to hear testimony and work toward a
196 conclusion.

197 Appendix 2:Commission of Inquiry on Darfur 2005Second Interim Report to the Security Council:

198 On 10 November the Commission received information regarding an attack by rebels on a pilgrimage to
199 Mecca. There was also a separate event in which a Sudanese mayor and four Sudanese police officers were killed,
200 and ten children were abducted. Nevertheless, the Commission was pleased to hear of the two peace accords signed
201 in Abuja on 9 November. While still in New York City, the Commission received a statement from US Secretary of
202 State Colin Powell, who indicated collaboration between the Janjaweed and the Sudanese government, based on the
203 findings of a survey of more than 1,100 Darfurian refugees. The Commission also heard from a representative of Dr.
204 Samantha Power, who described the integration of the Janjaweed into the Sudanese police and military forces, based
205 on her first-hand experiences in the region.

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214 Appendix 3:Commission of Inquiry on Darfur 2005Interim Report 3, 2 December 2004To the Security Coun-
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