



## 安全理事会

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2017 年 12 月 28 日第 1591(2005)号决议所设苏丹问题专家小组给安全理事会主席的信

第 1591(2005)号决议所设专家小组谨根据第 2340(2017)号决议第 2 段的规定，随函转递小组最后工作报告。

专家小组于 2017 年 11 月 27 日向安全理事会关于苏丹的第 1591(2005)号决议所设委员会提交了本报告，委员会于 2017 年 12 月 28 日审议了报告。

请提请安全理事会注意本报告并将报告作为安理会文件分发为荷。

第 1591(2005)号决议所设苏丹  
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\* 由于技术原因于 2018 年 1 月 8 日重发。

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## 关于苏丹的第 1591(2005)号决议所设专家小组的最后报告

### 摘要

本报告所述期间为 2017 年 3 月 13 日至 11 月 17 日。专家小组根据任务授权继续监测达尔富尔及整个区域的事态发展。

在本报告所述期间，达尔富尔和平进程没有取得任何进展。几个主要反叛团体目前继续在利比亚和南苏丹开展活动，并与两地的利益攸关方建立了关系。

冲突中的主要事态发展是，5 月下旬达尔富尔的两个反叛团体，即苏丹解放军/明尼·米纳维派(苏解/米纳维派)和苏丹解放军/过渡委员会(苏解/过渡委员会)，联合开展行动，从南苏丹和利比亚的后方基地侵入达尔富尔。5 月 20 日，苏解/米纳维派和苏解/过渡委员会违反武器禁运，相互协调兵分两路入侵达尔富尔。政府安全部队与叛乱团体随即发生冲突并持续至 6 月初。安全部队缴获了大量军用物资，专家小组对部分物资进行了检查。此外，专家小组还调查了有关政府安全部队在冲突中违反国际人道主义法的报告。

5 月，专家小组前往达尔富尔访问，观察到专家小组之前报告的一些军用飞机和一些以前在达尔富尔不曾见过的飞机。政府未就在达尔富尔部署这些飞机向关于苏丹的第 1591(2005)号决议所设委员会提出豁免申请，违反了武器禁运。

7 月，政府在达尔富尔开展武器收缴运动。10 月下旬，政府向达尔富尔派出数千快速支援部队协助收缴工作。这次武装部署没有得到 1591 委员会豁免，因此违反了武器禁运。

最近数月安全方面发生一起重大事件，最臭名昭著的达尔富尔阿拉伯民兵领导人穆萨·希拉勒与政府之间的紧张关系升级，起因是政府开展武器收缴运动，并试图把希拉勒领导的边防卫队编入快速支援部队。专家小组正在密切监视这一情况的发展。

虽然冲突仅仅限于上述地区及杰贝勒马拉地区，但是达尔富尔的武装暴力、土匪行动和部族间暴力继续对平民，尤其是境内流离失所者构成严重威胁。2017 年记录的流离失所情况大大少于往年，但境内流离失所依然是达尔富尔恢复和平与稳定的重大挑战。2017 年对贫困人口的人道主义援助大为改善。

性暴力和性别暴力仍然普遍存在，并且因为有罪不罚和武器容易得到而变得更加严重。专家小组继续监测侵犯人权和严重虐待儿童行为，并收到了一些达尔富尔反叛团体招募使用儿童的报告。

专家小组收到多份苏丹政府当局对达尔富尔大学生过度使用武力和任意逮捕的报告。专家小组并记录了侵犯达尔富尔学生言论、结社和集会自由权的情况。

在本次任务期间，专家小组调查了达尔富尔的移民偷运情况，认为这是一个涉及各个方面的问题，并在本报告中详细介绍了所涉及的达尔富尔武装行为体、移民遭受虐待、达尔富尔移民偷运路线等问题。

达尔富尔反叛团体通过在利比亚和南苏丹的雇佣军和犯罪活动以及在达尔富尔的犯罪活动，为其活动提供资金。据报，某些公司和商业机构也源源不断地为这些团体提供收入。此外，达尔富尔反叛团体还参与非法跨界活动。

专家小组继续调查一些被指认人员违反旅行禁令和资产冻结的情况，并查明一起违反旅行禁令案例。此外，专家小组已经为更新三名被指认个人的识别资料采取步骤。

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\* 附件未经正式编辑，仅以原文分发。

## 一. 引言

1. 苏丹问题专家小组由安全理事会第 1591(2005)号决议设立。小组任期已多次延长，最近一次经第 2340(2017)号决议延长。专家小组任务授权和工作方法详见附件一。
2. 2017 年 3 月 2 日，秘书长任命下列专家为专家小组成员：托马斯·比夫沃里·旺加拉(肯尼亚，协调员，运输和海关专家)、文森·达拉克(法国，区域专家)、达妮埃拉·克拉韦茨·米兰达(智利，国际人道主义法专家)、沃伦·梅里亚先生(大不列颠及北爱尔兰联合王国，武器专家)、阿沛·库马尔·斯里瓦斯塔夫(印度，金融专家)(见 S/2017/188)。
3. 安全理事会在第 2340(2017)号决议中，要求专家小组至迟于 2018 年 1 月 12 日提供一份载有调查结果和建议的最后报告。本报告就是根据这一要求编写的。

## 二. 工作方案

4. 2017 年 3 月下半月，专家小组前往美利坚合众国会晤多名对话者，并继续处理与任务相关的问题。4 月初小组在纽约与关于苏丹的第 1591(2005)号决议所设委员会举行了介绍会，随后制定了工作方案以履行职责。小组成员还参加了与多个会员国代表举行的双边会议。
5. 在本报告所述期间，专家小组共进行了 40 次区域和国际访问，监测达尔富尔及整个地区的事态发展。小组先后访问了比利时、埃及、埃塞俄比亚、法国、意大利、肯尼亚、摩洛哥、荷兰、卡塔尔、南苏丹、瑞典、突尼斯、乌干达、联合王国和瑞士等国，跟踪与任务相关的线索。
6. 专家小组并四次访问苏丹。小组的第一次访问于 5 月 14 日至 26 日进行。在访问的头四天里，小组参加了委员会主席和若干委员会成员对苏丹的正式访问。7 月 30 日至 8 月 4 日，小组应苏丹政府要求访问苏丹，检查 5 月反叛分子入侵期间缴获的武器和物资。小组再于 9 月 3 日至 30 日和 10 月 18 日至 30 日两次访问苏丹。
7. 访问苏丹期间，专家小组在喀土穆和达尔富尔广泛会见了利益攸关方代表，包括政府机构和部委、联合国机构和其他国际机构、外交使团成员、民间社会团体、学术界、政党成员、《多哈达尔富尔和平文件》(《多哈文件》)签署团体、前反叛分子、移民、研究人员和地方社区领袖。在达尔富尔，小组对北南中西达尔富尔四州进行了实地考察。

## 三. 合作和业务环境

8. 在本报告所述期间，专家小组得到了苏丹政府以及会员国和联合国机构的积极合作。

## A. 苏丹政府

9. 专家小组继续与苏丹当局进行接触并开展工作，在各次访问和实地考察中得到了积极合作。但是，金融专家因苏丹当局拒发签证而在整个任期无法参加对苏丹的访问。签证方面，除协调员外，小组成员仍持一次有效签证访问苏丹，造成小组无法按时做访问计划，并使小组成员在苏丹实地执行任务的时间受到限制。小组向国家协调员提出获得多次入境签证问题，但被告知已经成立一个委员会审查国际工作人员的签证问题，并且签证问题将很快得到解决。

10. 专家小组还注意到，签发达尔富尔旅行证件的内部程序经常造成小组成员不能按计划前往达尔富尔。除 5 月的主席访问和 7 月至 8 月的武器检查之外，苏丹政府当局始终不愿在专家到达苏丹前办妥旅行证件。因此，专家不得不在喀土穆长时间等待。

## B. 会员国

11. 专家小组感谢会员国给予的合作。小组在访问中会晤了外交界成员，讨论各项决议的执行情况。小组还多次发出需要各国提供信息的请求(见附件二)，并希望会员国继续与小组合作及时作出回应。

12. 此外，专家小组一直跟踪一些会员国为执行制裁措施而采取的行动。2009 年以来，安理会连续在八项决议，包括第 2340(2017)号决议第 15 段中，鼓励并敦促全体会员国，包括该区域各国，向委员会报告为执行制裁措施而采取的行动。<sup>1</sup> 但是，这项规定没有得到普遍遵守。截至目前，仅有 36 个国家提交执行情况报告。该区域大多数国家仍未提交报告。

## C. 非洲联盟-联合国达尔富尔混合行动和其他联合国机构及国际实体

13. 专家小组对访问期间非洲联盟-联合国达尔富尔混合行动(达尔富尔混合行动)和其他联合国特派团提供的合作及后勤支持表示赞赏。在南苏丹，联合国南苏丹特派团(南苏丹特派团)提供了行政和后勤支持，并为专家工作提供便利。在突尼斯，联合国利比亚支助团(联利支助团)为小组工作提供支持。在上述访问期间，小组会晤了南苏丹特派团和联利支助团官员，讨论与任务相关的问题。最后，小组对联合国机构和其他国际机构提供的支持表示感谢，国际机构同意与专家进行交流，并共同详细分析专家任务的各个领域。

<sup>1</sup> 2009 年 10 月 13 日第 1891(2009)号决议，第 5 段；2010 年 10 月 14 日第 1945(2010)号决议，第 6 段；2012 年 2 月 17 日第 2035(2012)号决议，第 13 段；2013 年 2 月 14 日第 2091(2013)号决议，第 13 段；2014 年 2 月 13 日第 2138(2014)号决议，第 11 段；2015 年 2 月 12 日第 2200(2015)号决议，第 13 段；2016 年 2 月 10 日第 2265(2016)号决议，第 13 段；2017 年 2 月 8 日第 2340(2017)号决议，第 15 段。



## 四. 冲突动态

### A. 叛军从利比亚和南苏丹进入达尔富尔(2017 年 5 月至 6 月)

14. 在本报告所述期间,冲突的主要动态是 5 月下半月达尔富尔两个反叛团体——苏丹解放军/明尼·米纳维派(苏解/米纳维派)和苏丹解放军/过渡委员会(苏解/过渡委员会),从利比亚和南苏丹的后方基地联合侵入达尔富尔。两个团体随即与政府安全部队发生大规模冲突,这是正义与平等运动(正义运动)2015 年 4 月重返达尔富尔失败以来的首次冲突。侵入和有关冲突的详细情况载于附件三。

15. 苏解/米纳维派是达尔富尔历史上的三大反叛团体之一(其他为正义运动和苏丹解放军/阿卜杜勒·瓦希德派(苏解/瓦希德派),苏解/过渡委员会组建时间不长,知名度较低。因不满瓦希德的领导和战略,这个团体 2015 年脱离苏解/瓦希德派,成员以富尔人为主,目标是重组瓦希德派下的各路人马,推翻瓦希德,重振苏解/瓦希德派,恢复从前强大运动的显赫地位。截至 2017 年 5 月,苏解/过渡委员会人员大部在南苏丹境内,前主席 Nimir Abdel-Rahman、<sup>2</sup> 前总司令 Mohamed Adam Abdelsalam ‘Tarrada’<sup>3</sup> 及前副总司令 Saleh Abdulrahman 都在南苏丹境内,并有大约 30 辆汽车。<sup>4</sup> 该团体还在利比亚派驻人员。苏解/过渡委员会成立以来,一直与苏解/米纳维派保持密切合作。<sup>5</sup>

16. 侵入的主要政治目标是驳斥苏丹政府达尔富尔冲突结束已经实现和平的言论。<sup>6</sup> 侵入发生在达尔富尔混合行动缩编、讨论对美国制裁进行审查这一特别敏感的时期。苏解/米纳维派还要向苏丹政府和国际社会——特别是参与达尔富尔冲突调解工作的国家和机构表明,米纳维派武力尚存,谈判桌上应该受到更加认真的对待。另一个因素是,一些反叛分子表示,达尔富尔反叛团体在南苏丹身处恶劣环境。特别是,据报由于南苏丹政府施加压力驱赶反叛团体,苏解/过渡委员会被迫返回达尔富尔(见下文第 40 段)。

### B. 达尔富尔的乍得反叛团体

17. 6 月初,快速支援部队在北达尔富尔州追赶苏解/米纳维派部队途中,在 Ain Siro/Kutum 地区遭遇乍得反叛分子。专家小组从一些乍得反叛人员收集到的信息显示,该部是 Gerdi Abdallah 参谋长领导的抵抗力量联盟成员。<sup>7</sup> 在 2010 年乍得

<sup>2</sup> 一名有苏丹武装部队和大学教育背景的前苏解/瓦希德派发言人。

<sup>3</sup> “Tarrada”为苏解/瓦希德派前副总司令,是达尔富尔最有名的叛军指挥官之一。

<sup>4</sup> Nimir Abdel-Rahman 在入侵中,被捕,由 al-Hadi Idriss Yahia 接任主席,“Tarrada”在战斗中丧生, Saleh Jebel Si 接任总司令。

<sup>5</sup> 2015 年 2 月, Nimir Abdel-Rahman 与苏解/米纳维派签署了合作协议,一些消息来源报告,此后两个团体一直南苏丹和利比亚实地开展合作。

<sup>6</sup> 对反叛团体成员的访谈。

<sup>7</sup> Timan Erdimi 领导的一个以 Zaghawa 人为主的乍得反叛团体。

苏丹友好关系之前，联盟得到苏丹政府的支持，在达尔富尔安置人员，并在 Ain Siro 地区建有基地。在达尔富尔期间，联盟与苏解/米纳维派以及穆萨·希拉勒建立了良好关系。<sup>8</sup> 联盟人员现在在利比亚部署。

18. 关于 6 月北达尔富尔州境内的抵抗力量联盟部队，专家小组得到的解释说法不一。一些乍得反叛分子说，这些部队在北达尔富尔州建立了小规模后方基地，不属于苏解/米纳维派。其他消息来源则表示，联盟部队参加了苏解/米纳维派的入侵行动。联盟部队被快速支援部队追赶，在穆萨·希拉勒处安顿了数日并得到了补给，然后返回了利比亚。<sup>9</sup>

### C. 苏丹解放军/阿卜杜勒·瓦希德派

19. 在本报告所述期间，安全部队与苏解/瓦希德派在达尔富尔的冲突没有重大发展。据报在杰贝勒迈拉发生了几次小规模孤立事件，比如反叛分子于 4 月初在 Keila-Al Malam 道路上伏击安全部队。政府上一次于 2016 年 1 月至 4 月期间发起的大规模攻势迫使苏解/瓦希德派作战人员撤出了一些据点，进入了地势更高的山区，从此势力似乎大为减弱。那次进攻破坏了该团体的能力、限制了它的行动自由并切断了某些补给路线。该团体目前处于求生模式，没有意图或能力参与大规模行动，更详细的说明见附件四。

### D. 民兵

20. 若干武装民兵团体——他们大多数是阿拉伯裔，常被称为“金戈威德”——继续在达尔富尔开展行动，对达尔富尔 5 个州多地的法治和平民安全构成威胁。这违反了《多哈达尔富尔和平文件》第 67/399 条，其中规定政府必须解除所有武装民兵团体的武装。

21. 特别是，民兵团体在北达尔富尔的势力强大并控制着那里的大片领土，包括在库图姆、塔维拉、科尔马、凯卜卡比耶和尚吉尔托巴伊地区。这些团体是按不同部族组建起来的，很难对其进行控制。附件五提供了关于北达尔富尔各主要民兵的详细资料。

22. 据多名消息来源称，政府安全部队与当地一些民兵领导人建立了良好关系，并动员一些民兵作为代理人参加打击反叛分子的军事行动。<sup>10</sup> 根据行动需要，通常由苏丹武装部队军事情报部门或国家情报和安全局的官员负责协调这些民兵团体参加行动。此外，根据不同消息来源，民兵有时与快速支援部队和边防卫队等官方准军事部队一道开展行动或被并入这些本身就主要由前阿拉伯民兵组成的部队。在安全部队或国家情报和安全局需要时，民兵参加快速支援部队的行

<sup>8</sup> 依据之一，两个团体的成员主要来自 Zaghawa 部族。

<sup>9</sup> Gerdi Abdallah 后来在利比亚死于车祸。

<sup>10</sup> 例如据一些消息来源称，一些阿拉伯部族民兵参与了 5 月和 6 月期间安全部队与反叛团体之间的最近一次战斗。

动并实施绝大多数的侵害平民行为，如抢掠村庄和牲畜、强奸和焚烧住宅。据消息来源称，目前的一项谅解是只要民兵参与行动，那么一旦行动结束他们就会抢掠村庄。

23. 据报，民兵已成为喀土穆政府中某些人关切的问题。政府当局自 2017 年 7 月以来开展了武器收缴运动，由副总统哈萨博·穆罕默德·阿卜杜勒·拉赫曼主持，其部分目的就是解除这些团体的武装。

## E. 穆萨·希拉勒因素

24. 在本报告所述期间，达尔富尔当地的一项重大安全动态是最臭名昭著的达尔富尔阿拉伯民兵领导人穆萨·希拉勒与政府之间的紧张关系加剧。特别是，武器收缴运动和政府拟把边防卫队并入快速支援部队的意图引发了矛盾。

25. 虽然边防卫队和快速支援部队这两支准军事部队都主要由达尔富尔阿拉伯民兵组成，但两者来自不同背景并互相对抗。边防卫队成立于 2003 年，当时政府试图赋予作为其代理的达尔富尔阿拉伯部族民兵正式地位。边防卫队成员主要是来自雷扎伊加特部落马哈米德分支的达尔富尔阿拉伯人(穆萨·希拉勒的分支)。尽管他们的行政地位尚不明确，但据报他们至少在纸面上受军事情报部门的领导。

26. 快速支援部队成立于 2013 年，当时政府面临达尔富尔和南科尔多凡州和青尼罗州(两个地区)反叛活动激增的情况。政府试图重新控制日益不安定的达尔富尔阿拉伯民兵，并新建一支与不可靠的穆萨·希拉勒相区别的准军事部队。快速支援部队的总人数据报在 3 万到 4 万人之间。他们中绝大多数来自达尔富尔阿拉伯部落；第一批人员主要是来自雷扎伊加特的马哈里亚分支的“Hemmeti”同族人(见下文第 27 段)。然而，招募范围近期已扩大至达尔富尔非洲部落(包括反叛分子中的叛逃者)以及达尔富尔以外地区，如南科尔多凡。快速支援部队最初隶属于国家情报和安全局，2017 年 1 月成为苏丹武装部队的一部分，但仍保持独特地位。

27. 穆萨·希拉勒作为边防卫队的实际指挥官，拒绝把边防卫队并入快速支援部队。希拉勒感到，政府拟把他的边防卫队并入快速支援部队，听从他的对手 Mohammed Hamdan Dagolo(又称“Hemmeti”)<sup>11</sup> 领导，是想要试图遏制他，因为他已脱离喀土穆的控制并对喀土穆持批评态度。在边防卫队地位问题上产生分歧的另一个原因是个人争斗，其中一方是穆萨·希拉勒，另一方是副总统哈萨博和“Hemmeti”(两人都来自马哈里亚而且交往密切)，双方争夺进入中央政府的机会和对达尔富尔阿拉伯社区的领导权。斗争还涉及部落地位和自我的问题。希拉勒认为自己是来自一个有影响力家族的部落领袖，而“Hemmeti”和哈萨博从未被赋予任何传统意义上的领导地位，因此政府应承认他是比“Hemmeti”和哈萨博更重要的人物。

<sup>11</sup> 前民兵领导人和边防卫队军官。

28. 一些达尔富尔阿拉伯政界人士和宗教领袖的调解工作未能解决穆萨·希拉勒与政府之间的僵局，双方之间的安全紧张关系日益加剧。9月下旬，快速支援部队的人员在利比亚边境拦截并杀死了17个希拉勒手下的人，政府指称他们是“人贩子”。<sup>12</sup> 11月初，穆萨·希拉勒同伙 Abdellah Razikalla(又称“Savanna”)<sup>13</sup> 的部队与快速支援部队发生局部冲突，导致“Savanna”在北达尔富尔的凯卜卡比耶附近被捕。

29. 政府还指控希拉勒与利比亚的哈利法·哈夫塔尔将军合作。<sup>14</sup> 尽管专家小组尚未确定存在这种合作，但达尔富尔阿拉伯社区的几个主要消息来源向小组报告，自希拉勒与苏丹政府的对峙开始以来，他试图在利比亚发展联系以获得支持。如上文所述(见第28段)，快速支援部队于9月下旬杀死了17个从利比亚返回的希拉勒手下的人，苏丹政府称他们是“人贩子”。北达尔富尔的一些阿拉伯消息来源则提出了不同说法，他们表示，希拉勒的人当时正从利比亚执行任务回来，任务目的是与驻利比亚的行为体建立联系，为今后可能与苏丹政府对抗做准备。据这些消息来源称，快速支援部队将这17名男子在沙漠中囚禁了两天，并在释放他们的谈判失败后处决了他们，据报此举是为了切断希拉勒与利比亚的联系。

30. 达尔富尔反叛团体热衷于利用希拉勒和苏丹政府之间的分歧。据消息灵通人士称，正义与平等运动和苏解/米纳维派最近接洽了希拉勒，希望建立军事联盟以对抗政府。他们讨论过在国外召开一次联席会议，由希拉勒的高级代表参加，以宣布结盟。然而，这些讨论尚未落实为任何军事合作。

31. 11月26日，<sup>15</sup> 穆萨·希拉勒的部队与安全部队在 Misteriha 地区爆发战斗。穆萨·希拉勒在战斗中被抓获。专家小组正在密切监测这一情况，因为它可能影响达尔富尔的安全局势。

## 五. 区域态势

### A. 区域关系

32. 乍得总统伊德里斯·代比·伊特诺继续是苏丹的可靠伙伴，与政府共同努力维持达尔富尔和两国边界地区的稳定。代比总统与奥马尔·哈桑·巴希尔总统之

<sup>12</sup> 《苏丹论坛报》，“Tribal tensions in North Darfur after killing of human traffickers by RSF militias”，26 September 2017。可查阅 [www.sudantribune.com/spip.php?article63607](http://www.sudantribune.com/spip.php?article63607)。

<sup>13</sup> Savanna，马哈米德前叛军指挥官，他在与政府达成一项安全安排后在东达尔富尔加入了苏丹武装部队。目前的解除武装运动开始后，他从苏丹武装部队叛逃，并加入了穆萨·希拉勒。

<sup>14</sup> 《苏丹论坛报》，“Sudan’s VP says Musa Hilal aides were recruiting fighters for Libya’s Haftar”，16 August 2017。可查阅 <http://sudantribune.com/spip.php?article63263>。

<sup>15</sup> 然这起事件的发生时间不在报告所述期间，但专家小组认为它足够重要，因此列入本报告。

间有良好、持续的对话。<sup>16</sup> 代比总统继续为了苏丹政府的利益，利用他的影响力、部落网络以及他在达尔富尔各团体中的个人关系来分化这些团体，说服他们的一些领导人和指挥官加入苏丹政府。近几月来，代比总统推动正义与平等运动干部 Abu-Bakr Hamid Nur<sup>17</sup> 参与喀土穆的政治进程，并支持 Nur 努力说服该运动的指挥官和干部与苏丹政府进行新的单独议和。2017 年 5 月 30 日，Nur 先生、Suleiman Jamous 先生<sup>18</sup> 以及正义与平等运动的其他叛逃者回到喀土穆与政府进行和平谈判。

33. 据几名消息来源称，代比总统对政府的达尔富尔政策有一个具体关切，即快速支援部队。他知道有许多乍得阿拉伯人、包括乍得反叛组织的前成员活跃在快速支援部队，他担心一些快速支援部队人员今后可能会介入乍得，比如加入或支持一个新的乍得阿拉伯反叛运动。<sup>19</sup>

34. 近几月来，卡塔尔与海湾国家之间的外交危机令区域关系出现了新态势，特别是在利比亚，这可能导致苏丹与乍得的关系紧张化。哈夫塔尔将军、乍得、埃及和阿拉伯联合酋长国正在结盟，以对抗利比亚米苏拉塔派、卡塔尔和土耳其。苏丹通常与米苏拉塔伊斯兰主义者和卡塔尔的关系较近，因此苏丹与乍得越来越趋于对立。与此同时，近期的重大安全事件表明，乍得和达尔富尔边界地区的局势依然动荡不安。<sup>20</sup> 两国政府必须确保在区域问题的分歧不会影响双边关系，特别是在边界地区的安全合作。

35. 在本报告所述期间，苏丹与埃及的关系紧张。两国关系从 2017 年初开始恶化，当时巴希尔总统对埃及当局、特别是情报部门提出了多项控告。这种口头上的紧张关系在 5 月份发生叛军侵入达尔富尔事件后进一步升级，当时巴希尔总统暗示埃及为反叛分子提供了武装。从埃及方面来说，该国安全部门认为苏丹在反恐问题上没有真正地与埃及合作。此外，两国在包括利比亚、尼罗河盆地和南苏丹等多个区域问题上的分歧也不断加大。

## B. 在南苏丹的达尔富尔反叛团体

### 1. 概况

36. 自 2011 年以来，达尔富尔反叛团体一直在南苏丹保持着重要和持续的军事存在。这些团体因此得以建立后方基地，并获得苏丹人民解放军(苏人解)在燃料、

<sup>16</sup> 例如 5 月 22 日，代比总统从沙特阿拉伯返回途中在喀土穆停留，据报是为了与巴希尔总统讨论在达尔富尔发生的叛军入侵事件。

<sup>17</sup> Nur 先生是正义与平等运动的组织和行政秘书。

<sup>18</sup> Jamous 先生是正义与平等运动的人道主义事务秘书。

<sup>19</sup> 快速支援部队指挥官“Hemmeti”所属部落于 1980 年代从乍得迁徙到达尔富尔。

<sup>20</sup> 例如 10 月下旬，据称来自乍得的扎格哈瓦武装人员在库尔布斯地区对阿拉伯牧民发动抢牛袭击，造成 7 名阿拉伯人和 19 名扎格哈瓦人死亡。这一事件造成了军事紧张局势，阿拉伯民兵和快速援助部队威胁要介入乍得以示报复。

食品、医疗和弹药等方面的支助。南苏丹政府在国内和区域政治中对达尔富尔反叛团体加以利用。鉴于自南苏丹独立以来两国之间的关系困难，南苏丹政府将达尔富尔反叛分子作为制衡喀土穆的杠杆。此外，苏人解将他们当作辅助手段，用于在 2013 年 12 月爆发的持续内战中打击南苏丹反叛分子。例如 2014 年，达尔富尔反叛团体与苏人解共同在团结州与南苏丹反叛分子作战。自 2014 年中旬以来，达尔富尔反叛团体大多位于西加扎勒河州一带。

37. 目前在南苏丹有多个达尔富尔反叛团体存在，比如正义与平等运动、该运动的一个分裂派别、苏解/米纳维派和苏解/过渡委员会。<sup>21</sup> 如附件六所述，这些团体的主力部队驻扎在拉贾镇(罗尔州首府)地区，在那里向安全部队和地方行政当局提供军事支助，以打击南苏丹叛军。

38. 正义与平等运动在南苏丹的存在规模远超过其他团体，其大部分资产(指挥官、部队、车辆和装备)位于南苏丹，并主要集中在拉贾地区。然而如附件七所述，该团体正在面临内部异议等难题，或将丧失军事相关性。

## 2. 与南苏丹当局的关系

39. 除了与拉贾地区的苏人解部队和当地政府达成安排之外，达尔富尔各团体还与位于朱巴的南苏丹政府保持关系，这种关系由南苏丹军方管理。在 2017 年 5 月被解职前担任苏人解总参谋长的 Paul Malong Awan 曾是负责与达尔富尔反叛分子维持关系的主要军官，包括负责由苏人解为这些团体提供支助以及开展军事合作。在苏人解内部，由军事情报部门<sup>22</sup> 和特别行动组(在总参谋长和军事情报部门领导下开展工作)负责与达尔富尔武装团体联络。据包括一些反叛团体人员在内的多名消息来源称，特别行动组负责人 Akol Majok(据报效忠于 Malong)是达尔富尔团体的主要联络人。

40. 自 2016 年底以来，苏丹政府和国际社会加大了对南苏丹政府的压力，要求南苏丹政府不再接纳和支持包括达尔富尔反叛分子在内的苏丹反叛团体。南苏丹当局迫切希望改善与喀土穆的关系，因此在公开声明中和私下都对达尔富尔各团体施压，以迫使其离开。例如，正义与平等运动领导人吉布里尔·易卜拉欣在 2017 年 2 月与专家小组的会议上表示，军事情报部门最近要求该团体撤出南苏丹。据多名反叛团体和南苏丹的消息来源称，2016 年 12 月，驻南苏丹的几名主要的达尔富尔指挥官<sup>23</sup> 被传唤到朱巴与苏人解当局举行会议，会上当局要求达尔富尔

<sup>21</sup> 自苏解/米纳维派和苏解/过渡委员会 5 月份侵入以来，他们在南苏丹的存在规模十分有限。

<sup>22</sup> 据报，2014 年 4 月 Malong 获任命之前，军事情报部门曾在与达尔富尔团体的关系中发挥主要作用。然而，Malong 上任后的介入增加，军事情报部门的影响力相应减弱。据苏人解消息来源称，Malong 把预算专用于他办公室的特别行动，剥夺了军事情报部门的大量资源，而这些资源曾被部分用于支援苏丹反叛团体。

<sup>23</sup> 包括正义与平等运动部队总司令 Siddiq Abderrahman “Bongo”将军、正义与平等运动总检察长 Mohamed Kulayb 以及苏解/过渡委员会总司令 Mohamed Adam Abdelsalam“Tarrada”。

各团体撤离该国。由于在各团体的撤离条件上存在分歧，这些团体的指挥官随后被软禁在朱巴，直到 2017 年 4 月。

41. 因此，达尔富尔反叛团体和南苏丹政府采取了具体步骤，安排把这些团体重新安置到南苏丹以外地区。4 月份“Tarrada”和其他指挥官获释后，苏解/米纳维派和苏解/过渡委员会 5 月份试图从拉贾地区返回达尔富尔。正义与平等运动和南苏丹当局还探讨了该运动从南苏丹转移到南科尔多凡的苏丹人民解放运动/北方局(苏人解运动/北方局)控制地区的可能性。据多名消息来源称，包括萨尔瓦·基尔总统在内的南苏丹政府在苏人解运动/北方局与达尔富尔各团体之间进行调解，以说服苏人解运动/北方局接受达尔富尔人返回到南科尔多凡。当时的苏人解运动/北方局领导人告诉专家小组，吉布里尔·易卜拉欣于 2016 年 12 月打电话给他们讨论这个问题。2017 年 2 月，吉布里尔·易卜拉欣告诉专家小组，经苏人解运动/北方局同意，正义与平等运动的大部分部队已从南苏丹转移到南科尔多凡。2017 年 10 月，正义与平等运动副主席 Ahmed Adam Bakhit 向专家小组解释说，正义与平等运动的主力部队目前位于 Jau 湖地区(南科尔多凡与南苏丹团结州接壤地区)。

42. 但是，专家小组无法证实这一转移确已发生。据不同消息来源称，正义与平等运动目前仍驻在南苏丹拉贾地区。苏人解运动/北方局代表和南科尔多凡民间社会表示，他们并不知道该区域有正义与平等运动存在。

## C. 达尔富尔反叛团体在利比亚的存在

### 1. 概况

43. 自 2015 年上半年以来，达尔富尔冲突和区域态势的一个重要发展是达尔富尔武装分子大量参与利比亚冲突。2010 年乍得与苏丹复交以及 2011 年卡扎菲政权垮台之后，达尔富尔各团体获得的外部支持减少。此外，由于 2014 年以来政府加大了快速援助部队参与的军事运动力度，这些团体在达尔富尔的存在变得日益困难。利比亚境内的持续冲突是达尔富尔反叛分子的生命线，为他们提供了建立后方基地、创造收入、获取现代化重型武器和招募新人员的机会。

44. 据不同消息来源称，达尔富尔反叛分子由于两种类型的联系而介入利比亚冲突。首先在地方一级，2015 年，来自利比亚南部的 Tebu 族民兵通过部落关系请求一些达尔富尔指挥官帮助他们在社区冲突中对抗库夫拉的 Zuwaya 阿拉伯人和 Ubari 的图阿雷格人。利比亚各派代表和达尔富尔各团体之间还有更高层的接触，促成这种接触的有时是曾在卡扎菲时代与达尔富尔各团体有过合作的前卡扎菲行动人员。

45. 在本报告所述期间，达尔富尔反叛团体与利比亚冲突各方一起开展行动，其中包括哈夫塔尔将军领导的利比亚国民军、伊斯兰各派系(米苏拉塔、班加西防卫旅)以及亲卡扎菲派——自赛义夫·伊斯兰·卡扎菲 2017 年 6 月获释以来，该派系已发展为一支独立力量。

46. 除其他行动外，达尔富尔作战人员参与了 2017 年 3 月班加西防卫旅在石油新月地带向利比亚国民军发起的军事行动。双方交火期间，达尔富尔作战人员从利比亚国民军叛逃，使班加西防卫旅得以短暂攻占 Sidra 和 Ras Lanuf。达尔富尔作战人员在 2017 年 6 月利比亚国民军对 Jufra 发起的进攻中发挥了重要作用，那次进攻使利比亚国民军得以控制该地区。据报，达尔富尔辅助力量参与了利比亚国民军 2017 年在班加西和德尔纳地区开展的行动。2017 年 9 月和 10 月，一批达尔富尔作战人员参加了一名亲卡扎菲利比亚指挥官在的黎波里地区开展的军事行动，该次行动以失败告终。在本报告所述期间，利比亚国民军将达尔富尔各团体作为安保部队，负责保护 Zella 和 Sarir 等偏远油田以及石油新月地带的运油码头。<sup>24</sup> 附件八详细介绍了各达尔富尔团体在利比亚的存在和活动。

## 2. 利比亚伙伴

47. 在实地，利比亚政治呈现出部族性、地方性和分散性，这意味着，为了取得进展，有全国议程的更大派别，如利比亚国民军、米苏拉塔或设在的黎波里的政府，可与地方部落和民兵结成联盟。往往，一些地方民兵或部族领导人在达尔富尔各团体和大派别之间充当中间人，经营与达尔富尔人的日常关系。这些地方强人往往只是与较大派别松散结盟，有自己的议程。最近出现了亲卡扎菲的独立一极，对前卡扎菲政权支持者很有吸引力，使得这种动荡局势进一步复杂化。专家小组得以确定几名利比亚人与达尔富尔各团体有关联，详见附件九至十。此外，附件十一所载利比亚国民军内部函件说明了国民军与达尔富尔团体之间的合作。

# 六. 政治进程及消除和平进程障碍的进展情况

## A. 和平进程

48. 在报告所述期间，和平进程停滞不前。未取得相关进展，政府与参与和谈的两个达尔富尔反叛团体(苏解/米纳维派和正义运动)之间未举行直接会谈。核心问题依然是，达尔富尔各团体对希望得到的政府职位和政策的期望<sup>25</sup> 超出了政府愿意为达成协议作出的让步。

### 1. 各方立场

49. 苏丹政府似乎不着急，没有达成协议的真正动力。政府普遍认为，达尔富尔局势现已受到控制，达尔富尔各团体受到了无可挽回的削弱。因此，政府只关心符合自己条款的协议，不愿意向反叛团体作出让步。此外，参与调解的国际社会大多数成员不大力敦促政府做出让步，因为他们普遍支持政府在各种区域事务中

<sup>24</sup> 一名当地消息来源报告说，自达尔富尔作战人员在 3 月份班加西防卫旅袭击石油新月地带时叛逃后，利比亚国民军已不再让他们保卫运油码头。

<sup>25</sup> 例如，关于达尔富尔的行政地位和赔偿冲突受害者问题。



的作用，日益将其视为一个合法伙伴。<sup>26</sup> 国际社会中有许多人对达尔富尔反叛团体感到失望，他们认为这些反叛团体不可靠，也不代表达尔富尔平民，这个情况让政府很是受用。

50. 苏解/米纳维派和正义运动都难以正视这样一个事实，即由于其军事地位不牢固，他们在政府和国际社会看来不太重要，因此不太可能获得有利待遇。此外，根据他们以往同政府打交道情况，他们不怎么信任政府真正致力于执行任何可能达成的协议，也不怎么信任他们认为持有偏见的一些调解者，特别是卡塔尔和姆贝基总统。因此，他们虽然继续参与和平倡议推动局势，但特别是通过介入利比亚冲突继续加强自己的军事能力。他们希望通过加强自己的军事力量，受到政府的认真对待，从而增加他们在谈判桌上的筹码。这样一来，若区域环境变化有利于自己或政权受到内部危机的影响，他们还可以进行武装斗争。

51. 这两个团体对和平进程问题的立场有细微差别。正义运动主席吉布里尔·易卜拉欣似乎更愿意就诸如《多哈达尔富尔和平文件》和卡塔尔调解等问题与政府达成妥协。<sup>27</sup>

52. 苏解/瓦希德派主席 Abdul Wahid al-Nour 仍无意参与当前的和平进程。2017年5月初，联合特别代表金斯利·马麻波拉会见了。根据联合特别代表及其团队的说法，Nour 先生同意在接下来几周发表一项声明，概述其和平观点和战略，并开始与达尔富尔混合行动小组着手拟定这一声明。然而，在5月与专家小组的一次会议上，Nour 先生否认作出这个承诺，迄今为止，尚未发布声明。这不是Nour 先生在调解者的敦促下第一次不情愿地同意采取步骤推动和平进程然后又改变主意。Nour 先生仍坚持要先满足某些先决条件，然后再加入和平进程，即解除亲政府阿拉伯民兵的武装、境内流离失所者享有真正的安保以及将土地归还给土地的合法拥有者，这些要求在这一阶段似乎并不现实。

## 2. 和平进程停滞不前

53. 非洲联盟高级别执行小组是处理达尔富尔和两个地区的冲突的国际公认机制。在报告所述期间，高级别执行小组的调解未取得进展。非盟高级别执行小组未能召集苏丹政府、苏解/米纳维派和正义运动(代表达尔富尔轨道)和苏丹人民解放运动/北方局(代表两个地区轨道)之间的新一轮会谈。这部分是由于苏丹人民解放运动/北方局的内部分歧，导致迟迟不举行和谈。然而，与非盟高级别执行小组本身有关的因素也限制了该小组对达尔富尔和平进程的影响，即姆贝基总统不能影响政府以及他与达尔富尔各团体互不信任。

54. 达尔富尔混合行动的任务是调解苏丹政府和达尔富尔各武装团体。5月和6月，联合特别代表与苏解/米纳维派和正义运动在巴黎举行会议，讨论和平进程的

<sup>26</sup> 反恐、偷运移民和贩运人口、南苏丹和也门等问题。

<sup>27</sup> 如附件七所示，这可表明正义运动此时在当地的军事地位不太牢固。

前进方向，并单独会晤了 Nour 先生。然而，由于达尔富尔混合行动还有其他任务且资源有限，因此，混合行动无法充分参与和平谈判。

55. 在报告所述期间，几个机构、会员国和组织参与了关于达尔富尔和平进程的各种举措和会议。尽管所有这些举措都有助于保持和平进程的活力和打破目前的僵局，但领导能力和协调有待提高。若未与非盟高级别执行小组和达尔富尔混合行动妥善协调，则这些举措可产生困惑，使得苏丹各方四处挑捡平台和采用拖延战术。鉴于美国有资源、有专门知识且可影响政府，美国目前似乎能更好地主导和平谈判。

56. 2011 年《多哈达尔富尔和平文件》的地位仍然是一个棘手问题，一方面，政府和卡塔尔政府认为该文件是今后会谈的基础，且难以捉摸，另一方面，苏解/米纳维派和正义运动从未签署该文件，他们要求提出新的进程，或至少重新审查该文件。苏解/米纳维派和正义运动在最后一次与国际社会接触时提出与政府讨论一个框架协议，以此作为恢复停止敌对行动会谈的初步步骤。然而，政府坚持认为，达尔富尔各团体必须首先承认《多哈达尔富尔和平文件》，把该文件作为今后政治讨论的基础。

57. 联合特别代表马麻波拉和美国等的一系列举措试图打破僵局。举行的会议产生了一些进展，各方同意，《多哈达尔富尔和平文件》可以增补议定书和附件。然而，这些议定书的范围和地位仍然是一个悬而未决的问题。

58. 此外，在卡塔尔问题上的外交危机使得达尔富尔各反叛团体一特别是一直敌视《多哈达尔富尔和平文件》和怀疑卡塔尔调解身份的苏解/米纳维派一有机会质疑该文件和卡塔尔的调解作用。达尔富尔各团体正在游说争取新的调解者，补充欧洲联盟和沙特阿拉伯卡塔尔和非洲联盟高级别执行小组的调解工作，希望新调解者会更加支持自己的要求。<sup>28</sup>

## B. 报告所述期间《多哈达尔富尔和平文件》执行情况

59. 2016 年 6 月，政府宣布充分执行了《多哈达尔富尔和平文件》。负责执行《多哈达尔富尔和平文件》的机构，即达尔富尔地区管理局，在 2016 年 9 月 7 日任期结束后予以解散。相关机构随后落实到位，以执行《多哈达尔富尔和平文件》余留措施。2017 年 1 月 6 日，巴希尔总统发布了一项法令，设立了以 Magdi Khalafalla 为首的达尔富尔和平后续工作办公室。1 月 17 日，巴希尔总统发布了一项法令，任命向达尔富尔和平后续工作办公室报告的六个委员会的负责人。<sup>29</sup>

<sup>28</sup> 与苏解/米纳维派谈判小组的访谈。

<sup>29</sup> 这六个委员会是：达尔富尔土地委员会；自愿回返和重新安置委员会；正义、真相与和解委员会；达尔富尔安保安排执行委员会；达尔富尔重建与发展基金。

60. 《多哈达尔富尔和平文件》签署方<sup>30</sup>就在多大程度上实施了该文件存在分歧。达尔富尔地区管理局前主席 El Tijane Sese 博士以及政府认为，该文件实施了 85%。其他签署方持更批判态度，认为该文件实施了不到 50%。<sup>31</sup>

61. 在该文件到期和达尔富尔地区管理局关闭时，该文件的执行情况有很大差异。例如，分享权力的政治安排顺利落实到位。针对各签署团体的安保安排也普遍得到执行，包括将前战斗人员纳入安保部队。然而，在几个关键议题上的实施情况缺失，其中包括境内流离失所者的回返和补偿、在行政管理中提高达尔富尔人的地位、解除亲政府民兵的武装，等等。

62. 在编写本报告时，负责执行《多哈达尔富尔和平文件》余留措施的六个委员会仍未运作，实际上削弱了苏丹政府履行《多哈达尔富尔和平文件》承诺的能力。各委员会的组织结构图尚未得到政府批准，工作人员尚未任命，预算也未分配。难以明确这是否是因为官僚程序缓慢、财政问题或苏丹政府没有兴趣执行其余措施。9 月，《多哈达尔富尔和平文件》签署团体与总理兼第一副总统巴克里·哈桑·萨利赫举行了一次会议以提出这一问题，并希望很快得到解决。

## 七. 减少违反武器禁运进展情况

### A. 违反武器禁运行为

63. 专家小组继续将重点放在监测和调查各项活动，以查明违反 2004 年 7 月 30 日安全理事会第 1556(2004)号决议实施的武器禁运行为。

#### 1. 在利比亚和南苏丹的达尔富尔反叛团体

64. 苏解/米纳维派、苏丹解放军/过渡委员会和正义运动在利比亚和南苏丹的存在和活动违反了武器禁运，这要求各国采取措施，防止本国国民向达尔富尔反叛团体出售或供应军火和有关物资或从本国领土向这些反叛团体提供援助(见第 1556(2004)号决议，第 7-8 段)。

65. 5 月，这一局势尤其严重，其时，大批叛军试图返回达尔富尔。返回达尔富尔的这种意图今后不会减少，利比亚和南苏丹的达尔富尔反叛团体的现有条件将继续为其提供必要的后勤资源在整个区域开展非法武装活动和武装冲突。

<sup>30</sup> 这些签署方有：苏丹政府；El Tijane Sese 博士的民族解放和正义党；Bahar Idriss Abu Garda 博士的解放与正义党；Bakheit Abdullah Abdelkarim Dabajo 的正义与平等运动/苏丹；Abulgasim Imam Elhaj 的苏丹解放军-第二次革命。

<sup>31</sup> 专家小组会见了该文件签署方各代表，包括所有签署团体的领导人和达尔富尔地区管理局的几名前部长。

## 2. 达尔富尔反叛团体 5 月入侵情况

66. 5 月 20 日，达尔富尔反叛团体的两个大型车队从利比亚和南苏丹进入达尔富尔，大量车辆、武器和弹药被运入达尔富尔。

67. 国家情报和安全局在入侵行为发生后立即向专家小组提供了图片，对这些图片的分析确定了下列与军火有关的物资，据称这些物资是叛乱车队与苏丹武装部队交战前或刚交战完后的一部分。由于缺乏数字图像的元数据，专家小组无法证实这些图像的地点或来源。这些物资包括：

- (a) 2 辆庞阿尔式 AML-245 装甲车，配有一挺 90 毫米枪炮
- (b) 8 辆斯特莱特美洲豹装甲车
- (c) 1 辆斯特莱特斯巴达装甲车
- (d) 多辆 4 轮驱动车(丰田越野车和水陆两用坦克)，装有各种重机枪(德什卡重机枪，77 型以及 W85 12.7 毫米、KPV 14.5 毫米和 ZU 23 毫米)，
- (e) 各种小武器和轻武器及相关弹药：
  - (一) 迫击炮-60 毫米、82 毫米和 120 毫米；
  - (二) 90 毫米 M79 黄蜂反坦克火箭发射器；
  - (三) 73 毫米 SPG-9 无后坐力炮；
  - (四) 火箭推进榴弹发射器 7(RPG-7)
  - (五) PK 和 PKM 7.62 毫米机枪；
  - (六) AKM、G3 和 FN FAL 7.62 毫米突击步枪。

68. 7 月 30 日和 8 月 4 日之间，苏丹政府当局邀请专家小组检查苏丹部队在 5 月发生入侵期间缴获的武器。检查内容包括，北达尔富尔副州长、州安全委员会和北达尔富尔国家情报和安全局局长于 8 月 1 日在法希尔通报情况。专家小组获悉，苏丹武装部队在入侵发生前收到了利比亚和南苏丹消息来源提供的情报，使得苏丹武装部队得以在远离平民城镇的偏远地点截击了反叛分子。苏丹武装部队还表示，他们只为侦察目的部署了军用飞机，并利用快速支助部队在实地与反叛部队作战。

69. 专家小组获悉，2017 年 6 月 5 日，苏丹武装部队公开展示了在法希尔缴获的物资，媒体和达尔富尔混合行动也受邀出席活动。国家情报和安全局向专家小组提供了这一展示的数字视频。对视频的分析揭示了下列有关物项：

- (a) 约 20 辆丰田四轮驱动车(各种型号的越野车和水陆两用坦克)；
- (b) 5 辆斯特莱特美洲豹装甲车；

- (c) 无后坐力 106 毫米步枪;
- (d) 107 毫米多管火箭发射器(可能是 63 型);
- (e) BM21 122 毫米火箭筒;
- (f) RGD-5 和 F-1 手榴弹;
- (g) NR PRB 434 枪榴弹。

70. 在法希尔听取情况通报后, 2017 年 8 月 3 日, 专家小组被带到喀土穆以南塔伊巴一处军事设施检查缴获的一些武器。苏丹武装部队驻塔伊巴代表解释说, 先前在法希尔展示的大多数缴获物资在展示后被搬至其他军事设施, 因此, 专家小组无法检查。代表还指出, 国家情报和安全局提供的照片中所见的达尔富尔反叛团体的剩余车辆和设备貌似连同逃脱抓捕的反叛分子已回到利比亚或南苏丹。

71. 专家小组对苏丹武装部队在塔伊巴设施展示的缴获物资进行了一次技术检查, 确定了以下相关物项:

(a) 5 辆斯特莱特美洲豹装甲车: 底盘编号-JTFLU71 J9F4324770(小武器轻微损坏); 底盘编号-JTFLC71 J3F4324702(小武器轻微损坏); 底盘编号- JTFLU71 J0F4324768(车体轻度损坏); 底盘编号- JTFLU71 J3F4324747(小武器中度损坏); 底盘编号-未知(小武器中度损害);

(b) 1 个 M-79 黄蜂 90 毫米反坦克火箭: 序列号-P-00643/90; 90 毫米 M79 反坦克火箭-批号 TB 8704;

(c) 1 个 9P135 系列反坦克制导弹发射器(北约称为 AT4 Spigot): 批号-03-76-MK;

(d) 1600 发 12.7 x 108 毫米穿甲燃烧曳光弹: 标印-阿拉伯埃及共和国, 工厂 27, 1986 年。

72. 专家小组要求各制造商提供信息以协助追查上述车辆, 目前正在等待答复。关于缴获车辆的更多调查详情见第 148-150 段。对照冲突军备研究数据库对 M79 火箭弹批号的分析显示可能同伊拉克有关, 因为数据库记录了批号类似的同样武器。专家小组尚未证实这一联系, 这个联系很小, 但可能表明武器从这一区域转手进入了达尔富尔。专家小组认为此时不宜追查其他所查物项的来源, 因为这些物项年份久远, 在该地区非常普遍, 而且, 缺乏直接将其与达尔富尔叛军入侵相联的证据。

73. 苏解/米纳维派和苏丹解放军/过渡委员会部队于 5 月将上述车辆、武器和相关物资转移到达尔富尔, 违反了军火禁运(第 1556(2004)号决议, 第 7 段; 第 1591(2005)号决议, 第 7 段)。

### 3. 冒犯性军事飞越

74. 在专家小组 2017 年 5 月访问达尔富尔期间，专家小组成员在法希尔机场看到了苏丹空军的资产，其中包括以前未报告的攻击直升机和运输直升机。该机场是与达尔富尔混合行动共同运营，可以清楚地看到苏丹武装部队的飞机在检修并为飞行任务做准备。2017 年 5 月 16 日和 24 日间，专家小组经常看到下列飞机：

(a) 2 架米格-29(尾翼编号 602 和 612)；

(b) 2 架 Su-25(未看到尾翼编号)；

(c) 3 架 Mil Mi-35(尾翼编号 902、912 和 965)，专家小组以前在达尔富尔未见过；

(d) Mil Mi-17(尾翼编号 549)，专家小组以前在达尔富尔未见过；

(e) 1 架安东诺夫 26 型飞机(未看到尾翼编号)

75. 这些飞机几次被看到部署和返回，尤其是在报告与反叛团体发生冲突期间。苏丹政府代表说，这些飞机在这些飞行任务中只用于侦察目的。专家小组于 2017 年 8 月、9 月和 10 月后续访问法希尔时未看到上述飞机，这表明，这一部署是为了直接应对叛军入侵造成的威胁。

76. 专家小组以前报告过这些飞机、相关弹药和在达尔富尔维护使用这些飞机违反了武器禁运(见 [S/2011/111](#)、[S/2013/79](#) 和 [S/2015/31](#))。专家小组的调查发现，快速喷气式飞机和直升机是 2005 年和 2012 年间从几个会员国购置的，有最终用户证书。

77. 苏丹武装部队未经 1591 委员会事先准许就将上述飞机转移到达尔富尔，违反了军火禁运(第 [1556\(2004\)](#)号决议，第 7 段；第 [1591\(2005\)](#)号决议，第 7 段)。

### 4. 向达尔富尔部署快速支援部队，进行解除武装行动

78. 苏丹政府消息来源称，10 月约有 10 000 名快速支援部队人员从苏丹其他地点部署到达尔富尔，以支持强制收缴民兵和平民的武器。增派部队是为了确保不论遇到多大的阻力，都能实现武器收缴。

79. 这一部署包括大约 1 000 辆车以及快速支援部队的小武器、重型武器、弹药和相关物资，专家小组认为，这些人员和物质已于 10 月从喀土穆周围的军事基地进行部署。<sup>32</sup> 2014 年，专家小组报告了违反武器禁运、从科尔多凡州向达尔富尔部署快速支援部队的类似情况(见 [S/2015/31](#))。专家小组从一个保密消息来源得到了从喀土穆部署到达尔富尔的快速支援部队车队的数字图片(见图一和二)。

<sup>32</sup> 在法希尔与苏丹政府官员举行的会议。

图一

驾驶满载装甲运兵车(可能是谢里夫 1 型变形车)的一支快速支援部队



图二

快速支援部队驾驶装甲运兵车(可能是谢里夫 1 型)开进达尔富尔



80. 谢里夫 1 型装甲运兵车是 BTR-70 和 BTR-80 在苏丹的变形车。斯德哥尔摩国际和平研究所数据库显示, 苏丹于 2009 年和 2010 年购置了 60 辆 BTR-60A, 据认为军事工业公司将其改装成了谢里夫 1 型。该数据库还显示, 苏丹于 2012 年购置了一辆 BTR-70, 2015 年购置了 28 辆 BTR-70。

81. 苏丹武装部队未经 1591 委员会事先核准将携带有车辆、武器和物资的快速支援部队调动到达尔富尔的作法违反了关于武器禁运的第 1556(2004)号决议第 7 段和第 1591(2005)号决议第 7 段。

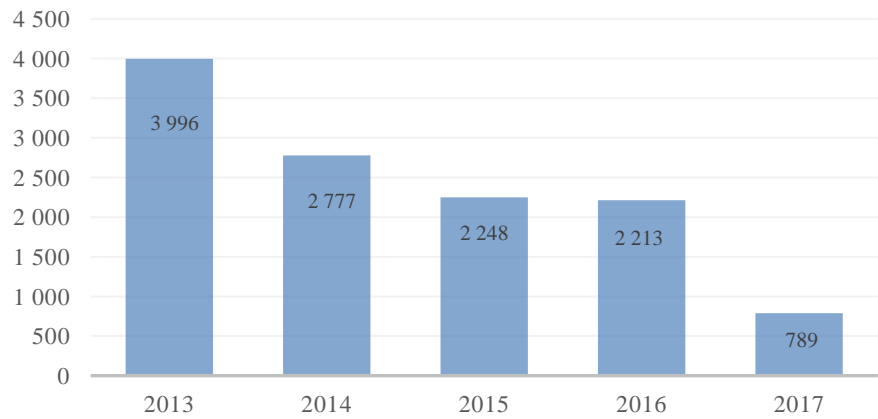


B. 监测达尔富尔的武装暴力情况

82. 通过分析 2017 年达尔富尔武装暴力情况报告发现，与前几年相比，平民伤亡显著减少，夏季决战行动停止，没有接到进攻性军事飞越的报告，苏丹政府作出更多的努力，以改善达尔富尔地区的内部安全。图三至五显示了根据各种媒体的报告，截至 10 月 31 日武装暴力趋势。

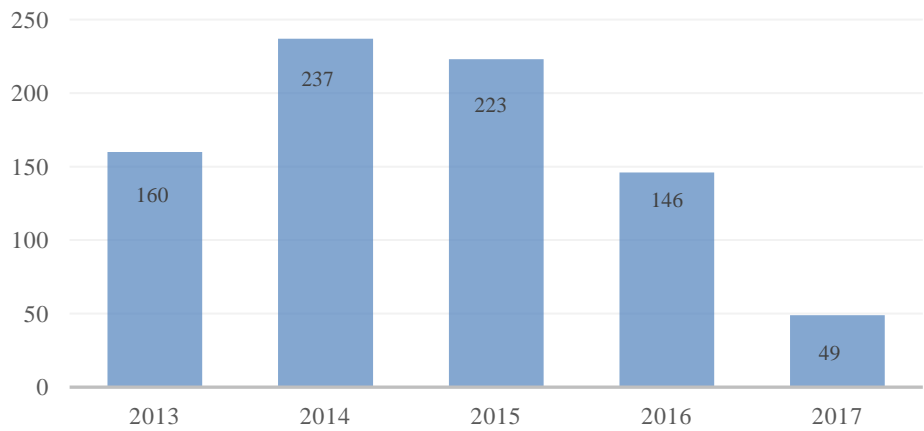
图三

2013-2017 年报告的达尔富尔武装暴力所致死亡人数



图四

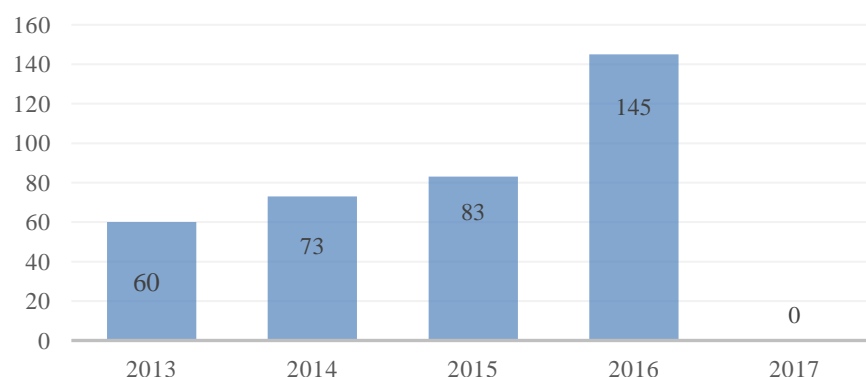
2013-2017 年报告的苏丹武装部队和达尔富尔反叛团体之间的武装冲突数量





图五

## 2013-2017 年报告的达尔富尔进攻性空袭数量



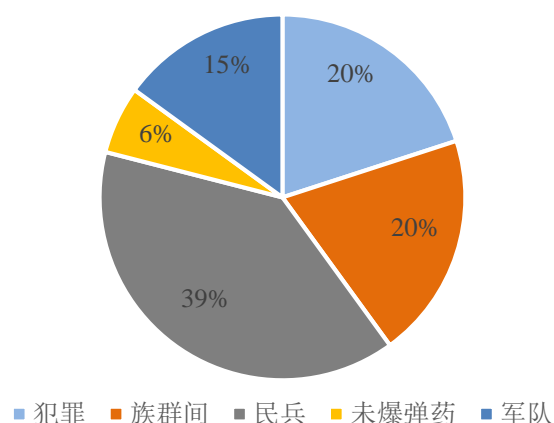
83. 专家小组详细研究了关于 2017 年全年达尔富尔武装暴力情况的公开报告，以查明趋势和分析对平民造成的影响。这一数据根据各种公开来源，例如传统媒体、社交媒体和人道主义和学术报告资料进行整理。在可能的情况下利用联合国各机构的补充报告和专家小组的实地考察所收集的信息对这一数据进行了证实。

84. 通过对公开报告进行趋势分析可以全面了解冲突动态，但是没有得出实际事件或伤亡总数。为便于报告，专家小组将报告的暴力事件分为以下几类：

- (a) 军队(15%)-涉及苏丹武装部队和达尔富尔反叛团体的武装暴力事件；
- (b) 民兵(39%)-民兵团体制造的武装暴力事件；
- (c) 族群间(20%)-族群间武装暴力事件；
- (d) 犯罪(20%)-个人或组织犯罪团伙制造的武装暴力事件；
- (e) 未爆弹药(6%)-涉及战争遗留爆炸物和弹药库意外爆炸的事件。

图六

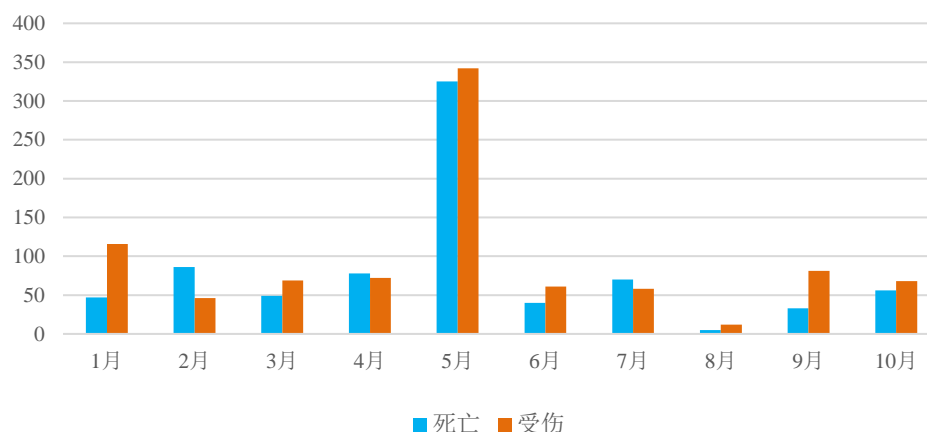
## 2017 年报告的达尔富尔武装暴力事件



85. 2017 年, 根据公开报告, 在达尔富尔总共发生了 321 起涉及小武器和轻武器的事件。据报, 这些事件共导致 789 人死亡, 925 人受伤, 包括犯罪或民兵武装暴力的平民受害者以及族群间武装冲突和军事行动的伤亡(见图七)。

图七

2017 年按月份开列的达尔富尔伤亡细目

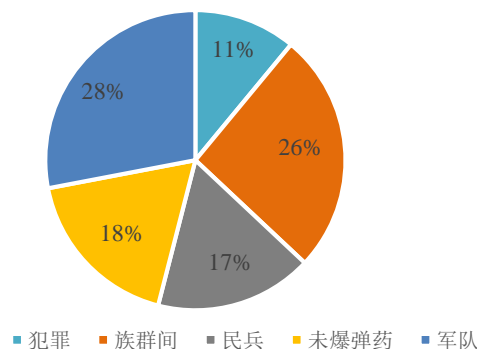


86. 如图八所示, 军事行动造成的伤亡几乎占有所有报告的伤亡人数的 28%。5 月的入侵(见上文第 67 段)是军事行动造成的报告伤亡的主要原因。尽管族群间事件的频率只占报告的与民兵相关事件的一半(见图七), 但造成的伤亡人数却高出许多。由于双方之间的报复性武装暴力, 族群间暴力事件可能长达几天或几周, 直到实现调解或解决。这方面的一个例子包括, 据报告米塞里亚部落和萨拉马特部落之间发生了冲突, 事件始于 5 月 16 日, 由偷盗牲畜引发, 持续到 5 月 23 日, 造成西达尔富尔州乌姆杜库姆地区 70 人死亡, 28 人受伤。

87. 民兵的暴力行为往往是以针对国内流离失所者的恐吓、抢劫或强奸等形式出现, 也有劫持或绑架行为, 但每起事件造成的伤亡往往是个位数。武装犯罪事件在城镇和境内流离失所者营地很常见, 每起事件的伤亡数字通常较小。2013 至 2017 年报告的此类事件大同小异。

图八

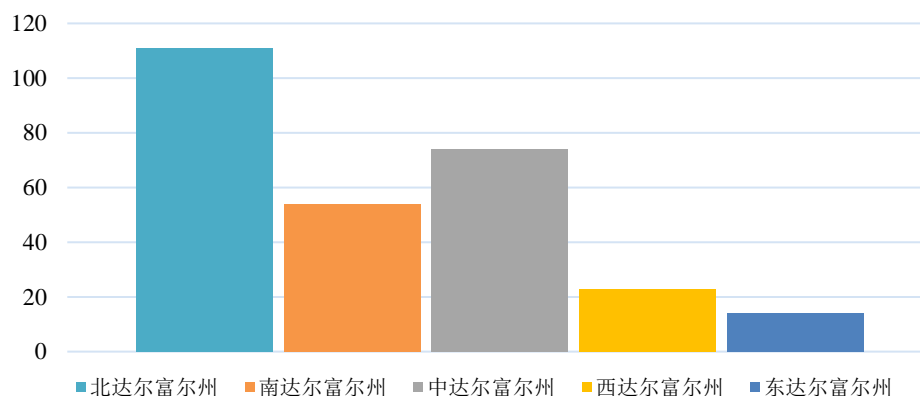
2017 年按事件类型开列的伤亡细目



88. 各州在 2017 年报告的武装暴力事件的数量差异很大。报告的武装暴力水平最高的是北达尔富尔州和中达尔富尔州，其次是南达尔富尔州，西达尔富尔州和东达尔富尔州。

图九

2017 年按州开列的达尔富尔武装暴力细目



89. 图九突出表明了最需要提供安全部队的地区。在西达尔富尔州，最近就扩大联合边境部队的能力和增加驻守的过境点问题达成了一致，以更好地应对族群间暴力和减少乍得和苏丹之间的贩运。

90. 2017 年迄今共报告了 18 起未爆弹药事件，造成 20 人死亡，279 人受伤，相当于达尔富尔报告的伤亡总数的近五分之一。随着更多的人返回前冲突地区，很可能会有更多的事件发生。在多年遭受炮击和空中轰炸的杰贝勒马拉赫等地区，儿童特别容易遭受未爆弹药的风险。达尔富尔混合行动爆炸物处理办公室正与苏丹政府密切合作，改善风险教育和清除战争遗留爆炸物。然而，这项任务是艰巨的，由于资金所限，爆炸物处理办公室可开展扫雷活动的队伍有限。

### C. 解除武装、复员和重返社会方案

91. 为期五年的全国解除武装、复员和重返社会方案于 2014 年通过总统令设立。这一举措符合《多哈达尔富尔和平文件》，最初得到几个国际合作伙伴的支持，其中包括非洲联盟、联合国开发计划署、达尔富尔混合行动和波恩国际中心。由第二副总统担任主席的苏丹解除武装、复员和重返社会方案委员会提供高级别的治理，区域技术委员会负责在实地开展方案。

92. 在该区域各地存在的小武器扩散被许多机构确定为达尔富尔安全局势的主要影响因素。<sup>33</sup> 2012 年，苏丹同区域伙伴和波恩国际中心进行了接触，以处理小武器的控制问题。这一倡议的成员包括利比亚、乍得、刚果民主共和国、中非共和国和南苏丹，称为小武器控制机制。

<sup>33</sup> 许多消息来源称，据估计，达尔富尔共有 200 万件小武器。

93. 苏丹解除武装、复员和重返社会方案的重点是发展族群参与以及让前战斗人员复员和为他们创造就业机会。就业机会主要集中在农业或采矿业，为想要创业者提供小额融资。2017 年 5 月，西达尔富尔州州长告知专家小组，该州曾经是受武装暴力影响最严重的地区之一，但现在局势比较稳定、和平。他说，作为在解除武装、复员和重返社会方案举措框架中实现族群发展的一个例子，地方当局正在建造 199 个返乡村，还计划建造 300 所学校，已经建造 40 个警察局和 15 个医疗中心，但仍然需要进行执法能力建设。然而，所有这些计划和举措完全依靠捐助者的资金和正在提供的国际援助。

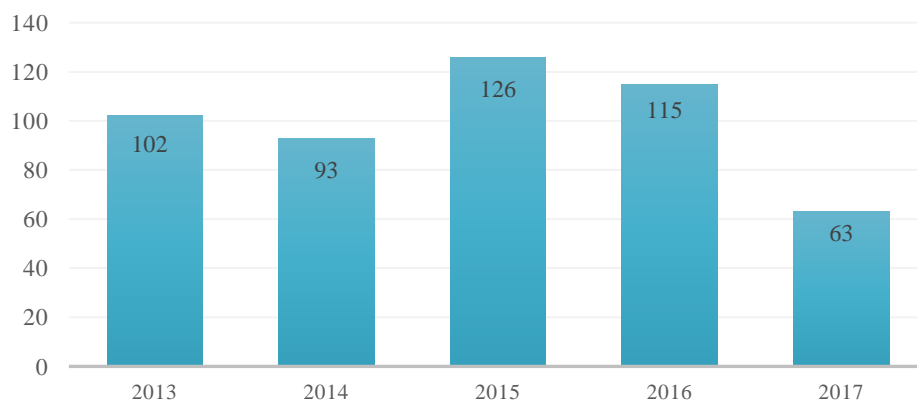
94. 由于《多哈达尔富尔和平文件》的各方缺乏参与，再加上资金不足和持续不断的暴力行为等，延了解除武装、复员和重返社会方案的进展。专家小组获悉，10 000 多名达尔富尔前战斗人员(目标为 30 000 人)已复员和解除武装。此外，苏丹政府当局称，已根据国际追查文书准则对 20 000 万多件武器进行了登记和标记。波恩国际中心于 2015 年编制了一份详细的报告，说明了有意支持该方案的国际捐助者所面临的潜在风险。<sup>34</sup> 从解除武装、复员和重返社会方案的角度来看，报告中提出的大多数问题似乎存在。

95. 2017 年，解除武装、复员和重返社会方案已扩大到民间武器管制和解除达尔富尔所有民兵和平民的武装，其目的是减少武装暴力肆虐的情况和加强法治。苏丹政府当局在同专家小组举行的许多会议上表示，它们正在抓紧努力，通过举行部落团体之间的谈判和利用安全部队缓和族群之间的紧张关系来减少武装暴力，并实行法治。

96. 2017 年，族群间武装暴力事件似乎大大减少(见图十)，部分原因可能是苏丹政府为遏制和调解部落争端作出了努力。

图十

2013-2017 年族群间武装暴力事件

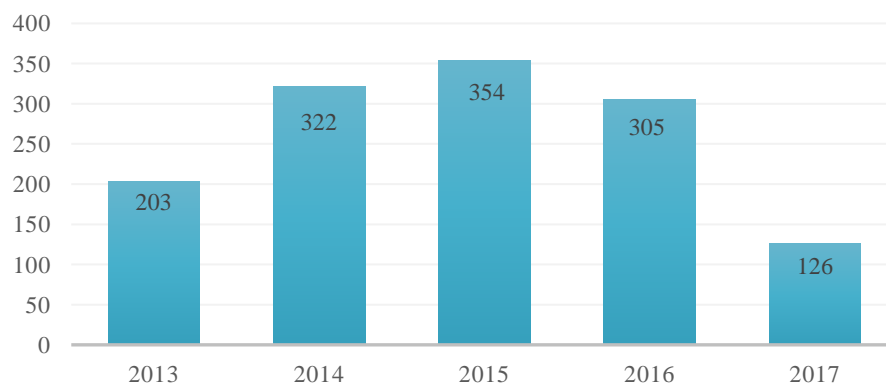


<sup>34</sup> 非正式文件的标题是“达尔富尔解除武装、复员和重返社会方案依旧扑朔迷离”。

97. 达尔富尔武装暴力的另一个主要原因是许多武装民兵经常袭击平民、境内流离失所者和安全部队。虽然由于某些族群位置偏远，在达尔富尔许多地区仍然没有法治，但苏丹政府当局已经表示，将在主要城镇及其周围增加警力，以及在农村地区增加军队的部署，以支持国内安全行动。公开报告也表明，2017 年民兵实施的武装暴力有所减少。然而，这并不一定反映实地的现实情况。

图十一

2013-2017 年报告的民兵武装暴力数量



98. 收缴武器方案的第一阶段是自愿解除武装，这始于 2017 年 7 月，尚未在达尔富尔被广泛接受。各个州的结果各不相同。一些部落领导人将解除武装视为政府削弱他们力量的一种手段。另一些人则认为这是要求获得武器赔偿的一个机会，另外一些人，如穆萨·希拉勒，干脆一口回绝。已有若干报告称，由于试图解除族群武装，苏丹政府部队和武装团体之间发生了武装冲突。使用快速支援部队执行解除武装可能导致苏丹政府和达尔富尔各族群之间的武装冲突增加。

图十二

国家媒体报道的 2017 年 10 月达尔富尔当地收缴武器情况截图



99. 2017 年 8 月 6 日颁布的第 419 号总统令指出，所有未经许可持有的武器必须交给当局。第二副总统哈桑博于 2017 年 8 月访问了达尔富尔，会见了地方当局和族群领导人，说明了方案目标并鼓励参与。

100. 达尔富尔混合行动的消息来源表示，自愿上缴武器的结果包括：

(a) 东达尔富尔：交出了 1 326 件武器，但由于担心邻近部落的袭击，造成许多人缓交武器。此外，有报道称，有重型武器被私运到北达尔富尔，以逃避解除武装行动。

(b) 南达尔富尔：边防卫队和人民保卫部队交出了 2 579 件武器。

(c) 西达尔富尔：人民保卫部队交出了 1 486 件武器。

(d) 北达尔富尔：一些游牧部落和民兵交出了武器，但大多数人拒绝解除武装。

(e) 中达尔富尔：境内流离失所者领导人欢迎解除武装方案，并报告说，已经停止让武装民兵在夜间通过他们的营地。

101. 为鼓励解除武装而做出的努力包括：在城镇内限制“技术”车辆和摩托车、佩戴面罩和禁止军警人员在非执勤时间公开携带武器。在达尔富尔各地树立了标牌，让民众了解这些新的规章，媒体定期提供信息，以强化宣传法律的变化。还在达尔富尔设立了特别法庭，负责处理所有非法拥有武器和车辆的案件。军事人员在不执勤时也必须交出武器，不再允许保留武器供个人使用。

图十三

法希尔的一块路牌，宣传对某些车辆和轻小武器的禁令



102. 7 月以来，解除武装运动进入第二阶段，这涉及在必要时强行收缴武器和逮捕那些被发现持有非法武器的人。专家小组将继续监测这一局势，因为它有可



能发展成苏丹政府和那些不愿意解除武装的民兵，尤其是规模较大、装备精良的民兵，如北达尔富尔穆萨·希拉勒民兵之间的武装暴力。最近关于强制解除武装的报告中描述了快速支援部队与玛丽亚部落在东达尔富尔 Kilkil 爆发的严重武装冲突的情况，该冲突造成 21 人死亡。

## 八. 违反国际人道主义法和侵犯人权的行为

103. 在本任务期内，专家小组继续监测达尔富尔冲突各方违反国际人道主义法和侵犯人权的行为。

### A. 2017 年 5 月政府和反叛部队在达尔富尔爆发的冲突

104. 专家小组一直在调查附件十三所述 5 月冲突期间苏丹政府部队实施的违反国际人道主义法行为，特别是在北达尔富尔 Ain Siro 附近的行为。

105. 据报，在该次冲突中，政府部队抓获了 150 多名叛军战斗人员。在 5 月 21 日的一次事件中，苏丹武装部队逮捕了 15 名苏丹解放军/米纳维派士兵，而此前这些士兵已经放下武器、在东达尔富尔穆哈热里亚达尔富尔混合行动队部寻求避难。尽管达尔富尔混合行动队部人员进行了干预，苏丹部队还是强行把这些叛乱分子从队部带走。这 15 人的下落不得而知。此外，各种消息来源称，一些反叛战斗人员，包括“Tarrada”和苏丹解放军/米纳维派指挥官 Juma Mindi 都在放下武器后被政府部队处决。

106. 5 月冲突之后，一些消息来源向专家小组表示关切，苏丹当局没有根据国际法义务给予俘虏人道待遇，而是对这些俘虏施以残忍待遇和酷刑。苏丹解放军/米纳维派和苏丹解放军过渡理事会的代表在同专家小组举行的会议上指出，这些俘虏的下落不得而知，呼吁国际机构出面与苏丹政府当局交涉，寻找他们的下落，并确保他们在拘留期间享受人道待遇(见附件十四)。尽管苏丹政府当局最初请专家小组会见了一些战俘，但最终没有组织这次会议。

### B. 人道主义援助准入

107. 在本报告所述期间，向达尔富尔弱势民众提供人道主义援助的准入情况大为改善。苏丹人道主义援助委员会(人道主义援助委员会)于 2016 年 12 月通过的人道主义准则正在实施，大部分地区要求人道主义人员在前往实地 48 小时前通知有关当局。人道主义机构和政府当局一直在努力确保在中央和地方层面在达尔富尔各州连贯一致地执行这些指令。

108. 虽然杰贝勒马拉地区的准入与前几年相比难度有所减小，但人道主义机构仍然无法不受限制地进入该地区。人道主义机构在该区域的活动仍然是在严格的政府监督下进行。在本报告所述期间，已经可以进入杰贝勒马拉赫以前无法进入的地区，如 Golo、Rokero，最近又放开了 Deribat。因此，人道主义机构得以扩大对该区域有需要的族群的救济。政府当局在同专家小组举行的会议上解释说，

限制进入杰贝勒马拉地区是由于苏丹解放军/瓦希德派的存在和与之发生的零星冲突。苏丹解放军/瓦希德派控制的地区仍然基本无法进入。

109. 在 5 月的冲突期间,苏丹政府拒绝了人道主义机构进入北达尔富尔 Ain Siro 地区的请求,导致其无法评估当地局势并确认关于流离失所情况的报告。几个月后终于给予准入。

### C. 境内流离失所者状况

110. 尽管敌对行动停止,但境内流离失所者状况仍然是恢复达尔富尔和平与稳定的一大障碍。据联合国 2017 年 10 月估计,在达尔富尔有 210 万境内流离失所者,其中 160 万生活在 60 个营地。2017 年期间,与前几年相比,达尔富尔的流离失所现象大大减少。大多数流离失所是由族群间暴力造成的。

111. 如附件十五所述,境内流离失所者营地内部和周围武装人员和武装民兵的存在仍然对平民构成严重的安全威胁。例如,在今天的农耕季节,经常收到身体攻击、骚扰、强奸、抢劫和恐吓的报告。在族群间争端、绑架勒索和武装分子非法收税的过程中,国内流离失所者还被提出过多的赔偿要求。特别是,如附件十六索托尼案件所示,阿拉伯武装团体、苏丹解放军/瓦希德派残余和分裂团体在不同地点发生的冲突对境内流离失所者族群的生活具有负面影响。安全状况不佳对国内流离失所者的行动自由权造成负面影响。<sup>35</sup>

112. 作为 2017 年武器收缴运动的一部分,苏丹政府宣布,计划进入境内流离失所者营地寻找武器,这引发了紧张局势。如附件十七所述,9 月,在抗议巴希尔总统访问南达尔富尔卡尔马营地期间,苏丹政府部队与境内流离失所者爆发了冲突。

113. 苏丹政府当局就流离失所问题制订了一项三管齐下的战略,重点放在境内流离失所者自愿返回原籍地、融入目前所在的收容社区或迁移到其他地区。<sup>36</sup> 今年,苏丹政府当局正与联合国机构和联合国国家工作队一起协作制订一项计划,以便为达尔富尔的境内流离失所者社区寻找持久的解决办法。该计划涉及由国际移民组织(移民组织)开展境内流离失所者情况分析工作,其中包括意图调查和需求评估,除其他方面外,重点是确定适当的解决办法。将在今后几个月内启动情况分析工作,作为在法希尔一个长期境内流离失所者社区 Abou Shok 实施的试点项目。这项工作拟订的调查工具以后将用于其他社区。

114. 为充分解决达尔富尔的流离失所问题,苏丹政府当局必须全面消除冲突的根本原因。这方面的进展仍然非常有限。土地权利、自然资源利用(特别是土地和水)、某些社区非法占有土地、某些族裔群体被边缘化、不安全以及缺乏法治等问题仍是核心未决问题。

<sup>35</sup> 关于保护和保卫国内流离失所者安全问题的进一步详细情况,见达尔富尔混合行动和联合国人权事务高级专员办事处联合报告——《2014-2016 年达尔富尔境内流离失所者的人权境况》(2017 年 11 月 21 日),见 [www.ohchr.org/Documents/Countries/SD/UNAMID\\_OHCHR\\_situation\\_Darfur2017.docx](http://www.ohchr.org/Documents/Countries/SD/UNAMID_OHCHR_situation_Darfur2017.docx)。

<sup>36</sup> 在喀土穆与人道主义援助小组专员会晤。



## D. 乍得的苏丹难民

115. 近年来，苏丹乍得东部难民营的难民慢慢开始返回达尔富尔的不同地点。这些难民返回的详细情况列于附件十八。

## E. 达尔富尔大学学生的情况

116. 在报告所述期间，专家小组收到多份报告，表明苏丹政府当局对达尔富尔的大学生进行过度使用武力和任意逮捕。得益于免除学费和录取的便利，包括境内流离失所者的孩子在内的许多达尔富尔学生选择在全国各地的大学接受高等教育。<sup>37</sup> 这些学生常常面临各种形式的歧视和暴力。许多学生被怀疑与达尔富尔各反叛运动有关联而受到监视。那些从事政治活动并公开谈论达尔富尔冲突的人往往被国家情报和安全局和警察镇压。另一些人遭到逮捕和长期拘留，拘留期间受到虐待和酷刑，特别是在国家情报和安全局羁押期间。今年报告的一些达尔富尔学生受虐待的事件摘要载于附件十九。

117. 由于经常成为安全部队针对的目标，加上认为苏丹缺乏机会，许多达尔富尔大学生选择离开苏丹。试图前往欧洲的人有时在利比亚或在跨越地中海时死亡。<sup>38</sup>

## F. 性暴力和性别暴力

118. 性暴力和性别暴力仍不断威胁到达尔富尔平民、特别是妇女和女童。<sup>39</sup> 武器扩散、犯罪活动和零星的族群间冲突使平民更易受到这种暴力。

119. 虽然城市和农村地区均有发生性暴力犯罪，但农村社区的境内流离失所者营地的妇女和女童系统地成为武装人员的猎物，特别是在出行和从事生计活动时。与前几年一样，性暴力案件在今年农耕季节期间达到高峰，特别是在北达尔富尔和中达尔富尔等武装民兵和其他武装行为体出现较多的地区。<sup>40</sup> 虽然这些行为在某些情况下是机会主义的，但在其他情况下是旨在让受害者及其社区产生恐惧。<sup>41</sup> 在农村社区，妇女和女童往往负责农耕和基本生计活动，强奸威胁是武装行为体阻止其放弃土地耕作所采用的手段之一。这些事件也影响了妇女的行动自由和生计。

120. 性暴力也影响平民返回其原籍地的可能性。例如，今年早些时候在西达尔富尔 For Baranga，达尔富尔有一家人原来是住在乍得的难民，在一名家庭成员被轮奸后返回乍得，害怕犯罪人进一步报复。<sup>42</sup> 这些案件凸显需要加强原籍地区的安全和基本服务，以协助因冲突而流离失所者返回。<sup>43</sup>

<sup>37</sup> 见《多哈达尔富尔和平文件》，第 14 条；《2006 年达尔富尔和平协议》，第 14 条。

<sup>38</sup> 与援助人员、移民和移民问题研究人员的访谈。第九部分。

<sup>39</sup> 虽然报告较少，但达尔富尔各不同行为体也对男子和男童犯下性暴力。

<sup>40</sup> 例如，在北达尔富尔的塔维拉和科尔马地区以及中达尔富尔的奈尔提提及其周围地区。

<sup>41</sup> 与援助人员、人权活动分子和达尔富尔混合行动工作人员的访谈。

<sup>42</sup> 达尔富尔混合行动提供的资料。

<sup>43</sup> 根据《多哈达尔富尔和平文件》，提供安全是自愿返回原籍地区的先决条件之一。

121. 加强问责和性暴力幸存者司法救助必须属于达尔富尔建设和平努力的组成部分。司法当局正在为应对这种暴力行为作出一些努力。<sup>44</sup> 例如，在 10 月下旬，四名阿拉伯男子被控强奸杰奈纳 20 公里处的 Adar 村两名女教师，地方综合法院判处其 14 年监禁。这些男子 2 月将受害人从其宾馆绑走，并关押在其定居点，对她们进行殴打和强奸。<sup>45</sup> 地方司法当局强调致力于确保加大力度追究这些罪行的责任，强调将部署更多检察官和警察，包括在农村地区。他们还对报告的强奸儿童案件增多表示关切。<sup>46</sup> 但应当指出的是，司法当局处理的大部分案件都是民事案件，而不是冲突中的性暴力案件。<sup>47</sup>

122. 尽管作出这些努力，但在打击性暴力有罪不罚现象方面仍存在重大挑战。<sup>48</sup> 首先，性暴力仍然是地方当局的敏感问题，他们常常淡化其普遍性并否认其发生。此外，由于担心报复、骚扰和社会污名而少报这种暴力仍然是令人关切的主要问题。<sup>49</sup> 在报告事件时，警方和司法机关缺乏后续行动和反应不力是一项重要挑战，特别是在被指称的犯罪者是武装行为体或阿拉伯族裔时更是如此。也缺乏保护站出来受害人和证人；有时，受害者面临压力而不提出申诉，或受到恐吓而撤销指控。最后，受害者获得必要的医疗和心理服务的机会有限，缺少训练有素的人员，转诊途径薄弱，这些因素是遏制这种暴力存在的更多障碍。<sup>50</sup> 援助人员和卫生工作人员有时面临当局施加的限制，无法向幸存者提供服务，并开展预防和监测活动，这反过来又限制对案件进行数据的准确收集。

## G. 侵害和严重虐待儿童行为

123. 专家小组继续重点监测侵害和严重虐待儿童行为。

<sup>44</sup> 强奸和强奸儿童罪行 2016 年以来就是达尔富尔罪行特别检察官办公室任务内的特定罪行，尽管其他检察机关也对这些罪行拥有管辖权。2015 年，苏丹修正了《刑法》第 149 条，对强奸进行界定，使其更符合国际标准。18 岁以下儿童法定强奸罪在 2010 年《儿童法》第 45 条中有界定，可处以 20 年监禁到死刑。

<sup>45</sup> 被告还被处以 200 下鞭刑和罚金。

<sup>46</sup> 在法希尔与达尔富尔罪行特别检察官会晤。

<sup>47</sup> 当专家小组向达尔富尔罪行特别检察官提出这一问题时，他解释说，这是由于报告给他办公室的冲突中性暴力案件数量有限。与达尔富尔罪行特别检察官会晤。

<sup>48</sup> 根据与援助人员、人权活动分子和达尔富尔混合行动工作人员的访谈提供的资料。

<sup>49</sup> 许多受害者选择不提出申诉，因为他们对地方当局调查案件或逮捕犯罪者没有信心。视犯罪者的族裔所属情况而定，保健中心可能是受害者第一个联络机构，因为害怕遭到报复，保健中心可能不记录性暴力案件或将其移交给警方。犯罪者有时还对保健服务机构施加压力，不让其报告案件。

<sup>50</sup> 此外，受害者在获得保健服务方面可能面临程序障碍。直到 2005 年，性暴力受害者要向警方报案，领取一份保健服务提供者用来记录身体伤害并可在诉讼程序中用作证据的医疗证据表即“表 8”，才得以获准接受医疗服务。尽管受害者不再需要在寻求获得医疗服务之前领取“表 8”，但在实践中，许多保健服务提供者仍要求该表。

124. 专家小组感到鼓舞的是，苏丹政府当局、特别是苏丹武装部队和警方在执行 2016 年 3 月通过的有关保护儿童免受冲突侵害的行动计划方面取得了进展。行动计划执行工作包括向部队发出命令；对违反命令者采取纪律措施；实施有关甄别儿童和进行年龄评估核查的基本办法。苏丹武装部队还让联合国定期进入军营进行监测和核查，并保持警惕，以确保在将前反叛战斗人员编入军队时剔除未成年人。尽管注意到取得进展，但需要采取措施确保国家情报和安全局和快速支援部队执行该行动计划，使这些部队不使用或招募儿童。<sup>51</sup>

125. 此外，专家小组注意到，苏丹政府一直在开展提高公众认识运动，以解决达尔富尔的儿童持枪问题。但需要采取具体措施，以确保民兵和武装部落群不招募儿童。

126. 在本任务期内，专家小组收到了有关叛乱团体招募和使用儿童的报告。有关这些报告的进一步详情，见附件二十。

127. 最后，如上文所述，苏丹政府司法当局强调有关性暴力侵害儿童案件的报告增多了。根据 2010 年《苏丹儿童法》，其中规定保护儿童免遭一切形式的性暴力侵害，在过去一年中，若干案犯已被起诉并处以最高刑罚。<sup>52</sup>

## H. 袭击联合国和人道主义工作人员

128. 在本报告所述期间，针对联合国和人道主义工作人员的事件数量有限。3 月以来，记录在案的有一些涉及联合国和国际非政府组织车辆被劫的事件，特别是在南达尔富尔州尼亚拉。5 月 31 日在尼亚拉镇发生的一次事件中，5 名身份不明的武装男子劫持了达尔富尔混合行动一部车辆，开枪杀害一名尼日利亚营士兵，另一名士兵逃跑了。

129. 10 月 7 日，4 名武装男子驾驶一辆丰田越野车，在北达尔富尔的法希尔绑架一名在自己住所外的瑞士援助人员。她于 11 月 14 日获得释放。这是达尔富尔混合行动部队开始缩编以来发生的第一起针对救济人员的事件。

## 九. 从达尔富尔和通过达尔富尔偷运移民

130. 在本任务期内，专家小组一直在调查通过达尔富尔偷运移民进入邻国的情况，特别是通过乍得和利比亚前往欧洲的情况。专家小组关注这个问题是因为其中的各种交叉层面影响到其任务的不同领域，即达尔富尔的人道主义和人权状况、非法跨界活动、资助不同达尔富尔武装行为体以及更广泛的区域稳定。本节载有专家小组关于这一问题的初步调查结果。

<sup>51</sup> 国家情报和安全局和快速支援部队目前不属于为执行行动计划而设立的技术委员会。

<sup>52</sup> 在法希尔与达尔富尔罪行特别检察官会晤。

131. 来自达尔富尔的移民情况并不是一个新现象，其中有多种驱动因素。这些因素包括不安全、暴力和对平民的攻击、贫穷、缺乏生计机会等等。此外，苏丹成为非洲之角、中部非洲和西部非洲的移民和难民的过境国和目的地国。

132. 尽管 2017 年 1 月和 10 月期间的不同时期人数有所不同，但苏丹人是移民利比亚<sup>53</sup> 人数最多的四个国籍之一，也是通过中地中海路线<sup>54</sup> (移民和难民前往欧洲所利用的主要通道之一)抵达意大利人数最多的十个国籍之一。虽然达尔富尔人长期以来视利比亚为重要的移民和生计机会目的地，但越来越多的达尔富尔人近年来通过利比亚前往欧洲。<sup>55</sup> 其中包括从苏丹前往的人以及达尔富尔冲突爆发以来居住在乍得的达尔富尔难民。此外，利比亚爆发冲突之前一直居住在該国的许多达尔富尔人也试图逃脱不断升级的暴力。

133. 至少从 2015 年以来观察到的趋势是，最近有更多的达尔富尔移民和难民离开苏丹到达欧洲。<sup>56</sup> 这一趋势往往表明，在苏丹、利比亚和乍得运作的走私网络增多，组织协助这一行程。同时表明，由于冲突持续不断，有更多的达尔富尔人选择前往欧洲，而不是留在利比亚。一些国际机构所登记的包括来自达尔富尔在内的孤身儿童抵达欧洲的人数也有所增加。<sup>57</sup>

#### A. 路线

134. 虽然向利比亚边境偷运移民的最常用和最短的路线是喀土穆路线(经由栋古拉和北方州)，<sup>58</sup> 但特别是今年，达尔富尔路线(经由北达尔富尔州法希尔)作为替

<sup>53</sup> 见国际移民组织，“流离失所跟踪信息总库利比亚移民报告：第 13 轮”(2017 年 8 月—9 月)，第 4-5 页；国际移民组织，“流离失所跟踪信息总库利比亚移民报告，流动跟踪：第 8 轮”(2016 年 12 月-2017 年 3 月)。两者均可查阅以下网站：<http://www.globaldtm.info>。

<sup>54</sup> 但难民署注意到 2016 至 2017 年期间从海路抵达欧洲的苏丹移民人数减少了。见难民署，“意大利：海路抵达者看板，2017 年 1-10 月”，可查阅以下网站：<https://data2.unhcr.org/en/documents/download/60780>；难民署，“意大利：海路抵达者看板，2016 年 1-12 月”，可查阅以下网站：<https://data2.unhcr.org/en/documents/details/53356>。

<sup>55</sup> 尽管很难估计利用地中海中部路线的达尔富尔人人數，但他们在抵达欧洲并申请庇护的苏丹人占重要比例。利用这一路线的苏丹人也有来自其他受冲突影响的地区，即南科尔多凡州和青尼罗州以及苏丹其他地区。(从在法国、意大利和苏丹与移民当局、人道主义机构、国际机构和移民趋势研究人员的访谈中获得的信息)。

<sup>56</sup> 与不同国家的移民、移民当局、人道主义机构和移民趋势研究人员的访谈。

<sup>57</sup> 与法国和意大利的人道主义机构的访谈。从更广泛来说，见儿基会 REACH 倡议，意大利和希腊的迁移中的儿童：报告(2017 年 6 月)。可查阅以下网站：[http://www.reachresourcecentre.info/system/files/resourcedocuments/reach\\_ita\\_grc\\_report\\_children\\_on\\_the\\_move\\_in\\_italy\\_and\\_greece\\_june\\_2017.pdf](http://www.reachresourcecentre.info/system/files/resourcedocuments/reach_ita_grc_report_children_on_the_move_in_italy_and_greece_june_2017.pdf)。

<sup>58</sup> 主要来自非洲之角和苏丹的大量移民和难民数年来一直利用喀土穆路线中转到利比亚。有关更详细的分析，见 SAHAN 基金会和伊加特安全部门方案，“非洲之角-地中海中部路线的人口贩运和偷渡问题”(2016 年 2 月)。可查阅以下网站：[http://www.sahan.eu/wp-content/uploads/HST\\_Report\\_FINAL\\_19ii2016.pdf](http://www.sahan.eu/wp-content/uploads/HST_Report_FINAL_19ii2016.pdf)。另见 Mark Micallef, “The Human Conveyor Belt: trends in human trafficking and smuggling in the post-revolution Libya” (Global Initiative Against Transnational Organized Crime, March 2017)。可查阅以下网站：<http://globalinitiative.net/report-the-human-conveyor-belt-trends-in-human-trafficking-and-smuggling-in-post-revolution-libya/>。

代路线已变得日益重要。<sup>59</sup> 主要设在法希尔的达尔富尔网络<sup>60</sup> 正沿着这条路线运送移民和难民。这条路线主要是苏丹人在用，其他国家的国民也越来越多地采用。<sup>61</sup> 但应该指出的是，有关行走这条路线的移民确切人数并没有明确的数据。

135. 达尔富尔路线有两条主要分支路线。<sup>62</sup> 一条是从法希尔到北达尔富尔州梅里特和马勒哈地区，然后再穿越沙漠到边界。另一条路线是从法希尔到西北达尔富尔蒂内边境地区，越境进入乍得，然后再沿乍得东部与北达尔富尔的边界北上。各种消息来源表示，偷运者是否改变路线取决于边境地区一带安全部队存在与否。各不同贸易群体和武装团体也一向利用达尔富尔的相同偷运移民路线，在跨境地区走私包括武器、毒品和燃料等其他商品。

136. 出行模式各不相同，取决于经济手段和移民的出发地点。例如，2017 年行走这条路的达尔富尔移民讲述乘坐公共交通工具或小车从喀土穆去法希尔，筹划者在那里用四轮驱动车辆接走他们，送往北部利比亚边界。从达尔富尔内出发另一些人则说，他们前往法希尔，然后再坐公共汽车或卡车前往马勒哈区，在那里与其他移民会合继续赶路。有些人讲述了与来自库夫拉的利比亚车辆偷运者一起越过边界的情况，后者是到马勒哈出售车辆(见下文第 152 段)。

137. 一旦越过边界，通常将移民交给不同的网络协助其继续赶路。另一些人一到利比亚就设法找偷运者继续赶路。利比亚/苏丹边界沿线没有常驻的军事存在。利比亚的冲突和混乱使走私网络得以逍遥法外。

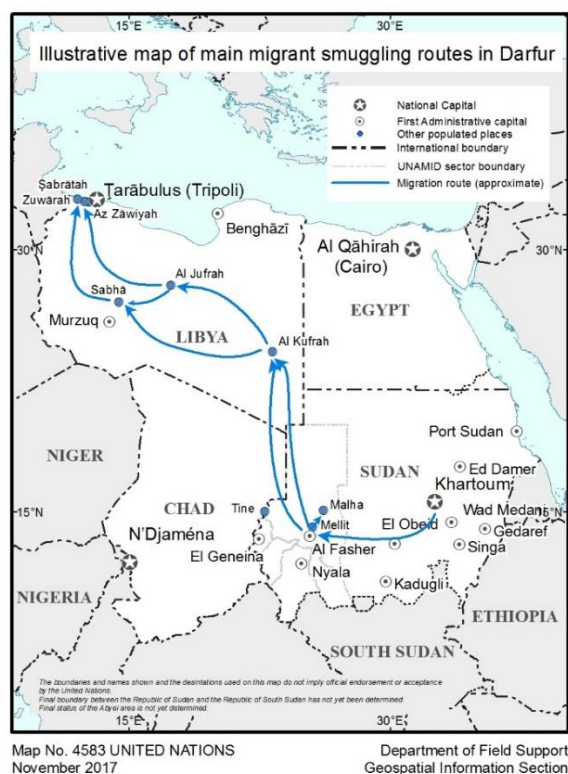
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<sup>59</sup> 这并不是一条新路线，但由于喀土穆路线一带有安全部队把守，越来越多的人正利用其作为替代路线。

<sup>60</sup> 据一些消息来源说，也有设在尼亚拉的。

<sup>61</sup> 例如，一些消息来源指出，这条路线是索马里人、厄立特里亚人和埃塞俄比亚人在用，叙利亚人用的较少。

<sup>62</sup> 在欧洲和苏丹与移民的访谈。



## B. 达尔富尔武装行为体的参与

138. 除有组织犯罪团伙之外，达尔富尔的不同武装行为体都在协助偷运移民进出达尔富尔以此作为筹资手段。其中包括已复员的前达尔富尔叛乱分子，据说他们将来自达尔富尔各不同地点的移民运送到边境地区。例如，保密消息来源告诉专家小组，目前驻法希尔前苏解/瓦希德派成员一直参与这一活动。其他消息来源指出，苏丹解放军/米纳维派分子一直积极参与这种交易，特别是在北达尔富尔-乍得边界一带。据说，一名驻北达尔富尔的前苏丹解放军/米纳维派指挥官 **Khater Shatta**<sup>63</sup> 就是参与安排运送来自北达尔富尔的移民进入乍得和其他地方的其中一人。有报告进一步指出，各武装团体和民兵对移民车队征收非官方税款，以便通过其控制的北达尔富尔地区。据称，驻北达尔富尔州杰贝勒伊萨的苏丹解放军/瓦希德派指挥官是这一非法征税的受益者之一。最后，各种消息来源指出，尤其是驻 **Wadi Howar** 和 **Saraf Umra** 地区的阿拉伯民兵团体正在协助运送移民穿越北达尔富尔前往边境地区。专家小组正在调查这些走私网络与在利比亚运作的网络之间的联系。

139. 反叛团体也在利用达尔富尔路线，特别是通过乍得，将新兵运入利比亚。据各种消息来源，近年来，在利比亚活动的反叛团体招募了越来越多的达尔富尔人。为这些反叛团体工作的人将达尔富尔人诱至利比亚，出钱请他们做雇佣军，

<sup>63</sup> 如附件三指出，**Khater Shatta** 6 月被苏丹政府军打死。

并许诺，如果他们想继续前行，以后会助其渡过地中海，<sup>64</sup> 据不同消息来源，许多年轻的达尔富尔人认为，在利比亚做雇佣军比险渡地中海的风险要小，比在欧洲做非法移民打工更赚钱。<sup>65</sup> 在本任务期间，专家小组收到了在达尔富尔不同社区，例如南达尔富尔和北达尔富尔发生的这类招募行为的可靠报告。小组还收到了关于这些反叛团体在苏丹其他地区进行招募的可靠情报。例如，据一个机密消息来源，2016 年 2 月至 5 月，这些团体在喀土穆东南方向地区杰济拉州达尔富尔人农业社区加强了招募的活动。<sup>66</sup> 苏丹政府当局声称，达尔富尔反叛团体还在乍得东部的难民社区进行招募。<sup>67</sup>

140. 苏丹政府消息来源指称，穆萨·希拉勒及其民兵积极参与在达尔富尔偷运移民的活动。如上文第 30 段所述，在 9 月下旬发生的一起有争议的事件中，快速支援部队杀害了 17 名从利比亚返回的希拉勒手下，政府称，这些人是“人贩子”。尽管专家小组没有直接证据显示希拉勒参与了这一活动，但却得到可靠报告称，有边防卫队成员一直在进行单独或小组行动，将包括外国人在内的移民运送到边境一带，以此筹资。

141. 来自移民的传闻证据进一步指出，驻守达尔富尔边境地区的苏丹安全部队在收了钱后，对移民过境常常睁眼闭眼。小组并无无证据显示这是统一行动，认为这是低级官兵为了个人利益在剥削移民。

### C. 费用和时间

142. 从达尔富尔到利比亚海岸的费用和时间差异很大，取决于几项因素，如所涉网络、移民的国籍和经济手段、最终目的地以及当地的安全情况等。据说，苏丹人付的钱比外国人要少。2016 年和 2017 年从法希尔前往利比亚海岸的达尔富尔移民表示，路费通常分几笔支付，第一笔在出发地(例如在法希尔或尼亚拉)，第二笔在利比亚的第一个入境点(通常是 Kufra 地区)，最后一笔是交给在利比亚海岸活动的偷运者。<sup>68</sup> 支付的金额差别很大。一些人表示，他们付了少量钱先到利比亚，然后边做工边前行，另一些人说，他们付了数千美元的路费。例如，一些达尔富尔移民表示，他们付了 4 000 苏丹镑(约合 600 美元)从法希尔到 Kufra；另一些人说，他们付了 2 500 到 3 500 美元从达尔富尔到达利比亚海岸，又付了约 1 000 美元渡过地中海。几位选择途径乍得的达尔富尔移民表示，他们在乍得北部 Tibesti 地区的手工采矿区做了几个月的工，赚取下一段路费。<sup>69</sup> 各种消息来源表明，去年前往利比亚海岸的费用有所增加。

<sup>64</sup> 与保密消息来源的访谈。

<sup>65</sup> 与移民、人道主义工作者、民间社会和国际机构的访谈。

<sup>66</sup> 这段时期恰逢该地区收获季节结束，潜在的移民有所需的路费。与保密消息来源的访谈。

<sup>67</sup> 在喀土穆会晤苏丹政府当局。

<sup>68</sup> 较成熟的走私网络用传统的哈瓦拉系统进行汇款，而一些达尔富尔网络用现金交易。

<sup>69</sup> 与已在欧洲的移民访谈。

## D. 虐待移民

143. 去年以来,在不同时期,在苏丹-利比亚-埃及三国交界地区部署了快速支援部队和其他安全部队,主要是为了遏制非法移民的流动。这些部队在边境上拦截了一些移民车队。<sup>70</sup> 安全存在增加后,移民的风险也随之增加,因为偷运者为躲避安全巡逻,不得不绕道沙漠,走更长、更危险的路线。安全部队发现,有移民困在苏丹-利比亚-埃及三角沙漠地带,情况很糟。<sup>71</sup> 此外,快速支援部队等安全部队参与遏制偷运移民活动的一些消息也引起了专家小组的关切,原因是快速支援部队在处理移民问题上培训不足。小组收到指控称,这些部队有时会虐待沿线抓获的移民,特别是外籍移民。另外,如上文第 141 段所述,安全部队不时向移民非法收取贿赂。小组进一步获悉,被抓的无证非法移民经常被地方当局以违反移民条例为由,予以逮捕和罚款。他们可能被遣返回原籍国并受到虐待。<sup>72</sup> 移民还容易受到走私网络的剥削。这些问题凸显苏丹当局有必要改善对移民的保护。

144. 政府当局在与专家小组开会时表示,将致力于打击在苏丹的偷运移民和贩运人口行为,同时承认面临挑战。<sup>73</sup> 他们特别指出,苏丹-利比亚边境幅员广阔、管理松懈,加上缺乏训练有素的人员和沙漠地形,使得边境地区的巡逻困难重重。除其他举措外,在国际资助下,正在对司法和执法当局进行培训,以加强当地打击犯罪网络的能力;这些努力主要集中在喀土穆和苏丹东部。还正在加强苏丹和区域各国在移民问题上的合作。11 月 8 日,政府发起了第一个旨在打击人口贩运的全国打击人口贩运计划。<sup>74</sup> 这些努力固然相当重要,但是,改善移民管理和充分保护移民免遭暴力和虐待的关键是要理解和解决移民问题的根本原因。

145. 最后,尽管记录对利比亚境内达尔富尔移民的虐待行为超出了本报告的范围,但专家小组注意到,受访者一再表示,他们在利比亚不同地区遭到武装分子各种形式的虐待和暴力侵犯。<sup>75</sup> 在边境上加强监测,以及利比亚境内移民被虐待的公开报道后,许多移民放弃了从苏丹进入利比亚。<sup>76</sup>

<sup>70</sup> 北达尔富尔当局在与专家小组会晤时表示,他们在这条路线拦截了几个移民车队,这些车队主要来自厄立特里亚、索马里、也门和埃塞俄比亚。

<sup>71</sup> 与北达尔富尔州当局的会谈。

<sup>72</sup> 特别是被苏丹当局遣送回厄立特里亚的厄立特里亚人。

<sup>73</sup> 在喀土穆与全国打击人口贩运委员会代表的会谈以及在法希尔与北达尔富尔当局的会谈。

<sup>74</sup> 在国际移民组织的技术支持下,全国打击人口贩运委员会启动了这一计划。

<sup>75</sup> 移民到达利比亚后,偷运移民和贩运人口之间的界线往往模糊起来。多个达尔富尔移民向专家小组叙述,移民被:杀害;非法拘留,有时在不人道的情况下长时间拘留;绑架勒索;不同形式的身体虐待和酷刑;无报酬的强迫劳动和剥削,有时长达数月;性暴力和性剥削。

<sup>76</sup> 虽然经埃及的路线已经弃用,然而,今年不同时期,移民却试图通过埃及前往欧洲,他们有时会落入在苏丹/埃及边境活动的犯罪网络的手中。据说,苏丹移民和来自其他非洲国家,特别是厄立特里亚的国民,正在使用这条路线。



## E. 途径达尔富尔的西非人

146. 据各种消息来源，近几个月来，途经西达尔富尔和北达尔富尔以及乍得到达利比亚的西非人有所增加。虽然西非人移民到达尔富尔并不是新鲜事，但是，这一增加与尼日尔当局打击经尼日尔到利比亚偷运移民主要路线的行动的时间相吻合，因此可能造成这条路线出现了新人流。<sup>77</sup> 专家们担心，西非和利比亚的这条主线将变成多条更小、更危险的路线，如途经乍得和达尔富尔，人命损失和西非移民落入犯罪网络的风险也将因此增加。<sup>78</sup> 专家小组正在调查，哪些犯罪网络在达尔富尔组织这一偷运活动。

## 十. 运输和海关

147. 在本报告所述期间，专家小组重点讨论了与运输和海关有关的三个主要领域：(a) 通过各种手段，包括苏丹政府的军事飞行、代表苏丹政府的民用航班，以及从利比亚和南苏丹经陆上边境进入达尔富尔的武器流动；(b) 达尔富尔武装团体和其他犯罪集团及武装民兵的跨境活动；(c) 包括途经达尔富尔的非移民在内的跨领域活动。在编写本报告时，已发出的资料要求中仍有部分尚未回复。

### A. 追查达尔富尔反叛团体使用的车辆

148. 专家小组追查了苏丹武装部队 8 月 3 日在 Taiba 设施展示的 5 辆 Streit Cougars AC(见上文第 71 段)，并确定这些军车是在阿联酋迪拜库存并出售的。其中 4 辆军车被证实是一家名为 Global Lav 公司的存货。Global Lav 在回应小组的资料要求时证实，这 4 辆出售的军用车确实是其存货，并说，它是从一家名为 Streit 的加拿大公司在阿联酋迪拜的子公司获得的。小组试图直接从 Streit 了解这些车辆的进一步信息。在撰写本报告时，Streit 还没有回复专家小组的资料要求。

149. 专家小组从国家情报和安全局获悉，达尔富尔反叛组织在 5 月入侵时据称还用了另外五辆丰田四轮驱动车。小组根据车辆识别号码对这些车辆的供应链进行了调查，结果发现：

车辆识别号码	最终目的地	接收人姓名	交付日期
JTFLU71J6A4301584	利比亚	住友商事	2009 年 12 月
JTRB71J2E7018650	也门	汽车和机械贸易中心	2014 年 8 月
JTGRB71JXF7019532			2014 年 10 月
JTFLU71J3F7018985	阿曼	Saud Bahwan Automotive LL	2015 年 7 月
JTFLJ71J098019793			2009 年 7 月

<sup>77</sup> 其他信息，见 Molenaar 和他人，“A Line in the Sand: A Roadmap to Sustainable Migration Management in Agadez” (CRU Report, Clingendael Institute, 2017 年 10 月)。可查阅 [https://www.clingendael.org/sites/default/files/2017-10/Roadmap\\_for\\_sustainable\\_migration\\_management\\_Agadez.pdf](https://www.clingendael.org/sites/default/files/2017-10/Roadmap_for_sustainable_migration_management_Agadez.pdf)。

<sup>78</sup> 与各国移民研究人员和专家的访谈。

150. 专家小组已联络上述公司，索取出售这些车辆的进一步资料。这些信息对于确定这些四轮驱动车如何卖给达尔富尔反叛团体是必不可少的。在撰写本报告时，这些请求仍未回复。

## B. 偷运和其他非法跨境活动

151. 在本报告所述期间，专家小组分析了各种消息来源关于非法跨境活动的报告。在北达尔富尔-乍得-利比亚三角地带，人员和货物的流动不受限制。苏丹政府官员和其他对话者普遍认为，这个巨大的边境并不在有关国家当局的全面控制下。货物走私和各种犯罪集团的流动造成达尔富尔的总犯罪率上升，对达尔富尔和更广泛地区的和平与稳定构成威胁。如附件二十一所述事件显示，在达尔富尔-乍得-利比亚三角地带活动的武装团体相互勾结，助长了这些非法活动。

152. 达尔富尔与邻国间边境管理松懈，助长了达尔富尔反叛团体和其他武装行为体和犯罪集团等的非法跨境流动。专家小组收到可信消息称，2016 年，有数千辆汽车从利比亚走私到达尔富尔。无牌车辆的涌入与犯罪活动，特别是在北达尔富尔州的犯罪活动增多的时间相吻合。据已证实的报告，在包括 Malha 在内的达尔富尔出现了一个卖走私车和其他货物的市场。

153. 2016 年 4 月，苏丹政府在财政部内设立了一个委员会，用收取费用的方式替代关税来管理这些车辆的进口，并在收费后登记和发放车牌。2016 年 6 月，国家情报和安全局和北达尔富尔地区交警开展联合行动，没收了数十辆非法走私车。<sup>79</sup> 据此，专家小组要求苏丹政府分享该委员会提交的报告的重要细节。苏丹常驻联合国代表团在 2017 年 8 月 7 日的信中指称，在利比亚的达尔富尔反叛团体“利用目前局势，在利比亚购买和抢劫车辆，然后通过塞卜哈这一先进的融资中心，将大量四轮驱动车走私到达尔富尔”。

154. 巴希尔总统在 2017 年 4 月访问达尔富尔时，指示达尔富尔各州当局登记据报是走私的车辆，防范使用这些车辆的严重犯罪行为。这是解决边境控制问题的各种措施和举措的其中一项举措。2017 年 7 月，利比亚当局关闭了苏丹驻 Kufra 领事馆，两国之间的紧张关系升级，导致苏丹-利比亚边境宣布关闭。

155. 最近，苏丹当局于 10 月知会专家小组，为加强安全，已在苏丹-利比亚边境部署安全部队，特别是快速支援部队。<sup>80</sup> 鉴于这项任务的性质和范围相当复杂，苏丹政府安全部队控制边境的能力有待确定。

156. 为确保有效执行制裁制度，有必要加强会员国，特别是苏丹及其邻国的边境控制能力。专家小组在以前报告中建议，通过技术援助和能力建设加强边境控制。例如，小组在 2007 年建议，通过边界管制措施方面的能力建设，支持与达尔

<sup>79</sup> *Sudan Tribune*, “North Darfur governor acknowledges security problems”, 2016 年 6 月 23 日。可查阅 <http://www.sudantribune.com/spip.php?article59379>。

<sup>80</sup> 在法希尔与国家情报和安全局的会谈。

富尔接壤的各州和区域内其他国家(S/2007/584, 第 139 段)。同样, 在 2016 年, 小组建议委员会鼓励苏丹政府与世界海关组织和其他有关运送机构合作, 制订边境管理能力建设方案, 以加强苏丹相关边境管理机构的能力(S/2016/805, 第 208(f)段)。

## 十一. 武装团体的资金筹措

157. 按照第 2340(2017)号决议第 20 和 22 段的规定, 专家小组审查了达尔富尔武装团体的各种资金来源。

### A. 在利比亚的达尔富尔反叛团体的筹资活动

158. 有关达尔富尔反叛团体在利比亚的存在和参与详情见第 43 至 47 段。

#### 1. 雇佣军活动

159. 达尔富尔反叛团体在利比亚充当雇佣军以谋取金钱利益。由于 2011 年以来冲突中人员伤亡惨重, 利比亚人对于参战变得谨慎, 雇佣军的重要性随之增加。利比亚各派用外国雇佣军在经济上也更加合算。如果利比亚人在冲突中战死, 其部落会向对阵亡负责的利比亚派别索要血金。而血金概念不适用于外国雇佣军。

160. 利比亚各派利用利比亚中间人向达尔富尔战地指挥官支付雇佣军活动的费用(见 S/2017/466, 第 84 段)。这些战地指挥官在抽成后, 将钱分给在当地作战的手下。达尔富尔雇佣军履行两种职能, 即: (一) 保护石油设施或保卫土地, 抵御敌军攻击; (二) 参加夺取新土地或新设施的战斗。据称, 第二种情况的报酬较高。专家小组收到的消息称, 达尔富尔战斗人员每月的报酬是 250 至 500 美元。<sup>81</sup> 此外, 达尔富尔战斗人员的报酬也可用武器和车辆代替现金。由于利比亚第纳尔贬值, 一段时间以来, 达尔富尔反叛团体已要求提高报酬。

#### 2. 犯罪活动

161. 据报, 达尔富尔反叛团体进行绑架勒索, 向平民和商业卡车司机敲诈钱财, 并在阿吉达比亚通往 Kufra 的公路上设立检查站。向 Kufra 运送食物、燃料和其他商品用的就是这条路。此外, 达尔富尔反叛团体据报还在 Kufra 连接 Jalu、Tazirbu 和 Rabyanah 的公路上伏击运送商用物资的车辆。据报, 2015 年, 他们在 Kufra 和 Jalu 之间的公路上非法经营检查站, 之后被拆除。据报, 达尔富尔反叛团体还参加了与他们一伙的利比亚交战派别的攻城掠地, 如在夺取石油新月(Brega、Sidrah 和 Ras Lanuf)的“快速闪电行动”中, 达尔富尔反叛团体据说在阿吉达比亚地区抢掠了民用物资。

#### 3. 从利比亚走私车辆到达尔富尔

162. 如第 152 至 153 段所述, 达尔富尔反叛团体将数千辆四轮驱动车从利比亚走私到达尔富尔。由于自 2014 年以来, 利比亚第纳尔不断贬值, 这些活动为反叛

<sup>81</sup> 一些达尔富尔消息来源称, 在利比亚做雇佣军的报酬高达 1 500 美元。

团体带来了可观利润。反叛团体还利用利比亚的安全局势，趁着达尔富尔-利比亚边境管理松懈，不缴税，也不付海关关税。据报，其中有些车是在利比亚抢来的。

#### 4. 向达尔富尔走私燃料

163. 达尔富尔反叛团体的另一项收入来源是从利比亚米苏拉塔和 Zlitan 的港口设施用油罐车向达尔富尔走私燃料。据机密消息来源，这些油罐车从利比亚北部开到塞卜哈，然后穿过边境驶向达尔富尔。

#### 5. 走私武器

164. 达尔富尔反叛团体从苏丹向利比亚走私小型武器，赚取钱财。此外，这些团体还从利比亚向达尔富尔走私高射炮和反坦克炮等重型武器。

### B. 在南苏丹的达尔富尔反叛团体的筹资活动

165. 有关达尔富尔反叛团体在南苏丹的存在和参与情况见第 36 至 38 段。

#### 1. 抢劫象牙银行 Raja 分行

166. 象牙银行 Raja 镇分行在 2016 年 6 月 15 日遭到抢劫，据报损失 3 000 万南苏丹镑。<sup>82</sup> 据南苏丹 Raja 几位当地消息人士透露，达尔富尔反叛团体是在 Raja 镇击退 Fertit 民兵部队的途中实施这起武装抢劫的。专家小组获悉，象牙银行 Raja 镇分行当时的经理现被关押在朱巴。他被指控犯有过失罪，并涉嫌与抢掠者勾结。小组要求苏丹政府提供银行经理的陈述和可能已提交的调查报告。这一要求仍未回复。

#### 2. 抢劫本提乌的肯尼亚商业银行和象牙银行

167. 据称达尔富尔反叛团体在 2014 年 1 月参与了在南苏丹本提乌抢劫石油设施和两家银行——肯尼亚商业银行和象牙银行。<sup>83</sup> 根据媒体报道，施行抢劫的正义运动。<sup>84</sup> 已要求南苏丹政府提供肇事者信息，并正在等待答复。几乎可以肯定的是，达尔富尔反叛团体成员参加了抢掠。此外，据报告，他们抢劫了石油设施和平民财产，包括人道主义机构的食品和药品。

<sup>82</sup> 见 *Sudan Tribune*, “Ivory Bank loses SSP30 million in Raja town attack”, 2016 年 6 月 16 日。可查阅 <http://www.sudantribune.com/spip.php?article59339>。

<sup>83</sup> 来源保密的访谈。另见 All Africa, “Sudanese Rebels Loot Oil Installations in Unity State-Reports”, 2014 年 1 月 11 日。可查询 <http://allafrica.com/stories/201401130582.html>。

<sup>84</sup> 在南苏丹人们通常对达尔富尔各反叛团体不加区分，将他们称为正义运动。因此，很难将发生的事件归于某一特定团体。

### 3. 向地方当局提供安保

168. 如附件六详述，达尔富尔反叛分子在 Raja 镇一带为罗尔州州长 Rizig Zakaria Hassan 提供安保支助。2017 年 8 月的第三周期间，据称他们在 Raja 镇对空鸣枪，抗议总督不支付服务费。

### 4. 为商业车队提供安保服务

169. 据报达尔富尔反叛分子还为达尔富尔商人的商业物资车队提供收费保安。例如，当达尔富尔商人需要从朱巴向苏丹发出货物贸易车队时，朱巴-瓦乌-乌韦勒沿线的安全委托给达尔富尔反叛团体的成员。这条路线约为 900 公里，过去曾经历了几个抢劫事件。贸易货物车队由一名携带达尔富尔反叛团体身份证的司机驾驶，该人随车携带武器。这条路线上有苏人解运营的检查站，据报这条道路上还有一些非法检查站，但没有固定地点。为使车队安全通过，大约支付给司机 80-100 美元。

## C. 公司和商业机构提供收入流

170. 据专家小组判断，正义运动创始人哈利勒·易卜拉欣在苏丹境外在航空、银行和航运部门开设了许多公司，他可能将这些公司的利润转用于正义运动事业。专家小组了解到，哈利勒·易卜拉欣直到在 2011 年去世时拥有的大多数公司现在由他的兄弟、正义运动现任主席吉布里尔·易卜拉欣拥有和/或控制。专家小组判断，其中一些公司赚取的部分利润可能仍被用于资助正义运动的活动。2017 年 5 月和 6 月，专家小组向一些会员国发出了提供情况请求，以确定这些公司的详情。专家小组还收到了关于苏丹境外一些商业机构的信息，据报这些机构为达尔富尔反叛团体的一些成员所拥有。这些信息表明，据称赚取的部分利润被用于资助达尔富尔反叛团体的活动。专家小组正在追踪这些线索。

## D. 达尔富尔反叛团体在达尔富尔境内的筹资活动

### 1. 苏丹解放军/瓦希德派的筹资活动

171. 苏丹解放军/瓦希德派的筹资手段之一是到境内流离失所者营地募捐。一些富尔人社区多年向苏丹解放军/瓦希德派提供资助。除其他方法外，该团体使用阿卜杜勒·瓦希德发放的一系列视频和录音来提出要求。例如，专家小组获得了阿卜杜勒·瓦希德制作的录像，他在录像中：(a) 要求每个境内流离失所者营地支付一大笔钱，以确保达尔富尔的解放；(b) 要求境内流离失所者和难民送子女到苏丹境内外的苏丹解放军/瓦希德派营地；(c) 威胁境内流离失所者，如果不交钱就“灭了”他们(见附件二十二)。2017 年 5 月，苏丹解放军/瓦希德派向扎林盖的境内流离失所者营地发出一项指令，要求捐钱，但这些境内流离失所者因所要数量太大而没有给，只是承诺，如果需要会直接支持苏丹解放军/瓦希德派部队。

172. 据报发生了若干起苏丹解放军/瓦希德派成员偷盗牲畜事件。例如，据称在 2016 年 10 月 17 日苏丹解放军/瓦希德派分子从奈尔提提的阿拉伯游牧民那里偷走 315 头骆驼。同样，在和 9 月 2016 年 12 月，苏丹解放军/瓦希德派分子从 Kila



一带偷走 113 头骆驼，从尚吉尔托巴伊偷走 190 头骆驼。据估计，这三起事件所涉的货币近五十万美元。据报此外今年还发生了偷牛事件。


173. 在杰贝勒迈拉由苏丹解放军/瓦希德派的控制地区，据报告，苏丹解放军/瓦希德派男性人员：(一) 从境内流离失所者营地取得食品；(二) 向商家收税；(三) 向通过其地区的车辆收税和获取燃料；(四) 对任何拒绝遵守其指示者施以殴打和/或处以罚款。据报该武装团体在一些境内流离失所者营地设立了征收点。它向卡尔马境内流离失所者营地市场的所有商贩征收 150 苏丹镑的税。2016 年 10 月下旬，苏丹解放军/瓦希德派成员在杰贝勒迈拉东部绑架了一些商人，指责他们不支持这个团体，并让其家人就被绑架者每人交钱 30 000 苏丹镑。

## 2. 苏丹解放军/和平与发展派的筹资活动

174. 如附件十六所详述，由 Sadiq “将军”领导的苏丹解放军/和平与发展派在索托尼相当活跃。苏丹解放军/和平与发展派对每个锤磨机拥有者征收 300 苏丹镑的税。根据各种消息来源，Sadiq “将军”认为这些机器是一种投资，并声称收得的钱将用于购买弹药，为境内流离失所者的农场提供安全保护，使之免遭阿拉伯民兵的侵袭。苏丹解放军/和平与发展派还对索托尼境内流离失所者聚集点的每个商贩收税 400 苏丹镑。对不交者以拘留相威胁并迫使其额外付税 450-500 苏丹镑。

图十四

苏丹解放军/和平与发展派给一名锤磨机拥有者的缴款收据

<p><i>Translated from Arabic</i></p> <p>In the name of God, the Merciful, the Compassionate</p> <p>Sudan Liberation Movement for Peace and Development</p> <p>Receipt</p> <p>No. 40023 – 184031</p> <p>Mr. ....</p> <p>Amount: 300 pounds</p> <p>[Seal: Sudan Liberation Movement for Peace and Development – Office of the President – 9 April 2017]</p>	
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175. 举一个事件为例：2017 年 9 月 15 日，Sadiq “将军”的手下来到一名境内流离失所者的锤磨作坊，命令他支付 600 苏丹镑(他在四个月前已付给苏丹解放军/和平与发展派的人 300 苏丹镑)。他拒绝支付这笔额外的税款，因此遭到毒打。

### 3. 苏丹解放军/明尼·米纳维派的筹资活动

176. 在 5 月冲突之前，苏丹解放军/明尼·米纳维派一直断断续续地在几个地点运营非法检查站。例如，苏丹解放军/明尼·米纳维派分子有时在北达尔富尔州靠近乍得边界的连接 Kornoï 和 Tina 的公路上拦截车辆。该检查站的收费从小型车辆 50 苏丹镑到商用卡车 1 100 苏丹镑。苏丹解放军/明尼·米纳维派成员还 Wadi Howar 设立了非法检查站，其目标是来自利比亚的车辆，每辆卡车收费 2 000 至 2 500 苏丹镑，加上 5-10 桶汽油。据报告，自 5 月冲突以来这些检查站没有运营。

### 4. 北达尔富尔雷扎伊加特阿拉伯民兵的筹资活动

177. 北达尔富尔的雷扎伊加特阿拉伯民兵通过下列活动为自己筹资：对手工淘金非法征税、绑架勒索赎金、武装抢劫、偷窃家畜以及在达尔富尔边境协助偷运毒品和偷渡移民。<sup>85</sup>

## 十二. 资产冻结和旅行禁令

178. 专家小组继续监测会员国、包括苏丹实施资产冻结和旅行禁令措施的情况。

179. 安全理事会在第 1672(2006)号决议第 1 段中将四人列入名单。此后没有作出更多指名。关于这四人，调查仍在继续，目的是(a) 查明资产；(b) 搜集可能违反旅行禁令新案例的情报；(c) 对专家小组先前报告中确认的违反行为的后续行动。

### A. 会员国的执行情况

180. 作为对专家小组第一次报告(未公布)所载建议的后续行动，委员会向尚未提交执行情况报告的会员国发出关于提交此报告的普通照会，并要求在报告中着重说明执行制裁措施的障碍。专家小组打算汇集、分析并提请委员会注意会员国所面临的困难以及可行的解决办法。

### B. 苏丹政府的执行情况

181. 在主席 2017 年 5 月访问苏丹期间以及在同专家小组举行的会议中，国家协调中心讨论了资产冻结和旅行禁令的执行情况，并指出苏丹政府正在尽可能执行这两项措施。不过，实际情况似乎并非如此，对此下文将作出讨论。

#### 1. 资产冻结执行情况

182. 国家协调中心在答复专家小组的问题时指出，被指认人员 Gaffar Mohammed Elhassan (固定编号：SDi.001)没有银行账户，而且他的退休金已经以现金一笔付清。然而，Elhassan 先生在 2012 年 10 月与专家小组的访谈中说，政府没有采取任何行动来冻结其薪金或资产，并还提到，他以前每月从其房产收入

<sup>85</sup> 来源保密的访谈。

租金。同样，Musa Hilal(固定编号：SDi.002)以前从政府得到国民议会代表和联邦事务部特别顾问的薪金。委员会从未收到任何关于这些被指认个人的豁免请求，这表明苏丹政府没有执行资产冻结措施。

## 2. 旅行禁令执行情况

183. 在主席访问期间，国家协调中心还提到，政府打算尽可能向委员会通报 Musa Hilal 的旅行，同时指出由于他的“游牧生活方式”，监测工作有困难。专家小组在 2017 年 6 月 7 日信中提请苏丹政府注意委员会 2014 年 5 月 22 日的信，其中委员会要求苏丹限制被指名的苏丹人前往其他国家。专家小组在上次报告中确定，Musa Hilal 于 2015 年 7 月 15 日乘坐 MS-854 班机从喀土穆前往开罗(见 S/2017/22，第 93 段)。在此次违反旅行禁令事件中，Musa Hilal 应是在喀土穆办的入境手续。如果政府向出入境部门发布了限制四名被指认人员旅行的必要指示，出入境部门应可以限制这次旅行，或至少可以提醒埃及边境管制当局 Musa Hilal 即将前来，从而协助防止他入境埃及。专家小组还一再要求苏丹提供关于 Hilal 2015 年访问开罗所持护照的详情情况，但未收到苏丹的任何答复。

## 3. 要求政府提供的执行措施信息

184. 专家小组赞赏在主席 2017 年 5 月访问苏丹期间得了口头提供的最新情况，并在 2017 年 6 月 7 日信中请苏丹政府提供关于已颁布的一般措施的信息：(a) 查明这四个被指认者的资产；(b) 如确定/发现资产即加以冻结；(c) 任何被指认人员如果打算旅行即加以限制。作为专家小组第一份报告(未公布)所载建议的后续行动，委员会发出了一封信，敦促苏丹政府迅速对这一和其他提供信息的请求作出反应。因为没有得到适当的回应，专家小组认为，政府没有改变先前采取的立场(见 S/2015/31，第 28 段)，显示其缺乏执行旅行禁令和资产冻结措施的政治意愿。

## C. 进行中的旅行禁令和资产冻结调查

### 1. 一项长期未了的旅行禁令调查结案

185. 关于被指认个人 Musa Hilal 被控在 2012 年 11 月至 2013 年 2 月到阿联酋旅行的调查自 2013 年以来一直悬而未决。在对专家小组 2013 年 7 月 10 日信的答复中，阿联酋政府最初在 2013 年 10 月表示，没有任何关于 Musa Hilal 进入阿联酋的正式记录。在此后 2013 年 12 月的沟通中，专家小组向阿联酋政府提供了更多资料，包括据报此人所住旅馆的名称。2015 年 6 月，Musa Hilal 在与专家小组的一次会晤中确认，他在 2012 年 11 月至 2013 年 2 月期间访问了阿联酋。在得到被指认者的确认后，专家小组多次请阿联酋政府对照制裁名单和他的外交护照审查出入境记录中 Musa Hilal 的所有别名和其他细节。

186. 阿联酋政府在 2017 年 9 月 21 日的信中确认，Musa Hilal 2012 年 11 月 23 日进入该国并在 2013 年 1 月 24 日离开，所持外交护照号为 D009889。阿联酋政府还向专家小组提供了他的护照副本。该信提到，Musa Hilal 在上述期间住在迪拜的 Al Raya 酒店公寓，向酒店支付的是现金。阿联酋解释说，它没有能够阻止



Musa Hilal 进入阿联酋的原因是: (a) 他在外交护照上的名字与第 1672(2006)号决议所列名字略有不同; (b) 2012 年进入阿联酋时使用的外交护照当时未列入制裁名单。2017 年 9 月, 专家小组向委员会通报了阿联酋提供的 Musa Hilal 所持护照的细节, 制裁名单已得到更新。

## 2. 据称的 Musa Hilal 的乍得旅行

187. 专家小组继续调查 Musa Hilal 可能去过乍得一事。2014 年 7 月, 专家小组致函乍得以证实所指称的旅行。在 2015 年 6 月与专家小组的一会晤中, Musa Hilal 确认, 他曾于 2011 年前往乍得, 就代比总统母亲的逝世向他表示哀悼, 并在 2013 年和 2014 年之间再次前往该国参加一次和平会议, 这是乍得政府所知道的。他声称当时是利用他的苏丹外交护照作这些访问的。

188. 专家小组在其 2014 年 7 月 7 日和 2014 年 10 月 16 日的信中请乍得政府就这些可能违反旅行禁令的情况提供资料。专家小组在 2015 年 5 月访问乍得期间再次提出了这一请求。在本任务期内, 专家小组在 2017 年 7 月和 9 月两次发出催促函。尚未收到任何答复。为便利乍得审查其出入境记录, 专家小组在 2017 年 9 月向当局提供了 Musa Hilal 在 2011 年至 2013 年期间所持外交护照中的细节。

189. 作为专家小组第一份报告(未公布)所载建议的后续行动, 委员会发出了一封信, 敦促乍得政府尽快答复专家小组, 但迄今尚未收到答复。

## 3. 据称的 Jibril Abdulkarim Ibrahim Mayu 的乍得旅行

190. 专家小组还在调查指称 Jibril Abdulkarim Ibrahim Mayu (固定编号: SDi.004, 下称“Tek”)于 2013 年 10 月随达尔富尔地区管理局代表团前往恩贾梅纳一案(见 S/2014/87, 第 179 和 180 段)。“Tek”向专家小组证实, 他在乍得逗留了三周, 探访其在乍得东部的母亲。在上文第 188 段中提及的给乍得政府的信中, 专家小组要求就据称的 Tek 的旅行提供更多细节。在这一调查的同时, 专家小组试图确定“Tek”是否具有苏丹-乍得双重国籍(见下文第 197 段)。

## D. 更新被指认人员的识别资料

191. 为便利会员国有效执行旅行禁令, 专家小组一直在努力收集关于四名被指认人员的最新识别信息。

### 1. Musa Hilal Abdalla Alnsiem

192. 在当前制裁名单上 Musa Hilal 的护照到期时间是 2015 年 2 月。专家小组已采取步骤来获得他目前所持护照的详细信息, 从而使会员国能够充分执行旅行禁令。

193. 关于 Musa Hilal 在 2015 年前往埃及一事(见上文第 183 段), 专家小组已向苏丹和埃及政府提出了提供这方面细节的请求。此外, 专家小组也已经请埃及航空公司提供有关航班旅客名单, 名单可能含有访问使用的护照的详情。正在等待答复。

194. 9 月，专家小组向委员会通报了阿联酋提供的护照中的更多详情，制裁名单也已作了相应更新(见上文第 186 段)。

## 2. Adam Yacub Sharif(固定编号: SDi.003)

195. 专家小组已采取步骤，以确认 Adam Yacub Sharif 的死亡。2013 年，专家小组报告说，苏丹解放军/明尼·米纳维派在其 2012 年 6 月 7 日的公报中悼念短病之后去世的 Adam Yacub Sharif(别名‘Bambino’)。2015 年，专家小组要求苏丹政府确认此人的死亡。2017 年 6 月 29 日，专家小组重申了这一请求，并附上了发给名为 Adam Shareif 者的护照副本，请当局协助查明此人。

196. 专家小组曾在先前的一份报告(见 S/2013/79，附件七)中提到 Adam Yacub Sharif 所持护照的细节。因他很有可能已经死亡，对制裁名单作了更新，以在“其他信息”栏目列入“据说已经死亡”。但由于苏丹政府没有确认其死亡，制裁名单和国际刑警组织-安理会特别通告可能会更新，以纳入他的护照细节。

## 3. Jibril Abdulkarim Ibrahim Mayu (固定编号: SDi.004)

197. Jibril Abdulkarim Ibrahim Mayu(又称 Tek)很可能具有乍得和苏丹双重国籍。为促进执行旅行禁令，专家小组已采取步骤，以正式确认这一事实。如果这一点得到证实，他对乍得的上述访问不构成违反旅行禁令。

198. 几乎可以肯定的是: Tek 参加了 1990 年代那次使伊德里斯·代比先生掌权的行动; 他曾在乍得武装部队任各种官职，包括在共和国精英卫队和总统特别卫队; 他参加了乍得在刚果民主共和国的行动并获得了上校军衔，此后于 2003 年加入达尔富尔叛乱。专家小组将这一信息提供给了乍得政府，并要求获得发给此人的护照或其他身份证件(如有的话)的细节，以便将其列入制裁名单和国际刑警组织-安理会特别通告。

199. 专家小组从可靠来源了解到，Tek 在 2015 年年中访问了利比亚东南部，他的一些战斗人员自 2015 年 3 月以来在那里充当雇佣兵。他还与达尔富尔的犯罪网络有关联。

## E. 更新制裁名单和刑警组织-安全理事会特别通告以包括被指认人员的照片

200. 第 1591(2005)号决议制裁名单和国际刑警组织-安理会特别通告中关于 Musa Hilal、Adam Yacub Sharif 和 Tek 的列名信息没有照片(见附件二十四)。就制裁名单和刑警组织通告上被指认人员提供照片将便利旅行禁令的执行。可以考虑更新制裁名单并可请国际刑警组织在其三项通告中包括照片。

## F. 过境被指认人员的识别挑战

201. 根据第 1591(2005)号决议第 3 段(d)，所有国家都必须采取必要措施，防止被指认人员入境或通过其领土过境。专家小组在审视许多会员国现有制度之后指出，在执行旅行禁令措施的“过境方面”存在挑战。芝加哥《国际民用航空公约》规定了机场国际区自由过境的原则，并允许个人在会员国过境，无需机场过境签证，也

不经移民或海关当局检查。因此，会员国很难防止被指认人员过境其领土，除非得到关于这一过境的特定信息。关于所面临挑战的更多讨论详情见附件二十三。

### 十三. 建议

#### 202. 专家小组建议：

委员会：

(a) 继续监测利比亚和南苏丹境内达尔富尔反叛团体的存在和活动，包括为此目的组织相关制裁委员会及其专家小组之间的定期会议(见上文第 36-47 段和附件六至八)。

(b) 考虑更新制裁名单，以纳入三名被指认人员的照片和一名被指认人员的护照细节，并考虑请国际刑警组织相应更新其特别通告(见上文第 196 和第 200 段以及附件二十四)；

(c) 考虑鼓励苏丹政府指示其边境管制机构对被指认人员的出国活动加以监测，以期从一开始就限制其旅行，或通知过境国或目的地国家的边境管制当局(见上文第 201 段和附件二十三)。

#### 203. 安全理事会：

(a) 敦促会员国，特别是利比亚和南苏丹，采取一切必要措施，以遵守第 1556(2004)号决议第 7 和第 8 段，以防止向达尔富尔反叛团体提供军火和有关物资以及资金(见上文第 64-65 段)；

(b) 敦促会员国支持边境管制方面、特别是达尔富尔与邻国之间边境管制方面的能力建设。这种支持可以是建立联合边境部队的的能力，在已知过境点建立永久边哨并提供监测技术(见上文第 151-156 段)；

(c) 考虑向其他制裁委员会寻求有关对过境旅客执行旅行禁令的资讯，并在会员国中传播最佳做法(见上文第 201 段和附件二十三)。

(d) 鼓励苏丹政府加强努力，打击达尔富尔境内的性暴力和基于性别的暴力，包括与冲突有关的性暴力(见上文第 118-122 段)；

(e) 鼓励苏丹政府尊重苏丹各地高达尔富尔籍学生的言论、结社和集会自由，促进《多哈达尔富尔和平文件》和《苏丹宪法》所保证的他们的高等教育权利(见上文第 116-117 段和附件十九)；以及

(f) 鼓励苏丹政府尽量为专家小组提供最好的环境以便其完成任务，包括及时为专家小组所有成员提供多次入境签证，并让他们不受限制地进入达尔富尔(见上文第 9-10 段)。

## **Annex I: Mandate and methodology**

### **Mandate**

1. In paragraph 7 of resolution 1556 (2004), the Security Council mandated all states to take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories.
2. In paragraph 8 of the resolution 1556 (2004), the Council further mandated all states to take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7, by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7.
3. In paragraph 7 of its resolution 1591(2005), the Council extended the arms embargo to include all parties to the N'Djamena Ceasefire Agreement and any other belligerents in the aforementioned areas in Darfur.
4. In its resolution 2035 (2012), the Council extended the reference to the three states of Darfur to all the territory of Darfur, including the new states of Eastern and Central Darfur created on 11 January 2012.
5. The enforcement of arms embargo was further strengthened, in Paragraph 10 of the resolution 1945, by imposing the condition of end user documentation for any sale or supply of arms and related materiel that is otherwise not prohibited by resolutions 1556 and 1591.
6. In paragraphs 3 (d) and 3 (e) of resolution 1591 (2005), the Council imposed targeted travel and financial sanctions on designated individuals (the listing criteria were further extended to entities in resolution 2035 (2012)), to be designated by the Security Council Committee established pursuant to resolution 1591 (2005), on the basis of the criteria set out in paragraph 3 (c) of that resolution. In its resolution 1672 (2006), the Council designated four individuals.
7. The Panel operates under the direction of the Security Council Committee established pursuant to resolution 1591(2005). The mandate of the Panel, as set out in resolution 1591(2005), is:
  - a. To assist the Committee in monitoring implementation of the arms embargo;
  - b. To assist the Committee in monitoring implementation of the targeted travel and financial sanctions; and
  - c. To make recommendations to the Committee on actions that the Security Council may want to consider.
8. In its resolution 2340(2017) and preceding resolutions, the Security Council also requested that the Panel:
  - d. Report on the implementation and effectiveness of paragraph 10 of resolution 1945 (2010) in quarterly updates;
  - e. Continue to coordinate its activities, as appropriate, with the operations of the UNAMID, with international efforts to promote a political process in Darfur, and with other Panels or Groups of Experts, established by the Security Council, as relevant to the implementation of its mandate;

- f. Assess in its first and final reports;
- g. Progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556(2004), paragraph 7 of resolution 1591(2005) and paragraph 10 of resolution 1945(2010);
- h. Progress towards removing impediments to the political process and threats to stability in Darfur and the region;
- i. Violations of violations of international humanitarian law or violations or abuses of human rights, including those that involve attacks on the civilian population, sexual and gender-based violence and violations and abuses against children; and
- j. Other violations of the above-mentioned resolutions;
- k. Provide the Committee with information on those individuals and entities meeting the listing criteria in paragraph 3 (c) of resolution 1591(2005);
- l. Continue to investigate the financing and role of armed, military and political groups in attacks against UNAMID personnel in Darfur, noting that individuals and entities planning, sponsoring or participating in such attacks constitute a threat to stability in Darfur and may therefore meet the designation criteria provided for in paragraph 3 (c) of resolution 1591(2005); and
- m. Investigate any means of the financing of armed groups in Darfur.

#### **Methodology**

9. The Panel followed a professional and technical methodology underpinned by the maintenance of transparency, objectivity, impartiality and independence. It worked in full conformity with the best practices and methods recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997). Emphasis was placed on adherence to standards regarding transparency and sources, documentary evidence, corroboration of independent verifiable sources and providing the right of reply to interlocutors. The Panel based its reasoning on a balance of probability to ascertain that a reported fact or piece of information can be substantiated on the basis of credible sources or verifiable evidence.



**Annex II: Panel official outgoing correspondence in 2017**

Panel OC No.	Date	Outgoing	Subject
1	17-Jan-17	Ethiopia	Panel visit
2	17-Jan-17	Uganda	Panel visit
3	18-Jan-17	South Sudan	Postponement of proposed Visit
4	18-Jan-17	Sudan	Request for meeting with officials of Sudanese Embassy in Chad
5	2-Feb-17	Ethiopia	Cancellation of visit to Ethiopia in February
6	8-Feb-17	Qatar	Request for meeting with officials of Qatar Embassy in Khartoum
7	8-Feb-17	Libya	Request for meeting with officials of Libyan Embassy in Khartoum
8	8-Feb-17	Norway	Request for meeting with officials of Norwegian Embassy in Khartoum
9	8-Feb-17	League of Arab States (LAS)	Request for meeting with representatives of League of Arab States in Khartoum
10	8-Feb-17	Sudan cc National Focal Point	Panel visit
11	10-Feb-17	South Sudan	Request for meeting with officials of South Sudanese Embassy in Khartoum
12	2-Mar-17	Sudan	Request for information on travel ban
13	2-Mar-17	UAE	Request for information on travel ban
14	3-Mar-17	Chair of the Committee	Letter to the Chair on Panel visit
15	10-Mar-17	USA	Panel visit
16	20-Mar-17	Ethiopia	Panel visit
17	20-Mar-17	Uganda	Panel visit
18	6-Apr-17	Uganda	Panel visit
19	6-Apr-17	Sudan	Panel visit, and request for multiple-entry visas
20	6-Apr-17	Sudan	Request for meeting with officials of Sudanese embassy in Uganda
21	2-May-17	France	Panel visit
22	2-May-17	UK	Panel visit
23	2-May-17	Uganda	Panel visit
24	3-May-17	Sudan	Request for meeting with officials of Sudanese Embassy in Uganda
25	4-May-17	Ethiopia	Panel visit
26	8-May-17	South Sudan	Requesting for investigation reports on a bank robbery committed in June 2016.
27	8-May-17	Sudan cc National Focal Point	Request for setting up meetings in Sudan
28	12-May-17	USA	Request for information on finance
29	12-May-17	UK	Request for information
30	31-May-17	Sudan cc National Focal Point	Request for information
31	31-May-17	UAE	Request for information on travel ban
32	7-Jun-17	Sudan cc National Focal Point	Request for setting up meetings in Sudan
33	12-Jun-17	Tunisia	Panel visit
34	16-Jun-17	Sudan cc National Focal Point	Request for information
35	21-Jun-17	Uganda	Panel visit
36	29-Jun-17	Tunisia	Panel visit, and request for information
37	29-Jun-17	Sudan cc National Focal Point	Request for information

Panel OC No.	Date	Outgoing	Subject
38	30-Jun-17	CAR	Request for information on asset freeze
39	30-Jun-17	CAR	Request for information on travel ban
40	30-Jun-17	Chad	Request for information on asset freeze
41	30-Jun-17	Chad	Request for information on travel ban
42	30-Jun-17	Djibouti	Request for information on asset freeze
43	30-Jun-17	Djibouti	Request for information on travel ban
44	30-Jun-17	DRC	Request for information on asset freeze
45	30-Jun-17	DRC	Request for information on travel ban
46	30-Jun-17	Egypt	Request for information on asset freeze
47	30-Jun-17	Eritrea	Request for information on travel ban
48	30-Jun-17	Eritrea	Request for information on asset freeze
49	30-Jun-17	Ethiopia	Request for information on travel ban
50	30-Jun-17	Ethiopia	Request for information on asset freeze
51	30-Jun-17	Ghana	Request for information on travel ban
52	30-Jun-17	Ghana	Request for information on asset freeze
53	30-Jun-17	Libya	Request for information on travel ban
54	30-Jun-17	Libya	Request for information on asset freeze
55	30-Jun-17	Morocco	Request for information on travel ban
56	30-Jun-17	Morocco	Request for information on asset freeze
57	30-Jun-17	Saudi Arabia	Request for information on travel ban
58	30-Jun-17	Saudi Arabia	Request for information on asset freeze
59	30-Jun-17	South Sudan	Request for information on travel ban
60	30-Jun-17	South Sudan	Request for information on asset freeze
61	30-Jun-17	Turkey	Request for information on travel ban
62	30-Jun-17	Turkey	Request for information on asset freeze
63	30-Jun-17	UAE	Request for information on asset freeze
64	30-Jun-17	Uganda	Request for information on asset freeze
65	30-Jun-17	Uganda	Request for information on travel ban
66	12-Jul-17	Sudan cc National Focal Point	Request for visas to Panel members
67	14-Jul-17	Chad	Request for information
68	21-Jul-17	World Customs Organization	Request for information
69	3-Aug-17	South Sudan	Panel's visit and request for facilitation of visa
70	11-Aug-17	Toyota cc Japan	Request for information
71	11-Aug-17	Egypt	Panel visit
72	14-Aug-17	Sudan	Request for meeting with officials of Sudanese Embassy in Paris
73	15-Aug-17	Tunisia	Panel visit
74	17-Aug-17	SRSg UNSMIL	Panel
75	23-Aug-17	Chad	Panel visit
76	23-Aug-17	UAE	Panel visit
77	1-Sep-17	Sudan cc National Focal Point	Request for facilitating visa to Panel members
78	1-Sep-17	Tunisia	Panel visit
79	8-Sep-17	Libya	Request for meetings
80	12-Sep-17	Egypt	Panel visit
81	15-Sep-17	Morocco	Panel visit, and request for visa
82	26-Sep-17	1591 Chair	Information on travel ban
83	26-Sep-17	Toyota cc Japan	Request for information on cross-border activities
84	27-Sep-17	South Sudan	Request for information on financing of armed groups
85	29-Sep-17	UAE	Panel visit

Panel OC No.	Date	Outgoing	Subject
86	4-Oct-17	South Sudan	Panel visit
87	29-Sep-17	Chad	Request for information on travel ban
88	29-Sep-17	Oman cc Saud Bahwan Automotive LLC	Cross-border activities
89	29-Sep-17	Libya cc Sumitomo Corporation	
90	29-Sep-17	UAE cc Global LAV and USA	
91	29-Sep-17	Yemen cc Automotive and Machinery Trading Center	
92	3-Oct-17	Sudan cc National Focal Point	Request for visas
93	5-Oct-17	Libya	Request for information on activities of Darfurian rebel groups in Libya
94	11-Oct-17	Egypt	Request for information on travel ban
95	20-Oct-17	Chad	Request for information on travel ban
96	20-Oct-17	Sudan cc National Focal Point	Reminder on pending information requests
97	20-Oct-17	Sudan	Panel visit
98	20-Oct-17	Global LAV cc UAE and USA	Request for information on cross-border activity
99	25-Oct-17	CEO Egypt Air cc Egypt	Request for information on travel ban
100	25-Oct-17	STREIT cc UAE	Request for information on cross-border activity
101	14-Nov-17	UK	Request for information



### Annex III: May-June incursions in Darfur by SLA/MM and SLA/TC

1. On 20 May, SLA/MM and SLA/TC entered Darfur jointly from Libya and South Sudan, in two coordinated columns.<sup>1</sup> The bulk of SLA/MM and SLA/TC forces participated in these incursions. The column coming from Libya was the largest, comprising about 160 vehicles (the majority of them belonging to SLA/MM), according to various government sources. The column coming from South Sudan comprised about 60 vehicles (roughly half of them belonged to SLA/TC). Some sources have indicated that elements of the column from the south were trying to reach Jebel Marra, while some others aimed at joining the Libya column, and then reaching Libya. According to various sources, the Libya column aimed to divert the Sudanese security forces and attract them to the north, in order to allow the smaller column to enter Darfur from South Sudan. It also reportedly sought to post some rebel elements in SLA/MM former strongholds of North Darfur, specifically in Wadi Howar and the Ain Siro mountain area. In order to prepare these incursions, SLA/MM elements operating across the Darfur/Libya border had established some arms and fuel caches in the Wadi Howar area of North Darfur in the prior months.<sup>2</sup>

2. The main entry point for the Libya column was the Wadi Howar area. According to several sources, some elements of this column entered Darfur from Chad, after crossing from the Libyan area of Sarra to northern Chad. The bulk of the South Sudan column entered mainly from the Bahr el Arab area, into the Assalaya locality of East Darfur. The elements coming from South Sudan were intercepted by the security forces in the Esheraya and Muhajerja areas of East Darfur on 20 May. Clashes continued on 21 and 22 May, mostly in the Adola mountains. The security forces engaged with the elements coming from Libya on 20 and 21 May, specifically in the areas of Wadi Howar, Muzbat and Bir Margi. A second phase of those clashes occurred on 28 and 29 May in the Ain Siro area, as the security forces tried to dislodge rebel elements who had taken shelter in this mountainous area.<sup>3</sup> Further clashes were later reported in the Um Baru area and along the Darfur-Libyan border between some rebels fleeing the Ain Siro area and the government security forces.

3. The rebels suffered significant losses, both in terms of equipment and personnel. Considerable amounts of military equipment and vehicles were destroyed or seized by the security forces. Many of the main rebel commanders were either captured or killed in the clashes. In particular, the column from South Sudan was badly hit, based on Mr Minawi's own admission.<sup>4</sup> "Tarrada" and SLA/MM General Commander Juna Mindi were killed,<sup>5</sup> while Nimir Abdel-Rahman and SLA/MM Military Spokesman Ahmed Hussain Mustafa "Adrop" were captured. However, several sources suggest that a few elements from the South Sudan column managed to reach Jebel Marra. Although the column coming from Libya was not completely defeated, two of the most prominent SLA/MM commanders in that column, Khater Shatta and Rajab Jawa, were killed. It is unclear whether a few troops of the column from Libya managed to remain in North Darfur, or if all troops returned to Libya following the clashes. The RSF, the main security forces engaged in the fighting, also suffered losses. According to various sources, several dozen RSF members were killed, including Deputy-Commander Hamdan al-Samih.

4. SLA/MM and SLA/TC seemed to be pursuing different military objectives in the incursions. SLA/MM reportedly wanted to re-establish a local presence in some former strongholds, such as Ain Siro, in order to bolster its credentials as well as to be able to fight in Darfur again. According to an SLA/TC official interviewed by the Panel, SLA/TC wanted to return to Jebel Marra.

<sup>1</sup> Several sources report that some SLA/MM remained in Libya as back-up forces.

<sup>2</sup> These elements responded to SLA/MM field commander Khater Shatta. In North Darfur, they operated in small, scattered groups, in order not to be located by the Sudanese security forces.

<sup>3</sup> According to several sources, several RSF commanders who were previously SLA/MM commanders played a major role in fighting the rebels in Ain Siro, taking advantage of their first-hand knowledge of the terrain and of the SLA/MM arms caches and hideouts in the area. Mohamedein 'Orkajor' is the most prominent one. He used to be one of most important SLA/MM commanders in North Darfur, until he defected to the Government in 2014 with the help of President Deby of Chad, and joined the RSF. Another former SLA/MM who participated in this operation was Ibrahim El Faki.

<sup>4</sup> Meeting of the Panel with Mr Minawi.

<sup>5</sup> According to various sources, 'Tarrada' and Mindi were captured and then executed.

5. According to some sources, JEM had been approached by SLA/MM to participate in the incursions, but declined to join. Based on the JEM Goz Dongo defeat of April 2015 against the RSF, JEM Chairman Gibril Ibrahim reportedly felt the operation was too risky and warned against it.<sup>6</sup>

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<sup>6</sup> According to a rebel source, Mr Minawi, Mr Ibrahim and Mr Nour held a meeting a few weeks before the incursions to discuss the operation.

## Annex IV: SLA/AW presence

1. In its Jebel Marra historical stronghold, SLA/AW presence is now restricted to some pockets of territory. These include the Kurulang-Banj area (south east of Jebel Marra), where commander Abdelrahman Ibrahim "Gaddura" is operating with the biggest force; some locations in the area of Kibli village (central of Jebel Marra), where troops are led by Mugeeb Al Ahrman, Osman Alzain and Mubarak Aldok;<sup>7</sup> and the Bule area (southeast of the Sortony displaced persons gathering site), where the field commanders are Abubakr Ahmed Abass and Yousif Abdu Al-Kareem Hamid. According to various accounts, the group now has between several hundreds and 1,000 fighters in Jebel Marra, and no more than a few vehicles. The political leadership in exile is reportedly not in a position to provide significant financial and material support to the fighters on the ground.
2. Outside Jebel Marra, the group had until recently a presence in the Ain Siro area. However, the main commander there, Ismail Adam "Abunduluk", concluded an agreement with the Government in September 2017, and is reportedly about to be integrated into the RSF with several dozens of his fighters. According to sources, Abunduluk's defection is an unexpected consequence of the SLA/MM and SLA/TC May incursions. In order to track down SLA/MM elements who had retreated in Ain Siro, the RSF deployed in the area, which weakened Abunduluk's military position and constrained him to seek a deal with the Government.
3. The group also retains a presence in the Jebel Isa area of North Darfur, under commander Suleiman Marajan. However, although this group is still formally part of SLA/AW, it reportedly has a tacit non-aggression pact with the local security forces, and has not engaged in any fighting for several years.
4. SLA/AW also has a small force between South Sudan and South Kordofan. It reportedly comprises between 20 and 30 vehicles, and is led by Commander Abdu Haran. This force was deployed from Jebel Marra to South Kordofan around 2012-2013 to contribute to the joint military force of the Sudan Revolutionary Front (SRF), of which Haran was then Deputy Chief of Staff in charge of logistics.<sup>8</sup> Haran's force later moved to South Sudan, after the SRF joint military force became dysfunctional due to differences between the groups constituting it. Though this force is reportedly better-equipped than the troops in Jebel Marra, it has not returned to Jebel Marra. According to several sources, Haran's force did not join the SLA/MM and SLA/TC column which entered Darfur from South Sudan in May.
5. On the ground, the group is undermined by internal divisions. According to several local sources, "Gaddura", the historical General Commander of the movement, was dismissed recently of this position, and relations between the SLA/AW groups located in Jebel Marra are tense.

<sup>7</sup> This group is reportedly the most loyal to Abdul Wahid, because its leaders are his relatives.

<sup>8</sup> The SRF is a coalition formed in November 2011 by the SPLM-N and the three main Darfur groups, JEM, SLA/MM and SLA/AW. After some initial military successes, the coalition has now collapsed over leadership issues between the SPLM/N and the Darfuri rebel groups.

## Annex V: Militias in North Darfur

1. Musa Hilal is one of the most prominent tribal leaders and militia commanders in North Darfur. He is the head of the Um Jalul clan of Rezeigat, as well as the head of all Mahamid in North Darfur. His main area of control is Kabkabiya (his stronghold is Misteriha) and Kutum. In the early years of the Darfur conflict, he acted as interface for the Government of Sudan (GoS) to develop Arab militia groups in North Darfur, and convinced other tribes to join the GoS as proxy groups. Musa Hilal has had difficult relations with the GoS for several years as he has tried to demonstrate his autonomy and independence from the authorities.<sup>9</sup> While Musa Hilal had been the most important Darfuri Arab militia leader in the Government's counterinsurgency campaign in the first years of the Darfur conflict, there have been on-and-off tensions between him and the Government since at least 2007, as he increasingly tried to carve out a space for himself and displayed political ambitions. In particular, he repeatedly criticized the Government for dividing Darfur tribes and instrumentalizing Darfuri Arabs against Africans.

2. One of Musa Hilal's representatives and spokesperson is Haroun Medeikhir. He is a member of the Kabkabiya Native Administration and, on occasions, represents Musa Hilal in resolving tribal disputes between communities in the area. Ahmed Abakar is another Musa Hilal's close representatives, while Hilal's son Habib is also very influential.

3. An-Nur Ahmad (aka An-Nur "Guba") from the Mahamid Arab tribe is a militia commander based in the village of Guba, in the Kutum area.<sup>10</sup> He heads one of the strongest pro-government militias and is a member of the Border Guards.<sup>11</sup> He is said to have had close ties with former North Darfur Wali Osman Kibir, and his forces work closely with the RSF.<sup>12</sup> During the May and June clashes with the rebel movements, An-Nur "Guba" and his men allegedly participated in operations with the RSF in North Darfur, in particular in the area of Ain Siro. His men reportedly also looted a number of villages in the area. An-Nur "Guba" and his men are notorious and have reportedly been responsible for numerous violations against civilians.<sup>13</sup>

4. Hafiz Dawood, also from the Mahamid Arab tribe, is another prominent militia commander, and a close associate of Musa Hilal. He had been granted a military rank. His men are said to have participated in operations with the RSF during the May and June clashes with rebels in North Darfur.

5. Badr Abu Kineish was an Arab militia commander active in the Shangil Tobayi area, and former member of the Border Guards, and participated in support of GoS operations. He has since joined the GoS and is now based in El Fasher.

6. Former North Darfur governor Youssef Osman Kibir (2003-2015) was known for his laissez-faire approach towards the militia. Between 2011 and 2015, he armed and used non-Arab militias, commonly known as "Kibir's militia", to target tribes opposed to the GoS and to control land.<sup>14</sup> Since he left office in 2015, some of his men are said to have been integrated into the RSF, while others have reportedly joined other groups, such as Hilal's, or are acting independently.

7. In the areas of Malha and Mellit, in northern North Darfur, the Meidob tribe has its own militia group, which is said to be aligned with the GoS.

<sup>9</sup> His relations with former governor Kibir were notoriously bad.

<sup>10</sup> He is said to be one of the first militia leaders to broker a deal with SLA/AW in 2006. He later switched sides and joined the GoS. He has been given the rank of brigadier.

<sup>11</sup> Some sources indicate that this group has between 400-500 armoured vehicles and more than 3,000 soldiers. According to other sources, his forces number 600 men recruited among various Mahamid clans, and they have about 100 vehicles. See Small Arms Survey, *Remote Control Breakdown*, HSBA, April 2017, pg. 6.

<sup>12</sup> In the past, he has tended to side with RSF commander "Hemeti", rather than with Musa Hilal.

<sup>13</sup> For example, this militia group is said to have participated in numerous attacks against villages in Jebel Marra during the 2015 and 2016 GoS offensives.

<sup>14</sup> See Small Arms Survey, *Remote Control Breakdown*, HSBA, April 2017, pg. 7.

## **Annex VI: Presence and activities of Darfurian rebel groups in Raja area, South Sudan**

1. During the reporting period, Darfur rebel groups present in South Sudan (SLA/MM, JEM, SLA/TC and a JEM splinter group) were mostly based in the Raja area. Several military bases of Darfurian groups in the area have been reported to the Panel by local sources:

- In Haja-Nus, about 30km north of Raja, on the road to Timsaha;
- In Khor Shamam, about 12km east of Raja, on the road to Aweil;<sup>15</sup>
- In Yangoshi, in a farm, 8km south-east of Raja, on the road to Deim Zubeir;<sup>16</sup>
- Next to an old UN camp, a few km south-east of Raja; and
- Near Newsite, about 12km north of Raja.

2. The Darfur groups<sup>17</sup> provide military support to the local SPLA battalion in the Raja area. According to sources, the local SPLA relies heavily on them to keep control of Raja and the main roads against SPLA-In Opposition (SPLA-IO) rebels and Fertit militias. For instance, the Darfur groups played a key role in repelling Fertit militia attacks on the town of Raja on 14 April 2017 and 15 June 2016. This kind of military support takes place on an ad-hoc basis. The Darfur groups have their own bases and are not integrated within the SPLA.

3. According to several sources, including within Darfur groups, the Darfur rebels have a solid working relationship with Rizig Zakaria Hassan, the Governor of Lol State (and former Governor of Western Bahr el Ghazal State), who reportedly facilitated their settlement in the Western Bahr el Ghazal region.<sup>18</sup> Governor Zakaria appears to be the focal point for the relations with the Darfur groups in the area. Several sources based in Raja have reported to the Panel that he relies on members of the Darfur groups for his personal security in the Raja area.<sup>19</sup>

4. The difficult economic situation of the SPLA and the South Sudanese Government means that the Darfur groups now get very little in return for their assistance. Provision of fuel, medical supplies and medical treatment in the Raja hospital and in the local SPLA medical facilities have been reported to the Panel. Recently, this situation has reportedly generated discontent among the Darfur groups, who feel they should receive more for the security support they provide in the Raja area.

<sup>15</sup> According to most sources, this base is run by JEM. It was the target of air strikes by the Sudanese Armed Forces in 2014.

<sup>16</sup> This camp has reportedly been set up recently.

<sup>17</sup> The Panel could not establish which Darfur groups present in the area were involved with the SPLA and the local authorities, most local sources being unable to differentiate between them.

<sup>18</sup> According to sources, these relations date back to before the independence of South Sudan.

<sup>19</sup> In a meeting with the Panel in October 2017, Governor Zakaria denied cooperating with the Darfur groups.



## Annex VII: JEM in South Sudan

1. JEM has the bulk of its resources—between 60 and 85 vehicles and a few hundred troops according to various sources—in the Raja area of South Sudan. Its senior military leadership is there, including General Commander Siddiq “Bongo”<sup>20</sup> and Chief of Staff Tijani al-Diheb.<sup>21</sup> Other prominent members present in the country include Omda Tahir (advisor to Gibril Ibrahim); Bukhari Abdallah, who oversees JEM relations with the SPLA, including SPLA provision of logistical support to the group;<sup>22</sup> Naqdullah Khalil, who reportedly manages some of the movement’s investments in South Sudan.

2. JEM is currently going through difficult times. The Goz Dongo defeat against the Sudanese security forces in April 2015 destroyed the majority of its fighting capacity, triggering a downward trend. Its experienced military leadership was decimated and its military relevance diminished, fuelling internal discontent against Gibril Ibrahim’s leadership. Due to the difficult economic and security conditions in South Sudan, the group has nothing to gain from remaining in the country and from being dragged further into the South Sudanese civil conflict. However, due to the new balance of forces with the Government of Sudan, JEM has no immediate prospect for return to Darfur, and it has no real possibility to engage in the more profitable Libyan conflict.

3. As a result of these difficulties, internal dissent and disillusion about armed struggle have been growing, resulting in high-profile defections.<sup>23</sup> In March, several field commanders led by Abdul Rahman Arbab, Mohamed Dafallah and Arbab Abdallah Younis defected with their troops, and this has resulted in the de facto split of the movement in two groups in the field in the Raja area.<sup>24</sup> The dissidents have about 20 vehicles and half of the troops, according to some assessments. The split appears to have tribal undertones. Most dissident commanders are from non-Zaghawa tribes, mostly Massalit, echoing recurrent accusations that JEM leadership is increasingly dominated by a small Zaghawa clan and marginalizes non-Zaghawa. Since June, JEM Deputy-Chair Ahmed Adam Bakhit has moved from Kampala to South Sudan to try and contain the rift, reportedly with no success so far. This split is likely to further undermine the group’s military relevance.

4. With the South Sudanese government pressing the Darfur groups to leave, and no serious prospect of moving to Darfur or Libya, the way out for JEM seems to be South Kordofan. According to internal sources, both JEM and the new splinter group have approached the new SPLM/N leadership, elected in October 2017 and led by Abdel Aziz al-Hilu, in order to explore the possibilities to move to South Kordofan. They hope to move their forces there after the rainy season in late 2017-early 2018.

<sup>20</sup> According to recent sources, “Bongo” is currently outside due to health reasons.

<sup>21</sup> Tijani al-Diheb has been arrested by JEM several months ago, reportedly because he was suspected of planning to defect to the Sudanese government or to a JEM splinter group.

<sup>22</sup> According to some sources, Bukhari Abdallah resigned from JEM a few months ago.

<sup>23</sup> Important cadres Mahdi Adam Ismail “Jebel Moon” and Bashir Senoussi left South Sudan and joined the government of Sudan in 2016, the group led by Abu-Bakr Hamid Nour returned to Khartoum in 2017.

<sup>24</sup> According to several sources, the dissident commanders joined New JEM, a dissident JEM movement launched by Mansour Arbab in 2015.

## Annex VIII: Darfurian rebel groups operating in Libya

1. SLA/MM has been by far the biggest Darfurian rebel group in Libya since it entered Libya from North Darfur in early 2015. Most of its resources (commanders, troops, equipment) are now in Libya, mostly in the Jufra region, in particular in Hun (including on the air base controlled by LNA affiliates) and in farms in the Zella area. SLA/MM operates in support of the LNA, through the intermediary of local militias. The group has been able to significantly increase its capability because of its participation in the Libya conflict. According to several reliable sources, the group now has several hundred fighters and approximately 150 vehicles. While the political leadership, including Minni Minawi, is away from the field, the military leadership of the group is in Libya, including chief of staff Juma Hagggar,<sup>25</sup> his deputy Jabir Ishag, Faisal Saleh,<sup>26</sup> Abd al Majid Ali Senine<sup>27</sup> and Mokhtar Shomo.<sup>28</sup>

2. The group is well-structured and organized. Although he is away from the field, Minni Minawi remains in charge, and makes the strategic, big decisions, according to various sources. However, ill-feelings appear to have emerged between Minawi and military leadership on the ground lately. In the May-June clashes in Darfur, SLA/MM lost three top field commanders (Jawa, Shatta and Mindi) whom Minawi reportedly trusted and relied on to lead the movement, based on clan relations. Minawi reportedly does not have the same trust in the current military leadership. Moreover, the troops in Libya get paid directly by their Libyan employers, which gives them increased autonomy from the political, exiled leadership. Tactical differences also exist between the military commanders and the political leadership. Moreover, the commanders reportedly increasingly resent Minawi's absence from the field. According to several reliable sources, Minawi has recently been planning to visit Libya, probably to reassert his authority.

3. JEM has a limited presence in Libya—a few dozens of fighters and a few vehicles. When the current conflict in Libya broke out in 2014, the bulk of JEM troops were in South Sudan, making it difficult for the group to deploy to Libya. However, according to internal sources, JEM leadership is aware that the situation in Libya offers more opportunities than South Sudan, and would like the group to get more involved in Libya. To that end, an experienced commander, General Abdel Kareem Cholloy, former General Commander of JEM forces, was sent to Libya in early 2017, in order to explore ways for JEM to enhance its presence there. Cholloy was deployed to Libya because, as an ethnic Gorane from Chad, he knows the region and the routes to Libya.<sup>29</sup> One of JEM main financiers, Bushara Suleiman, was also present in Libya during most of the reporting period in order to reinforce JEM's operations in that country. However, to move the group from South Sudan to Libya appears difficult and risky, in particular concerning the military equipment. Several sources, both in Libya and within rebel groups, reported to the Panel that JEM has been working with the Misrata faction and the Benghazi Defence Brigades (BDB). Both SLA/MM and JEM leadership officially deny the presence of their groups in Libya.

4. SLA/AW has no significant presence in Libya. A historical SLA/AW commander, Yusuf Ahmad Yusuf "Karjakola", moved from the Ain Siro area (North Darfur) to Libya several years ago. Although he did not officially break away from SLA/AW, he has been de facto independent from Abdul Wahid al-Nour since 2014. SLA/TC, a dissident group from SLA/AW,<sup>30</sup> is also present in Libya with a small force, in support of the LNA alongside SLA/MM; its General Commander, Saleh Jebel Si, is reportedly leading its force in Libya. In a meeting with the Panel in June 2017, Mr Nour said he was trying to reach out to Khalifa Haftar in order to propose to him some of his manpower, on the ground of a shared interest in fighting Islamism in the region. However, this proposal sounds unrealistic. It would be very difficult for SLA/AW troops to move from their strongholds in Jebel

<sup>25</sup> Hagggar joined Libya from South Sudan a few weeks before the incursions into Darfur.

<sup>26</sup> Reportedly in charge of operations.

<sup>27</sup> Reportedly in charge of artillery.

<sup>28</sup> Reportedly in charge of intelligence and security.

<sup>29</sup> Cholloy was one of the architects of the JEM raid to Tripoli in August 2011, which allowed the group to exfiltrate the movement's then-leader, Khalil Ibrahim.

<sup>30</sup> See para. 15.

Marra to Libya, due to their logistical issues and the significant presence of Sudanese security forces and paramilitary between Jebel Marra and Libya.

5. In July 2017, three small Darfur rebel groups based in Libya since 2015-16, the SLA/Unity of Abdallah Yahia, the SLA-Justice of Taher Hajer and a group led by ex-JEM Abdallah Janna formed a new coalition, the Sudan Liberation Force Alliance (SLFA).<sup>31</sup> According to sources, the new coalition has several dozens of vehicles, and a few hundreds of fighters. Its main field commanders are Ahmed Abu Tonga, Musa 'Com'Groupe' (SLA/Justice), Aboud Adam Khater and Imam Daoud (SLA/Unity). The group was reportedly present in the Bizeima, Waw an Namus and Sabha areas. The SLFA is now having talks with SLA/MM to discuss a potential unification of the two groups.<sup>32</sup> Hajer and Yahia have close relations with President Deby of Chad,<sup>33</sup> who once tried to convince them to participate in Government of Sudan's National Dialogue. These good relations with President Deby should encourage the SLFA not to work with Islamist factions against General Heftar, whom President Deby supports.

6. In September–October, several dozens of SLFA troops, led by Imam Daoud, participated in a military operation led by Mabrouk Hanaich, a Libyan commander aligned with the pro-Gaddafi Libyan faction.<sup>34</sup> The force led by Hanaich and comprising SLFA elements left Sabha in late September and settled in the Warshafanah area, south west to Tripoli.<sup>35</sup> The goal of the operation appears to have been the destabilization and possible seizure of Tripoli, in coordination with other pro-Gaddafi forces. In early October, both Daoud and Hanaich were captured by a Tripoli militia.<sup>36</sup> A local source indicates that the SLFA elements stayed in the area until early November, when they were expelled by pro-Tripoli government forces after clashes where they suffered significant losses.

7. Several individual, independent Darfurian commanders are also present in Libya. They act as mercenaries in the conflict and/or engage in various businesses and trafficking. Several of these commanders were part of rebel groups which signed peace deals or security arrangements with the Government of Sudan, but then moved to Libya to enjoy the economic opportunities offered by the conflict. Commanders operating in Libya include Abdallah Banda, Gibril "Tek", Mohamed Dardoug, Zekeria al-Duch<sup>37</sup> (all formerly JEM), Abass Aseel (formerly SLA/AW).

<sup>31</sup> Hajer is the SLFA Chairman, Yahia is his deputy, and Janna is the General commander of the military forces. The three groups constituting the coalition hail mostly from the Zaghawa tribe.

<sup>32</sup> Interview with Minni Minawi, October 2017.

<sup>33</sup> To the extent that Chadian rebel groups suspect that President Deby may want to use the SLFA to monitor the activities of Chadian rebels in Libya (according Chadian rebel sources).

<sup>34</sup> See annex IX.

<sup>35</sup> The force was also ambushed by a local militia on the way to the Warshafanah area, suffering losses.

<sup>36</sup> See annex IX.

<sup>37</sup> Al-Duch, a former JEM commander from Mahamid tribe, is also an ally of Musa Hilal, and reportedly one of his current contact points in Libya.



**Annex IX: Photographs of captured commanders Mabrouk Hanaich and Imam Daoud**



Photograph 1 – Depicting Mabrouk Hanaich (top) and Imam Daoud (bottom)



Photograph 2: Depicting  
Mabrouk Hanaich

## Annex X: Libyan commanders cooperating with Darfurian rebel groups

1. According to several sources, Hilal Musa, a militia leader from Zella,<sup>38</sup> plays the central role in mobilizing and organizing Darfurian fighters, SLA/MM in particular, in support of LNA operations. A former supporter of Gaddafi regime now aligned with the LNA, he looks after those Darfurians and provides them with logistical support in the Zella area.<sup>39</sup>
2. Nasser Ben Jerid, a Gaddafi militia leader and former supporter of Gaddafi regime, also manages some Darfurian groups, reportedly in the Sabha area, according to several local sources. While he was doing so until recently for the LNA, he now reportedly rallied Saïf al-Islam's pro-Gaddafi group with his Darfurian auxiliaries.
3. Mabrouk Hanaich<sup>40</sup> is also a key focal point for Darfur groups in Libya. A military officer during Gaddafi era from Megrha tribe, he is the commander of the "219<sup>th</sup> People's Reinforced Infantry Battalion", a militia made up mostly of Megrha and Gaddafi tribesmen. In 2016, Hanaich was aligned with the LNA, and was managing some Darfur groups on its behalf. In recent months, he started operating as part of Saïf al-Islam's pro-Gaddafi group,<sup>41</sup> bringing some Darfurian fighters with him, as illustrated by the participation of SLFA elements in his failed military operation in Tripoli area in October.<sup>42</sup>
4. Hassan Keley, a Tebu militia leader from Kufra, is another key Libyan partner for Darfurian (and Chadian) groups operating in Libya. He contributed to involving the Darfur groups in Libya, by soliciting some Darfurian commanders (reportedly from SLA/MM) to help the Tebu in their clashes against the Zuwaya in Kufra in 2015. Disappointed with Haftar's perceived closeness with the Zuwaya, he joined anti-Haftar forces in late 2016, reportedly becoming the advisor to Defence Minister Mahdi Al-Barghathi (Haftar's opponent, known supporter of the BDB, currently suspended). In this role, he has been a key intermediary between anti-Haftar forces, in particular Misrata and the BDB, and Darfurian and Chadian fighters. For instance, according to several sources, he played a major role in the defection of some Darfurian fighters from Haftar forces during the BDB attack on the oil crescent in March 2017.
5. Abulgasim Abaj plays an important role in linking the Darfurian groups and the LNA, according to several sources. A member of the Zuwaya tribe from Kufra, he was a high-profile intelligence operative in southern Libya during the Gaddafi regime, in charge of linking with, and providing logistical assistance to, the Darfur groups.<sup>43</sup> Captured by anti-Gaddafi forces in 2011, he was released in late 2016–early 2017. According to sources, after his release he joined Haftar forces, for the benefit of which he reportedly uses his solid, personal relations with Darfurian leaders and commanders.
6. General Abdallah Nuraldin al-Hammali, from Ferjani tribe and a former member of the military under Gaddafi, was the head of LNA operations room in the Jufra area until 28 August 2017, and was one of the key officers involved in the seizure of the Sirte Basin by the LNA in 2016. According to several sources, he used Darfurian auxiliaries in support of LNA military operations, through the intermediary of Hilal Musa and others. His successor, General Ali Mohamed Omar Saad (reportedly from Megrha tribe), also cooperates with Darfurian rebels, as illustrated by the documents in Annex XI.

<sup>38</sup> Reportedly from Gaddafi tribe.

<sup>39</sup> According to a well-informed source, Hilal Musa hosted an important group of Darfurian fighters with their vehicles in a location called 'Haql Zuweitina', between Zella and Jebel al-Haruj (28°34'35"N – 017°19'48"E).

<sup>40</sup> According to a Darfurian commander, Hanaich was in contact with the Darfurian groups in the Kufra area as early as 2007. See photos in annex IX.

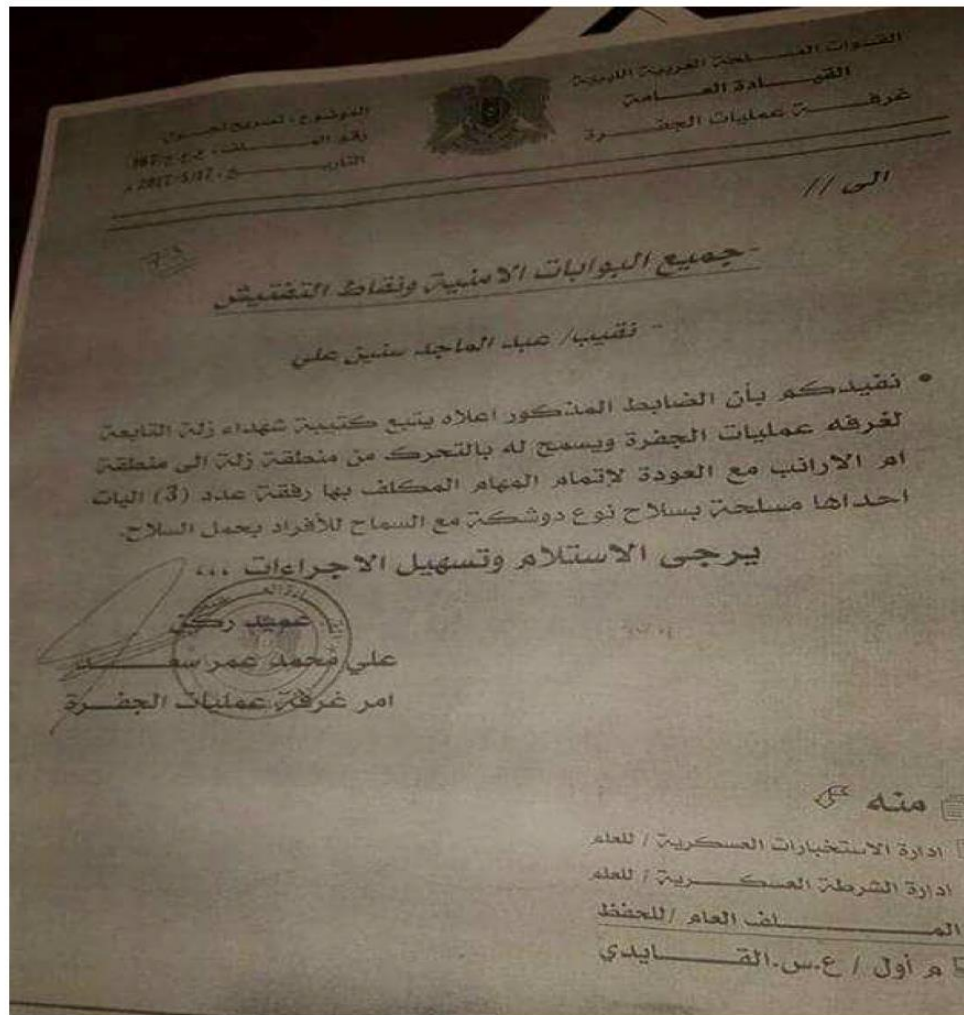
<sup>41</sup> He reportedly has a good relationship with Ali Kana, a major figure of former Gaddafi regime.

<sup>42</sup> According to local sources, SLA/MM elements are not working with Hanaich and were not involved in his operation in Warshafana area.

<sup>43</sup> For instance, when the Darfurian leaders went to Libya for peace talks on Darfur.



## Annex XI: LNA letters regarding Darfurian groups



Translated from Arabic

**Libyan Arab Armed Forces  
General Command  
Jufrah Operations Room**

Subject: [illegible]  
File No.: [illegible]  
Date: 17 [illegible] 2017

To: All security gates and checkpoints

Captain Abdulmajid Sanin Ali

The above-mentioned officer is a member of the Zillah Martyrs Battalion, which is under the authority of the Jufrah Operations Room. He is authorized to travel from the Zillah area to the Umm al-Aranib area and then return, in order to carry out the duties he has been assigned. He will be accompanied by three vehicles, one of which is equipped with a Dushka. Individuals are authorized to bear arms.

Please take note and facilitate procedures.

(Signed) Staff Brigadier General Ali Muhammad Umar Sa'id  
Commander, Jufrah Operations Room

cc:

Military Intelligence Directorate (for information)  
Military Police Directorate (for information)  
General file (for retention)



Translated from Arabic  
Libyan Arab Armed Forces  
General Command  
Jufrah Operations Room

Subject: Military force movement  
File No.: [illegible]  
Date: 12 Muharram A.H. 1439  
Corresponding to: 2 October A.D. 2017

To: Sabha military region  
All security gates and checkpoints

At 7 a.m. on Tuesday, 3 October 2017, a group of 17 vehicles armed with medium weapons will be moving from the Jufrah area to the Umm al-Aranib area via the Sabha area. They will be commanded by Major General Jabir, a Sudanese opposition leader, and belong to the Jufrah Operations Room.

Please take note.

(Signed) Staff Brigadier General Ali Muhammad Umar Sa'id  
Commander, Jufrah Operations Room

cc:  
General Command (for information)  
Central Military Region (for information)  
Control Authority (for information)  
Jufrah Intelligence Branch (for information)  
General file (for retention)



*Translated from Arabic*  
**Libyan Arab Armed Forces**  
**General Command**  
**Jufrah Operations Room**

Subject: Movement order  
 File No.: [illegible]  
 Date: \_\_\_\_\_ 2017

To:

No.:

Vehicles (type) \_\_\_\_\_ colour \_\_\_\_\_ chassis number \_\_\_\_\_ will be under your command.

1. Purpose: administrative work
2. Departure point: Zillah
3. Date of departure: 24 June 2017 Time of departure: 3 a.m.
4. Speed limit: 60 km/h for trucks, 80 km/h for buses and 100 km/h for small vehicles
5. Stopping: vehicles can stop for 10 after two hours of travel, in order to rest
6. Travel will be via public roads
7. Stages: Zillah/Waw airport/Umm al-Aranib/Murzuq
8. Administrative matters
  - (a) No movement before first light or last light. Allowed to move at night.
  - (b) Each driver shall carry his daily work card and the forms pertaining to the fuel dispensed (not [illegible])
9. The movement order shall be inspected by the police for the outbound journey (yes) and the return journey (yes)
10. Approval of the Military Intelligence Directorate (must be contacted at time of departure)
11. Use of movement order: This order shall apply to vehicles used for travelling a distance of more than 100 km. It does not apply to paramilitary vehicles used for travelling a distance of 100 km, unless those vehicles are part of a column. The daily work card mentioned in point (b) above shall be utilized.

Please take action.

(Signed) Staff Brigadier General Ali Muhammad Umar Sa'id  
 Commander, Jufrah Operations Room

cc:

Military Intelligence Directorate (for information)

Military Police Directorate (for information)

General file (for retention)

Note: authorized to carry a weapon



**Annex XII: Photographs of arms reported in Darfurian rebel group incursions**



Image 1 – Panhard AML with 90mm gun armoured cars (Source: NISS)



Image 2 – Streit Spartan (on left - Black) and eight Streit Cougar vehicles (Source: NISS)





Image 3 – Darfurian rebel group SALW (Source: NISS)



Image 4 – SALW captured by SAF (Source: NISS)



Image 5 – Streit Cougar inspected by the Panel (Source: Panel)



Image 6 – Battle damage to Streit Cougar inspected by the Panel (Source: Panel)



Image 7 – Rocket & launcher 90mm M79 Osa inspected by the Panel (Source: Panel)



Image 8 – Guided Missile launcher 9P135 inspected by the Panel (Source: Panel)





Image 9 – Round 12.7 x 108mm APIT inspected by the Panel (Source: Panel)



Image 10 – Headstamp of 12.7mm round inspected by the Panel (Source: Panel)

### **Annex XIII: Attacks on villages in the Ain Siro area, North Darfur**

1. In late May, RSF and other units clashed with SLA/MM in and around Ain Siro, in Kutum district, North Darfur.<sup>44</sup> These forces were in the area pursuing SLA/MM elements that had entered North Darfur from Libya the prior week. According to reports, several villages were partly burnt down in these clashes,<sup>45</sup> a number of civilians were killed and others injured, and the local population was displaced to the surrounding mountains for several weeks.<sup>46</sup> Allegedly, several women were raped. A UNAMID patrol assessed the situation in the area on 8 June and observed signs of destruction of villages and looting, including of a childcare centre and a medical facility in the villages of Toom and Mustariha, 2.5 km south of Ain Siro. The patrol also observed that some villages were abandoned. According to local sources, immediately following the operations by the RSF in the area, a large number of armed men, described as Arabs, on vehicles and motorbikes arrived to the villages and looted the houses and the livestock.<sup>47</sup> Some of the villages looted included Tununu, Mustariha, Dillaiba, Ain Siro and the adjacent villages, including Muttur, Fora, Kolla and Amar, as well as a local dispensary. The Panel has received allegations that the armed men responsible for the looting belonged to the militia groups led by An-Nur “Guba” and Hafiz Dawood.<sup>48</sup> Additional information received indicates that the RSF did not stop those carrying out the looting.

2. A UNAMID team visited the area in late July and observed RSF forces occupying the local schools in the villages of Dillaiba, Mustariha and Tununu (additionally, these schools had been looted).<sup>49</sup> After UN officials raised the issue of the RSF presence at these schools with GoS authorities in El Fasher, the schools were vacated.

<sup>44</sup> According to various sources, many of those who participated in this operation were from neighbouring areas and were familiar with the roads and terrain of the Ain Siro area.

<sup>45</sup> Unconfirmed reports indicated that the villages attacked included Ain Siro, Farang East and Farang West, Tununu, Mustariha, Dillaiba, Kolla, Fora, and Muttur, Takjo, among others.

<sup>46</sup> The Panel was unable to verify initial reports that these clashes had resulted in the displacement of the population to Kutum. In June, government authorities publicly denied that civilians were displaced from the Ain Siro area as a result of the recent fighting.

<sup>47</sup> Information provided by UNAMID.

<sup>48</sup> Interviews with local sources.

<sup>49</sup> Some of the RSF members seen in the school at Mustariha were of Fur ethnicity, and are believed to be local recruits.

# **Annex XIV: List of the SLA/MM and SLA/TC members allegedly captured during the May clashes**

The following list was provided to the Panel by representatives of SLA/TC:

- 1/ Nimir Mohamed Abdelrahman
- 2/ Fadul Hussain Abdalla Altom
- 3/ Yagoub Mohamed Hassan
- 4/ Mohamed Abdalla Ibrahim
- 5/ Mohamed Ishaq Abdalla
- 6/ Ahmed Yahya KhaBr
- 7/ Ahmed Hussain Mustafa Bakheit
- 8/ babikir jar Alnnabi Hussain
- 9/ Saboon Yahya Jibril Abdulkarim
- 10/ Ahmed Alhaj Mohamed Sulaiman
- 11/ Arabi Mahmoud Arabi Adam
- 12/ Mohamed Ibrahim Adam
- 13/ Salih Abdallah Haroun Mohamed
- 14/ Yousuf Ibrahim Haroun Ahmed
- 15/ Alsadiq Abdelrahman Abdalla
- 16/ Alfadil Ahmed Adam Sulaiman
- 17/ Musa Abdalla Salih Omer
- 18/ Abdalla Adam Bakhait
- 19/ Abdalla Mohamed Musa Mohamed
- 20/ Abubakre Adam Abdalla Abdel Gawi
- 21/ HaPa Yagoub HaPa Shallal
- 22/ Jima'a Issa Andel Khair
- 23/ Ali Alnour Hammad Ali
- 24/ Abdeljabbar Adam Issa Da'oud
- 25/ Mubarak Adam Ibrahim
- 26/ Abdulgani Hussain
- 27/ Salih Mohamed Hussain
- 28/ Ishaq Mohamed
- 29/ Ibrahim Abdalla Altom
- 30/ Yousuf Yagoub Abdalla "Abu Kilo"
- 31/ Ali Mukhtar Ali
- 32/ Juma'a Sulaiman Mohamed Shogar
- 33/ Noureldeen Mohamed Ahmed Issa
- 34/ Harry Ismael Nimeri
- 35/ Hamid Mohamed Salih
- 36/ Hussain Ahmed Mohamed
- 37/ Haroun Osman Sam
- 38/ Ismael Ishaq Mohamed
- 39/ Omer Hussain Ahmed
- 40/ Abdalla Osman Ishaq
- 41/ Adam Yagoub Ismael
- 42/ Omer Adam Mohamed
- 43/ Abdilhadi Abdulrazik Omer
- 44/ Ahmed Siddeaq Imam
- 45/ Ali Omer Issa
- 46/ Mohamed Osman Bakheit
- 47/ Omer Shabor Abakkar
- 48/ Ali Ismat AUa
- 49/ Kuku Younus

- 50/ Ahmed Abakkar Ali Ibrahim
- 51/ Nourain Adam Ali Mohamed Salih
- 52/ Musa Eltahir Musa Da'oud
- 53/ Yagoub Haroun Ibrahim Ali
- 54/ Omer Abdulshafie Ibrahim
- 55/ Alsaïd Kuwa Abdelrahman Adam
- 56/ Abdelhamid Adam Abdallah Khamis
- 57/ Yahya Abdelrahman Abbakkar Ishaq
- 58/ Isaa Aldouma Adam Daw el Bait
- 59/ Mohamed Ibrahim Elgizouli Ahmed
- 60/ Yousuf Tutu mamour Kafi
- 61/ Noureideen Shabah Hassan Osman
- 62/ Bakri Arbab Ishaq Abdalla
- 63/ Zackaria Adam Tar Ismael
- 64/ Osman Khalil Ahmed Abdelrahman
- 65/ Mohamed Abbakkar Mursal Ibrahim
- 66/ Mohamed Mursal Awad
- 67/ Anwar Yagoub Abbakkar
- 68/ Adam Hassan Adam Osman
- 69/ Alnazeer abdalla Mohamed
- 70/ Saddam Hussain Abdalla
- 71/ Mohamed Ali Ibrahim Abdalla
- 72/ Juma'a Adam Yahya Garad
- 73/ Musa Ismael Ibrahim
- 74/ Abdalla Ibrahim Imam
- 75/ Peter Hassan Tahir Nourain
- 76/ Osman Ahmed Abdalla Omer
- 77/ Hussain Mohamed hamid Mohamaddain
- 78/ Adam Osman Abdelrasoul Mohamed
- 79/ Mubarak Juma'a Ahmed Abdelrasoul
- 80/ Abdulazim Ahmed Mohamed ShaPa
- 81/ Mohamed Adam Ali Khamis Juma'a
- 82/ Ahmed Hassan Tahir Yagoub
- 83/ Samawi Issa el Eheimir Kuku
- 84/ Omer Kuwa Mojo
- 85/ Issa Kuku Salateen Ismael
- 86/ Bahreledeen Adam Musa
- 87/ Mukhtar Adam Arbab
- 88/ Issa Mohamed Ahmed Elhaj
- 89/ Ishaq AUf Abdalla Mohamed
- 90/ Jamal Yousuf Ishaq Musa
- 91/ Motaz Ibrahim Adam Issa
- 92/ Salih Hussain Ahmed Bakheit
- 93/ Mohamed Omer Mahdi
- 94/ Ali Abbakkar Yagoub
- 95/ Yom Dal Yom
- 96/ Elhaj Ahmed Mohamaddain
- 97/ Shams eldeen Adam Ibrahim
- 98/ Mubarak Idriss KhaBr
- 99/ Ayoub Hassan Ali
- 100/ Mujahid Hussain Kamal
- 101/ Absouse Hussain Gumbala
- 102/ Ahmed Mohamed Omer
- 103/ Ibrahim Yahya Da'oud



104/ Abdussalam Adam Abdalla Adam Mahmoud  
105/ Adam Haroun Abdalla Ahmed  
106/ Ishaq Abdulaziz Mohamed Sulaiman  
107/ Abdallah Ahmed KhaBr  
108/ Motaz Siddeaq Ahmed Abbakkar  
109/ A'amir Abdalla Adam  
110/ Mohamed Harry Jiddu Adam  
111/ Abdulkarim Abdalla  
112/ Younus Hassan Issa  
113/ Altayeb Mohamed Ismael  
114/ Adam Salih Adam Abdalla  
115/ Mohamed Abdalla Ibrahim  
116/ Mohamed Salih Bakheit  
117/ Hamid Da'oud Mohamed  
118/ Ahmed Mohamed Ahmed  
119/ Ahmed Abdulkarim Mohamed  
120/ Abdussalam Mohamed Siddeag  
121/ Omer Adam Musa  
122/ Mohamed Abdelmoula Mohamed Abdelrahman  
123/ Saif Adam Ali Ishaq  
124/ Noureldeen Shareif Ali  
125/ Mubarak Babikir Yagoub  
126/ Adam Jibril Mohamed Abdelmoula  
127/ ElBjani Hussain  
128/ Alsadiq Musa Ahmed  
129/ Ahmed Adam Abdalla Ahmed  
130/ Issa Ishaq Abdalla Sharaf  
131/ Ashraf Yassin Ahmed Mustafa  
132/ Omer Mohamed Hassan Ahmed  
133/ Musa Mohamed da'oud Osman  
134/ Mustafa Ibrahim Khamis Bakheit Tarboush  
135/ Yagoub KhaBr Mohamed Dhahiya  
136/ Adam Eldouma Abdelrahman  
137/ Abdu Adam Ishaq Wad Dani  
138/ Abdulmajeed Ahmed Adam  
139/ Adam Musa Ali Ishaq  
140/ Muzammel Abdulkarim Ibrahim  
141/ Abbkkar Da'oud Ishaq Hussain  
142/ Abdelrahman Ahmed Ibrahim  
143/ Kamal Omer Yahya Adam  
144/ Babikir Haroun Abdelmoula  
145/ Hussain Adam Abdalla Ismael  
146/ Hamid Adam Arbab Musa  
147/ Jamaleldeen Ahmed Abdushafie  
148/ Ahmed Abdalla Mohamed Adam  
149/ Omer Hussain Mohamed Sharaf Eldeen  
150/ Abdalla Issa Abdalla Abuwasim  
151/ Ahmed Adam Khamis  
152/ Ahmed Hassan Jabir Ibrahim  
153/ Ishaq Abdulmajeed Adam  
154/ Adam Issa Adam Abdalla  
155/ Noureldeen Adam Arbab  
156/ Ismael Khamis Abdulkhair

- 157/ Mustafa Ibra Ali Ahemd
- 158/ Yousuf Abdulhadi Yousuf
- 159/ Hussain Younus Ibrahim Taha
- 160/ Mohamed Adam Arbab Abakkar
- 161/ Ibrhaim Ahmed Abbakkar
- 162/ Amjad Ahmed Ibrahim
- 163/ Abdalla Mohamed Ali Adam
- 164/ Ali Haroun Mohamed Yousuf
- 165/ Adam Ishaq Adam Abdalla
- 166/ Hussain Sulaiman Omer
- 167/ Tiya Abdelrahim Termiya
- 168/ Hussain Mohamed Kuwa Kuku
- 169/ Jiddu Lehal Sukous
- 170/ Mohamed Adam hamid Abdallah
- 171/ Abu el Gasim Mohamed Khamis
- 172/ Ali Bukhari Abbas
- 173/ Saddam Elhaj Adam Khamis
- 174/ Mohamed Abdalla Omer Abdulseed
- 175/ Da'oud Yahya Adam Bakheit
- 176/ Alrasheed Deng Akot
- 177/ Jama'a Kuku Juma'a Khair
- 178/ Noureldeen Taha Arbab
- 179/ Yousuf Ibrahim
- 180/ Haroun Ishaq Khamis

**Annex XV: Situation of Internally Displaced Persons**

1. There has been significant less displacement this year compared to prior years. Between late February and early March 2017, roughly 8,000 civilians fled their homes in East Darfur and sought refuge in different villages of El Lait locality, in North Darfur, as a result of clashes between the Berti and the Ma'alia tribes. In May, an estimated 4,000 people were reportedly displaced to Um Dukhun, Central Darfur, due to clashes in the Jougom-West area, in Central Darfur, between the Salamat and Misseriya tribes over cattle theft and land occupation.
2. During this year's farming season, there were frequent reports of harassment and violence by armed men described as Arabs against internally displaced persons (IDPs) when they farming, fetching water or conducting other life-sustaining activities outside the camps. Reports of destruction of farms by animals of nomad communities were also common. For example, in several camps and villages around Tawila, North Darfur, IDP leaders reported that they were being forced to make payments to Arab nomads in order to gain access to farmlands. The lack of adequate attention to this problem has diminished the trust of IDPs in the authorities. There were also numerous reports of physical attacks, rape or attempted rape, and harassment of women and girls during farming activities by perpetrators described as armed Arabs. For example, in July, two men physically assaulted and stabbed an IDP woman returning from her farm to Hashaba IDP camp, in South Darfur.<sup>50</sup>
3. Difficulties in accessing farmlands for IDPs due to the presence of these armed elements have resulted in food insecurity in certain communities. When the Panel visited Straha camp, in Nertiti town, in May 2017, IDP leaders complained about having limited access to their farmlands outside Nertiti town due to the presence of armed Arab groups and noted a lack of adequate nutritious food for vulnerable persons, in particular those displaced in last year's Jebel Marra offensive and whose farmlands had been destroyed. Since the Panel's visit, the situation in and around Nertiti has remained tense, with cases of abduction of civilians, rape, and attacks on farms by Arab men (Nawaiba) being report in various localities.
4. Moreover, according to aid workers, factors such as inadequate rainfall, increased desertification and climate change have resulted in this year's seasonal harvest being insufficient to meet the food security needs of some communities in Darfur, increasing their vulnerable situation.

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<sup>50</sup> Information provided by UNAMID.

## Annex XVI: Case: Sortony IDP gathering site, North Darfur

1. The IDPs at the Sortony gathering site have been subjected to threats, harassment and acts of violence by different armed elements since they arrived in the area in January 2016, during last year's fighting in Jebel Marra. The presence of armed Arabs nomads, led by commander Daoud, and of SLA/PD, led by "General" Sadiq Al Foqa, has been a source of tension and insecurity for the IDPs. Both groups have been responsible for numerous acts of violence in and around the camp against the IDPs. According to the IDP leaders, women and girls have been particularly at risk of sexual violence and sexual harassment by different armed elements both inside the gathering site and when they leave to fetch water, grass, or conduct other life sustaining activities.



Girls school at the Sortony gathering site (Source: Panel)

2. In May 2016, the Arab group led by commander Daoud, which has ties to local authorities, began blocking the Kabkabiya-Sortony road, preventing regular access of the IDPs to the Kube water point (on the same road) and to local market. The blocking of this road followed an attack by the group on Sortony that month, which resulted in eight IDPs killed and six others injured. Two members of Daoud's group were arrested by UNAMID peacekeepers for this attack and are standing trial in El Fasher.<sup>51</sup> The road closure continued this year, with GoS authorities claiming at different periods that it had been reopened. In a meeting with the Panel on 1 August 2017, NISS authorities of North Darfur explained that Daoud's group had closed the road because of the presence of Sadiq's men in and around Sortony camp, partly to stop them from moving freely outside the Sortony area.

3. SLA/PD members have been present in Sortony since at least January of this year, after "General" Sadiq signed an agreement with the Government to join the peace process. Many SLA/PD members have their families in the camp. At that time, around 500 fighters belonging to this group were estimated to be present in Sortony and the surrounding area,<sup>52</sup> although the actual numbers of this group was not known. After the May incursions, Sadiq was rumoured to be rejoining SLA/AW, which he refuted, maintaining that the peace agreement he signed with the GoS remained in place.

<sup>51</sup> The IDPs have demanded the payment of compensation (*Diya* or blood money) for those killed and injured in the May 2016 attack, as well as for a number of rapes which they claim were perpetrated by the Arab group. The Native Administration and local authorities in Kabkabiya, supported by UNAMID, have engaged in negotiations with the two communities to reach a peaceful settlement.

<sup>52</sup> Interview with members of SLA/PD in Sortony.



4. Sadiq and his men have regularly harassed the IDPs, including by imposing illegal taxes on them.<sup>53</sup> The group has also been involved in cattle rustling incidents in the area, provoking attacks on the camp by the Arab nomads. Additionally, on several occasions earlier this year, Sadiq's group tried to forcibly recruit male IDPs in the camp, reportedly to bolster the group's numbers prior to their integration into the SAF. On 17 April, following several incidents of forcible recruitment, "General" Sadiq signed an agreement with the elders at Sortony, promising to refrain from interfering in the affairs of the IDPs and from recruiting civilians without their consent. Further, GoS authorities have accused Sadiq's group of hiding weapons in the gathering site.

5. The tensions between armed Arab nomads and SLA/PD in the Sortony area escalated in June and July, with clashes between the two groups over various cattle rustling incidents. In November, UNAMID forces from the Sortony team site intercepted a group of Arab nomads who were shooting randomly close to the team site. The group demanded the return of their stolen animals and the withdrawal of "General" Sadiq and his men from the gathering site, threatening to attack the IDPs. A few days later, in separate incidents, two IDPs were abducted and later released, and an IDP was shot and wounded, allegedly by the same Arab group.

6. SLA/PD members were expected to be transferred to El Fasher at the end of June for integration into SAF. However, at the time of writing, the transfer of Sadiq's group out of the Sortony area has not taken place. The delay in this transfer appears linked to Sadiq's failure in presenting the numbers of men he alleged to have, which has resulted in him not obtaining a senior-ranking position within the SAF. In a meeting with the Panel in October, GoS authorities indicated that they have made attempts to integrate SLA/PD members into the SAF. They claimed that SLA/PD presented large numbers of children for integration into the SAF, and these were screened out in the integration process.<sup>54</sup> GoS authorities have also claimed that Sadiq presented a large number of men from the Beni Hussein tribe from Saraf Umra, who were not originally part of his group, for integration into the SAF, and that these recruits were rejected.

7. During the Panel's various visits to the camp this year, the IDP leaders have expressed their concern with the situation, stressing that despite the dire conditions in the camp, they are unable to return to their villages of origin because many of their villages were destroyed during last year's fighting. If integrated into the SAF, "General" Sadiq is expected to be redeployed to the Sortony area to provide security for the IDPs.

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<sup>53</sup> See paras. 174-175.

<sup>54</sup> UNAMID has informed the Panel that it is closely monitoring the integration of SLA/PD into SAF to ensure that no minors are integrated. On a number of instances, UNAMID Team Site personnel have observed youths carrying weapons and/or wearing camouflaged clothes with Sadiq's men at the gathering site. The exact age of these youths has not been verified.

**Annex XVII: Clashes between Sudanese forces and IDPs at Kalma camp, South Darfur**

1. On 22 September 2017, at least five IDPs were killed, and some 27 others were injured following a clash between GoS security forces and the IDPs at Kalma camp, South Darfur. The incident occurred during a demonstration by the IDPs against the visit of President Al-Bashir to the area, and was part of several days of protests which began on 19 September. Different accounts have emerged on what transpired. According to some sources, while President Al-Bashir was holding a rally in Beileil, 1km from Kalma, RSF personnel violently dispersed the IDPs' peaceful protest, firing shots in the direction of the crowd, which comprised of men, women, and children. Other reports indicate that some IDPs were carrying sticks, machetes, and had set tyres alight in the vicinity. Local authorities allege that the IDPs engaged in acts of violence and provoked the response by the security forces, detonating a hand grenade. Additional information received alleges that persons in civilian clothes may have entered the camp and provoked the violence. Many of the injured bore shrapnel wounds. Three members of the security forces were also injured in the incident.
2. GoS authorities have always had a tense relationship with the IDPs at Kalma camp, who predominantly support SLA/AW. Since mid-2008, local authorities have had no presence in the camp. Local authorities have accused the IDPs of hiding weapons inside the camp. From their part, the IDPs mistrust these authorities and refuse to accept local law enforcement presence in the camp.
3. Local authorities have indicated that they will fully investigate the incident. UNAMID is also conducting its own investigation into this event.

## Annex XVIII: Sudanese refugees in Chad

1. Sudanese refugees living in Chad since the outset of the conflict have slowly began returning to communities in Darfur. The largest number of returns has so far been registered in Um Dukhun, Central Darfur.<sup>55</sup> The reduction in humanitarian aid and the limited livelihood opportunities in eastern Chad are prompting some of these returns. However, some of these returns have been temporary, due to seasonal farming. Sudanese refugees have also been leaving the camps to seek livelihood opportunities in other areas of Chad, for example in the mining areas in north-eastern Chad, as well as in neighbouring countries and beyond.
2. On 31 May 2017, Chad, Sudan and UNHCR signed a tripartite agreement on the voluntary repatriation of Sudanese refugees from Chad and of Chadian refugees from Sudan. A tripartite commission has been put in place to oversee the implementation of the agreement. During an intention survey conducted by UNHCR in early 2017, in collaboration with the Chadian Commission on refugees,<sup>56</sup> some 3% of the approximately 300,000 Sudanese refugees in eastern Chad indicated their willingness to return to Sudan. The tripartite agreement is to serve as a basis to ensure that any future returns occur in conditions of safety and dignity, guided by the principle of voluntariness of return. In October, for the first time in ten years, 25 Sudanese refugee leaders from Chad participated in go-and-see visits to Sudan to assess the possibility of return.<sup>57</sup> This is a significant development that may facilitate further returns.

<sup>55</sup> According to the IOM, 80,000 refugees returned to Um Dukhun from Chad between 2014 and 2016. In May 2017, the IOM registered the return of refugees to Um Baru, Tine and Komoi in North Darfur, and in Kirty, West Darfur. See OCHA, Humanitarian Bulletin, Issue 5, 6-12 February 2017. Available from [https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_2017/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_Issue\\_05\\_\(6-12\\_February\\_2017\).pdf](https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2017/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_05_(6-12_February_2017).pdf). See also IOM, Displacement Tracking Matrix Monthly Factsheet, May 2017. Available from <https://sudan.iom.int/sites/default/files/docs/2016%20factsheets/PRU/IOM-Sudan-DTM-monthly-factsheet-May-17.pdf>.

<sup>56</sup> Commission National d'Accueil et de Réinsertion des Réfugiés et des Rapatriés.

<sup>57</sup> OCHA, Humanitarian Bulletin, Issue 24, 23 October-5 November 2017. Available from [https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA\\_Sudan\\_Weekly\\_Humanitarian\\_Bulletin\\_2017/OCHA\\_Sudan\\_Humanitarian\\_Bulletin\\_Issue\\_24\\_\(23\\_October\\_-\\_5\\_November\\_2017\).pdf](https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2017/OCHA_Sudan_Humanitarian_Bulletin_Issue_24_(23_October_-_5_November_2017).pdf).



## **Annex XIX: Reports of excessive use of force and arbitrary arrests by Government security forces against university students from Darfur**

1. The Panel received reports of a number of incidents involving excessive use of force and arbitrary arrests against Darfurian students this year, including the following:

- a) In January 2017, NISS officials reportedly raided a student dormitory housing Darfurian students in Omdurman, outside Khartoum, arresting five students.
- b) In March, Darfurian students from the University of Holy Qur'an and Islamic Sciences in Gezira State organized a peaceful protest against the refusal of university authorities to honour the fee exemption policy for Darfuri students. Security forces used tear gas to disperse the crowd, carrying out a number of arrests.
- c) In May, NISS and pro-government students disrupted a public forum of the Darfuri student union at Al-Azahri University, in Khartoum, at which students were calling on university authorities to respect the fee exemption policy. Several students were injured and some twenty arrested in this incident.
- d) In mid-July, more than 1,000 Darfurian students from Bakht Al-Ruda, in White Nile State, resigned en masse after 14 of their colleagues were expelled by university authorities. They were also protesting the arrest of 10 students accused for the killing of two policemen in May.<sup>58</sup> Seeking to present their grievances to authorities in Khartoum, the students decided to march to the capital, but were blocked by NISS and police forces in Sheikh El Yagout village, south of Khartoum, where they remained for three days without basic supplies before travelling to Darfur onboard buses. According to various sources, once in El Fasher, local authorities denied access to the town to those students who were not from El Fasher. Many of the students involved in this incident have since been unable to resume their studies.
- e) On 22 August, Nasreldin Mukhtar, former head of the Darfur Student Association from University of Holy Qur'an in Omdurman, and originally from Nyala, South Darfur, was arrested outside the University by security forces; at the time of writing, he remains in detention for unknown charges. Several sources expressed concern about this detention to the Panel, alleging that in a prior detention in 2015, he had been subjected to torture.
- f) In October, police and NISS disrupted a student sit-in in a hall at the Faculty of Education in Khartoum University, organized in support of colleagues who had been dismissed by university authorities after calling for university reform. When security forces attempted to break the sit-in, they reportedly beat a number of Darfurian students in the hall and arrest at least four others. Those arrested were reportedly boarded onto the back of a pickup and beaten, one of them severely. The police later partially shaved their heads on way to the police station, releasing them after two days in custody.
- g) Twelver other arrests of Darfurian students by security forces in Khartoum were reported to the Panel in September and October, mainly linked to protests regarding university fee exemption and the discriminatory treatment of Darfurian students.

2. Darfurian university activists are regularly subjected to different forms of mistreatment in police and NISS custody. According to multiple sources, students undergo extensive questioning in custody, including about their activism and their suspected links to the Darfurian rebel groups, and are often pressured into denouncing other students. Reportedly, during interrogations, the students are subjected to: beatings with batons, metal rods, and fists; kicking; slapping; torture through electroshock;<sup>59</sup> racial slurs; and other forms of degrading treatment. The NISS offices in the Bahri neighbourhood of Khartoum and in Omdurman are reportedly notorious for these abuses. The Panel also received reports indicating that female

<sup>58</sup> On 9 May, two policemen were killed when security forces violently disrupted clashes between pro-government and opposition students at this University.

<sup>59</sup> Using cattle prodders or tasers.

Darfurian student activists can at times be subjected to sexual violence in detention. Students are often held for prolonged periods without judicial review and without access to a lawyer or to their families.

3. Darfurian students are also exposed to violence from other students affiliated to the ruling National Congress Party (NCP) party. For example, in one incident in late August, a group of pro-NCP students clashed with Darfurian students at Al-Neelain University, in Khartoum, reportedly stabbing three, who later died from their injuries. Also in August, two Darfurian students from El Fasher University were arrested after pro-NCP students clashed with student supporters of SLA/MM; they were released after four days. According to various sources, GoS authorities do not always adequately investigate attacks against Darfurian students or hold those responsible accountable.

## **Annex XX: Reports of recruitment of child soldiers by Darfurian rebel groups**

1. During this mandate, the Panel received reports of various cases of child recruitment by Darfurian rebel groups.
2. While in Sudan in September, the Panel was informed that four minors—aged between 16-17<sup>60</sup>—were captured by GoS forces during the May clashes with Darfurian rebel groups. The Panel requested access to the captured minors and was allowed to interview them, in the presence of GoS authorities.<sup>61</sup> Three of them<sup>62</sup> recounted that they had been forcibly recruited in South Sudan, between 2016 and early 2017—two said that they were recruited by SLA/MM and one by SLA/TC. The fourth minor recounted that he had been forcibly recruited by SLA/MM sometime in the first part of 2017 in the area of Wadi Howar, North Darfur. All four recounted that they participated in the May incursions with their respective rebel groups and were captured by GoS forces, three in South Darfur and one in North Darfur. In October, the four children were transferred from the military jurisdiction to civilian authorities. GoS authorities have indicated that the charges against the children will be dropped, and efforts are underway to locate their family members.
3. In October, the Panel met with Minni Minawi and raised these reports of child recruitment by his group. Mr Minawi strongly denied these allegations, and said that his rebel group does not recruit children. He indicated that he has adopted different measures to prevent the recruitment of children, including issuing orders to all commanders on the ground not to recruit children and appointing a child protection officer to monitor compliance with these orders. Representatives of the rebel group provided the Panel with a copy of these orders and also indicated that the group is planning to organize a joint monitoring visit of its camps with the UN in early 2018. However, the Panel received limited information regarding where this visit will be conducted, and how the orders issued by the group's leadership are being implemented by the chain of command on the ground.
4. The Panel also raised these reports with a representative of SLA/TC, who denied the group's involvement in child recruitment and insisted that their forces comply with international law. He also indicated the group's willingness to engage with UN officials to discuss the adoption of an action plan.
5. During a meeting with the Panel in September, representatives of the National Council for Child Welfare and SAF indicated that earlier this year, in an effort to bolster its numbers, SLA/PD presented a large number of children for integration into the SAF. According to these authorities, SAF officials screened these children out during the integration process. The Panel is seeking further information on this incident.
6. In October, the Panel received allegations that armed men belonging to a rebel group led by Mohamed Dardoug, a former JEM commander operating in Libya, recruited tens of children in the area of Malha, North Darfur, in March of this year. The Panel is looking into these allegations.

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<sup>60</sup> While in custody, the four minors underwent different age verification assessments, one carried out by military authorities and another by a civilian medical body.

<sup>61</sup> Representatives of SAF, the National Council on Child Welfare and the Ministry of Foreign Affairs attended the interviews. Although GoS authorities had initially accepted the Panel's request to interview the children privately, the Panel was unable to meet with the children without the authorities present.

<sup>62</sup> One of the three is South Sudanese, while the other two are Darfurians.

**Annex XXI- Cross-border affiliations in the Darfur–Chad–Libya triangle**

1. On 18 August 2017, an incident between armed men and a patrol of the Chadian National Army resulted in significant losses for the Chadian armed forces: a dozen of casualties, including two colonels. The *Conseil de Commandement Militaire pour le Salut de la République* (CCMSR), a Chadian rebel group based in Libya and led by Mahamat Hassan Boulmaye, claimed responsibility for the incident. According to several Chadian rebel sources, the incident happened when a convoy of between 6 and 8 vehicles, including a truck, led by Bechir Faik, a veteran Chadian Arab rebel, and Margui Djourou, a commander of UFR Chadian rebel group, was intercepted by the Chadian patrol. According to several sources, the convoy was transporting supplies (mostly food) from Libya to Musa Hilal in Darfur. In Darfur, the convoy was reportedly going to buy a shipment of weapons that it would sell in Libya after returning. After being engaged by the Chadian army, the traffickers called CCMSR for help; some CCMSR elements joined the fighting, helping to defeat the patrol.

2. This incident illustrates the cross-border interconnections between the situations in Darfur, Libya and Chad, the porosity between rebel and/or militia activities and trafficking and the shifting and multi-layered loyalties of armed men in the region. Bechir Faik has had many hats. A Mahamid from Chad, in the 1980s, he was a commander for the Democratic Revolutionary Council (CDR), a mostly Arab Chadian rebel group based in Darfur. After the CDR concluded an agreement with the Chadian government in the late 1980s, Faik stayed in Darfur, where he worked with Musa Hilal (also a Mahamid), including reportedly as part of Hilal's *janjaweed* militia in the Darfur conflict. When the Chadian rebellion settled in Darfur again in 2005-2006 with the support of the Government of Sudan, he joined it, reportedly as a commander for the Front of the Salvation of the Republic (FSR), a mostly Arab group led by Ahmat Hassaballah Soubiane. After the 2010 Sudan–Chad rapprochement and the subsequent end of Sudanese support for Chadian rebellions, he stayed in Darfur. There, he continued working with Musa Hilal, reportedly briefly joined Hemmeti's RSF, and engaged in cross-border trafficking between Darfur and Libya, including of weapons both ways,<sup>63</sup> and of vehicles from Libya to Darfur. Since the beginning of the conflict in Libya between Haftar and the Tripoli government, he has oscillated between rebel, mercenary and trafficking activities. He works closely with the CCMSR, was reportedly a mercenary for the Benghazi Defence Brigades in May-June 2017, and continues his cross-border activities, as illustrated by the 18 August clashes.

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<sup>63</sup> Flows of weapons between Darfur and Libya happen both ways: generally, light weapons go from Darfur to Libya while heavier weapons go from Libya to Darfur.

**Annex XXII: Transcript of video clip by Abdul Wahid**

*Translated from Arabic*

[Caption below speaker's face]

The rebel Abdulwahid Muhammad Nur

[Statement]

I demand that displaced persons and refugees...any camp that has 300 to 500 million Sudanese pounds on a monthly basis...any camp with 300 to 500 million Sudanese pounds...that is for liberation!

Second, you must send me your sons and daughters who are in the camps, in the country and abroad...

Moreover, those who won't pay us, they have to be aware that we will destroy their money [property] instead of allowing it to go to the Government, so that they can use it against us. Your money [property] will be destroyed, and we'll destroy you afterwards.



### Annex XXIII: Challenges to implementing the travel ban measure

1. Pursuant to paragraph 3(d) of the resolution 1591(2005), all States are required to take the necessary measures to prevent entry or transit of designated persons through their territories.
2. To prevent the entry of a designated individual into a Member State, there are dual controls in place. First, a Member State can deny the individual in question a visa, when a visa is required. Second, at the time of entry, the border control authority can deny entry. Border control authorities of all Member States have access to INTERPOL-UNSC Special Notices.
3. However, implementation of the travel ban measure during the transit of a designated individual through the territory of a Member State presents challenges. This could be attributed to the principle of free transit through international areas of airports, enshrined in Annex 9 of Convention on International Civil Aviation.<sup>64</sup> In most cases, no airport transit visa is required to transit through the territory of a Member State. Further, in transfer/transit areas of the international airports, there are usually no systemic passport checks. Against this backdrop, a Member State can prevent the transit of a designated individual only when it has specific information available.
4. Few exceptions exist to the principle of free transit. For example, in annex IV to regulation no. 210/2009, the European Union listed certain countries whose nationals are required to hold an airport transit visa. This list does not include Sudan, and would therefore not apply to the individuals designated on the sanctions list.
5. To prevent transit of a designated individual, use of an Advance Passenger Information (API) system is advocated. An API is an electronic communications system that collects data from the passenger's passport or other government-issued travel document. The data of all passengers of a departing flight is electronically transmitted to border control authorities of the Member State, where the flight is scheduled to arrive. This data is sent before the departure of flight to give sufficient notice to the Member State to perform checks on passengers. If a traveller's name appears on any Interpol watch list, the transiting individual can be intercepted upon arrival. At present, approximately 75 countries use API systems.<sup>65</sup>
6. Sudan does not have an API system in place. As there is no requirement for Sudanese nationals to seek an airport transit visa for any country, the border control authority in a transit country is unable to prevent the transit of a designated individual.
7. In its letter dated 22 May 2014, the Committee requested that Sudanese authorities restrict the travel of the designated Sudanese individuals to other countries. While Sudanese nationals have the right to travel outside their country pursuant to international instruments, Member States like Sudan are entitled to put in place restrictions on the travel of their nationals.<sup>66</sup> Therefore, the Committee could encourage Sudan to instruct Sudan's border control agency to monitor the designated individuals' movement abroad, with a view to either restrict their travel at the onset, or to inform the transit or destination country so that the travel ban can be successfully implemented by the transit or destination country.

<sup>64</sup> International Civil Aviation Organization, Convention on International Civil Aviation, Doc 7300/9, 7 December 1944, annex 9, para. 3.57. Also known as the Chicago Convention, and with 191 signatory member state, the Convention states: "where airport facilities permit, Contracting States shall make provision by means of direct transit areas or other arrangements, whereby crew, passengers and their baggage, arriving from another State and continuing their journey to a third State on the same flight or another flight from the same airport on the same day may remain temporarily within the airport of arrival without undergoing border control formalities to enter the State of transit".

<sup>65</sup> Organization for Security and Co-operation in Europe, "Overview of the use of Advance Passenger Information (API)", SEC.GAL/20/17, 8 February 2017. Available from <http://www.osce.org/secretariat/308796?download=true>.

<sup>66</sup> See article 13 (2) of the Universal Declaration of Human Rights. Cf. article 12 (3) of the International Covenant on Civil and Political Rights.

8. Further, the Council may like to seek information from other Sanctions Committees on the implementation of travel ban with regard to transiting passengers, and disseminate the best practices among the Member States.



## Annex XXIV: Updated information on the designated individuals

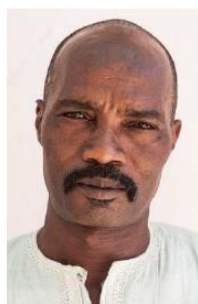
### Part A—Photographs of three designated individuals



Musa Hilal Abdalla Alnsiem [SDi.002]



Adam Yacub Sharif [SDi.003]



Jibril Abdulkarim Ibrahim Mayu[SDi.004]

### Part B—Proposed amendment to Sanctions List

**SDi.003 Name:** 1: ADAM 2: YACUB 3: SHARIF 3: na  
**Title:** na **Designation:** Sudanese Liberation Army (SLA) Commander **DOB:** Approximately 1976 1 Jul 1970 **POB:** na ElFasher **Good quality a.k.a.:** a) Adam Yacub Shant b) Adam Yacoub **Low quality a.k.a.:** na **Nationality:** Sudanese **Passport no:** P00182993, issued on 19 Jul 2010 (Expired on 18 Jul 2015) **National identification no:** na **Address:** na **Listed on:** 25 Apr. 2006 **Other information:** Reportedly deceased on 7 June 2012. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5283783> [click here](#)

**Annex XXV: Abbreviations**

API	Advance Passenger Information
APIT	Armour Piercing Incendiary Tracer
AUHIP	African Union High-level Implementation Panel
BDB	Benghazi Defence Brigades
CAR	Central African Republic
CCMSR	Conseil de Commandement Militaire pour le Salut de la République
CDR	Democratic Revolutionary Council
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
GoS	Government of Sudan
IDP	Internally Displaced Person(s)
IOM	International Organization for Migration
JEM	Justice and Equality Movement
LAS	League of Arab States
LNA	Libyan National Army
NCP	National Congress Party
NISS	National Intelligence and Security Service (Sudan)
OCHA	Office for Coordination of Humanitarian Affairs (UN)
PDF	Popular Defence Forces
RSF	Rapid Support Force(s)
SAF	Sudanese Armed Forces
SALW	Small Arms & Light Weapons
SLA/AW	Sudan Liberation Army/Abdul Wahid
SLA/Justice	Sudan Liberation Army/Justice
SLA/MM	Sudan Liberation Army/Arkou Minni Minawi
SLA/PD	Sudan Liberation Army/Peace & Development
SLA/TC	Sudan Liberation Army/Transitional Council
SLA/Unity	Sudan Liberation Army/Unity
SLFA	Sudan Liberation Force Alliance
SPLA	Sudan People's Liberation Army (South Sudanese Army)
SPLM/N	Sudan People's Liberation Movement/North
SRF	Sudanese Revolutionary Front
SRSG	Special Representative of the Secretary General
UAE	United Arab Emirates
UFR	Union of Forces of Resistance
UK	United Kingdom of Great Britain and Northern Ireland
UNAMID	African Union-United Nations Hybrid Operation in Darfur

UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council
UNSMIL	United Nations Special Mission in Libya
USA	United States of America

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