

# SUDANWORKINGPAPER

## **Darfur crisis:**

The role of traditional leaders in dealing with violence against women

Yousif Takana

**SWP 2014: 4**

The programme Assisting Regional Universities in Sudan and South Sudan (ARUSS) aims to build academic bridges between Sudan and South Sudan. The overall objective is to enhance the quality and relevance of teaching and research in regional universities.

As part of the program, research is carried out on a number of topics which are deemed important for lasting peace and development within and between the two countries. Efforts are also made to influence policy debates and improve the basis for decision making in both countries as well as among international actors. ARUSS is supported by the Norwegian Ministry of Foreign Affairs.

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# Abstract

The armed conflict between the Sudan government and rebel groups in Darfur erupted in 2003. Escalating violence included sexual assaults on women. Many women who have been raped live with a stigma, or are forced to get divorced and care for their “illegal” children. After a number of aid organizations were expelled from Darfur, civil society organizations and the traditional leadership were called upon to protect women from sexual violence. This paper explores the role of traditional leaders. It argues that customary practices do not provide women with any protection as compensation is given to their families and they suffer from marginalization and further violence. Similarly, children born after rape are not protected from social exclusion and are thought of as illegal. Accordingly, many women are deprived of their basic rights and the role of traditional leaders in protecting them remains very limited.

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## Introduction

The armed conflict between government and rebel groups (Sudanese Liberation Movement/Army, or SLM/A, and Justice and Equality Movement, or JEM) in Darfur erupted in 2003. The government started to arm and grant military leadership to local Arab militias, which came to be known as Janjaweed. Their attacks, including sexual assault, were directed at the region's ethnic groups of African origin; namely, Fur, Tunjur, Masalit, and Zaghawa.<sup>1</sup> On 14 July 2008, the Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo, indicted President Omar al-Bashir for five counts of crimes against humanity (murder, extermination, forcible transfer, torture, and rape) and two counts of war crimes (pillaging and intentionally directing attacks against civilians). According to the indictment, Bashir bears individual criminal responsibility for systematic raping in Darfur. An arrest warrant for Bashir was issued on 4 March 2009.

Efforts to minimize the impact of sexual violence against women and children in Darfur have taken many forms. International NGOs have taken on the responsibility of providing basic needs and services to all those affected by war. They made tremendous efforts in raising awareness among people and their leaders as they respond to the violence of fighting groups and government forces. The UN mission forces provided some forms of protection, while national NGOs operated with the support of international organizations. The Sudanese government's reaction to the ICC indictment has had dramatic repercussions for the humanitarian presence in Darfur, including in the area of gender-based violence (GBV) programming. Immediately following the ICC indictment, the Sudanese government expelled 13 international NGOs operating in Darfur and de-registered prominent national NGOs, all of which employed nearly 40% of Darfur's aid workers.<sup>2</sup> Halting the operations of these organizations, according to the UN, left 1.1 million people without food, 1.5 million without health care, and at least 1 million without drinking water.<sup>3</sup> They were expelled on accusations of providing information to the ICC. Médecins Sans Frontières (MSF) was accused of spying for the ICC. In 2005, MSF published *The Crushing Burden of Rape* (Médecins Sans Frontières 2005), a report on the widespread sexual violence in Darfur. In it, MSF reported treating nearly 500 rape survivors from October 2004 to early February 2005.<sup>4</sup> Two senior members of MSF Holland were arrested, charged with espionage and publishing of false information.

After the expulsions, violence escalated, including sexual violence against women. Civil society organizations and the traditional leadership were called upon to fill the gap left after aid organizations were expelled. At the same time, the regional and central government claimed to have worked toward stopping such violence from escalating further. The international community, through its stationed forces, is making genuine attempts to stop conflicts in and around the refugee camps. However,

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<sup>1</sup> UN office of the High Commissioner for Human Rights, *Access to Justice for Victims of Sexual Violence*, Report of the United Nations High Commissioner for Human Rights, 2005, <http://www.unhcr.org/refworld/publisher/OHCHR,,,46cc4a650,0.html>

<sup>2</sup> The expelled NGOs are: Oxfam G.B.; CARE; MSF Holland; Mercy Corp; Save the Children U.K.; Norwegian Refugee Council; International Rescue Committee; Action Contre La Faim; Solidarities; CHF International; Save the Children U.S.A.; PADCO; MSF France. The national ones are: Khartoum Centre for Development and Environment and Amal Centre for Rehabilitation of Violence Victims.

<sup>3</sup> IRIN Humanitarian News and Analysis (10 July 2013). All these numbers were also cited by the Bergid Omda Salaheldin Abdalla Hassan, chair of the IDP committee for South Darfur, interviewed by the author on 16/9/2013.

<sup>4</sup> <https://www.aerzte-ohne-grenzen.at/fileadmin/data/pdf/reports/2005/msfmedia-2680.pdf>

traditional leadership is so far the only force that can perhaps deal with the victims of violence. The role of the traditional leaders in the protection of women is explored in this paper.

The information presented is based on available literature and reports on the Darfur crisis, as well as on intensive interviews undertaken by the researcher during the period of April-June 2013 in two states of Darfur. The interviews covered Nyala (South Darfur) and El Fasher (North Darfur), in addition to Zalingai in West Darfur. Unstructured interviews were conducted with traditional leaders, women and men, as well as with displaced people in camps. Some government officials were also interviewed. Several group discussions were undertaken on the role of traditional leaders in protecting women. The research was challenging as the author originally comes from one of the pastoral Arab groups in Darfur. The author has served as a minister in the regional and national governments. It therefore took some time to gain the trust of the traditional leaders. However, the author used his tribal connections in the camps to his advantage in order to explain the purpose of the research and build trust among his respondents. He used his political connections in the current governments in the different Darfur states to gain access to data and to move freely in the displaced camps.

The paper is organized in six sections. Following the introduction, the second section gives an explanation of the dynamics of the conflict. Section three explains the changes of the roles of the traditional leaders, followed by a section on the situation of women in Darfur. Section five addresses the forms of violence women were exposed to during the conflict in Darfur. Lastly, section six analyses the role of traditional leaders in protecting women against violence, followed by the author's conclusions.

## Conflict dynamics

The emergence of the Darfur crisis on the regional, national, and the international scene dates back to 2003. Behind it all is the competition of different ethnic groups over the major natural resource in the region; namely, land. The causes of the present conflict can be traced back to the past decades as mainly resulting from drought and desertification. Darfur is an ecologically fragile area that has seen conflicts over productive land resources of different ethnic groups starting in the last quarter of the last century. The present conflict has emerged in the context of such persistent ecological crisis leading to slow or absent agricultural production among the non-Arabic speaking ethnic groups and limited grazing lands for the Arabic and non-Arabic speaking pastoral groups. This led to massive population mobility, especially among the population of northern Darfur, with people having to try to make a living in the central, western, and southern parts of the region. In the process, such groups grabbed the land from the original settled cultivators and forced them to seek refuge in camps mostly supported by international organizations and protected by international forces (Suliman 2000; Ahmed and Manger 2006).

The violence resulting from this crisis in Darfur has taken different forms leading to the intervention of different groups supporting the displaced population, especially those in the refugee camps. The government forces and the popular defense forces that are known nationally and internationally as Janjaweed are intervening on the side of the aggressors; namely, those who are occupying lands. War, displacement, poverty, lack of law and order, and bad governance all created conditions conducive to crimes against humanity. The violence resulting from this conflict has its impact on the most vulnerable groups; namely, women, children, and the elderly, who had to seek protection in the refugee camps. Women are subjected to harassment, torture, and rape, with substantial cases reported nationally and internationally.

*Khartoum's policy promotes violence:* The policy of the Khartoum government in Darfur, since the early 1990s, has contributed tremendously to the ongoing violence. The first steps of that government were the progressive attempts to change the social structures of Darfur communities to help execute its Islamist ideology on the ground. The Islamist policies changed all the rules and traditions. They dismantled the native administration of the big tribes by creating new ones on the basis of political support. This politicization of native administration disregarded its original rules and created tensions and conflicts between tribes, of which the bloody wars between Masalit and Arabs in 1995-1998 in West Darfur are a good example (Takana 1997).

Government policies destroyed the social fabric of the tribes and created hostility among tribal communities. The recent tribal fighting in both Central and South Darfur (April, May, June 2013) between Messeria and Salamat, Tassha and Salamat, Beni Helba and Gimir, are all instigated by the same policy. All of these violent conflicts are triggered by government policies on land and functioning of the tribal administration.

Since its inception in 1989, the Islamist regime took the colonial principle of “divide and rule” as the core of its policy in Darfur. After the conflicts between the Darfur armed movements and the government armed forces and police in 2002-2003, the Darfur community was divided into Zorga (blacks) and Arabs. The government categorized the “blacks” from Fur Masalit and Zaghawa as supporting the rebel movements. On the other hand, it considered the Arabs in the region as strong supporters of the Islamist regime in Khartoum. Taking advantage of the local Darfur conflicts over natural resources between nomadic groups and farmers, the government fully supported Arab

pastoralists and armed them to combat the armed rebels. The negative effect of this ethnic polarization was drastic for the Darfur community and triggered different forms of violence in the region (Flint and De Waal 2008).

*The politics of re-tribalization in Darfur:* Now, one of the major problems facing local communities in Darfur is tribalism. Because of the incompetence of the regime, since the early 1990s there was a shift in policy, from nation-building to depending on and strengthening tribalism in Darfur. This policy took many directions. The first one was to legalize tribes through establishing administrative units (localities) on a tribal basis. The local units in the Darfur region were organized on tribal bases instead of taking into consideration geographical, territorial, and economic aspects. Accordingly, South Darfur was divided into 20 tribal local units, and North Darfur into 18 tribal local units. Each local unit is a legal entity or a tribe that has its local boundaries, its own budget, its own armed militia, and its own Nazir<sup>5</sup> or Sultan. That means creating several fully independent entities or “states” at the local governance level. The national state legitimacy is eroded while tribal entities replace it. A vacuum of power is thus created and the standard of law and order collapses, allowing chaos. This tribal policy has been similarly executed at all state levels in Darfur since 2011. Hence, the politics of West Darfur are dominated by the Masalit tribe, Central Darfur by the Fur tribe, South Darfur by the Bagarra, and East Darfur by the Reziegat tribe. There clearly is a replacement of state national powers and institutions by tribal ones. This in a way explains the current instability and violence presently taking place in Darfur, and how Darfur has become a land of violence in recent years.

No doubt, for most of the tribal wars in Darfur, land and resources are the central issue. Between the 1970s and the 1980s, drought and desertification hit most of north and northwestern Darfur hard. This compelled the animal and human population to migrate to the south (savannah) or to the southwest (Jabel Marra), where rich resources are available. These processes complicated the traditional way of life for both pastoralists and sedentary farmers and exerted huge pressure on land systems. Hakora (Dar or homeland given by the Sultan to specific group or individual) systems and the traditional systems of land use began to crack and even to collapse in some parts of the region. At the same time, most of the tribal communities began to build their military powers and organize their militia. The traditional customs of peaceful competition over land gave way to sheer tribal military force (Suliman 2000; Takana 1997).

Between 2012 and 2013, the dynamics of tribal wars changed a lot as the tribal groups became well organized and armed themselves with advanced weapons. They were fully backed by the government military groups, who were recruited locally on a tribal basis and supported fully by the government to combat the “rebels.” These semi-government militias remained loyal to their tribes and supported them in any attack against other tribes. This became obvious in recent tribal conflicts in South Darfur between Salamat and Taaisha, Messeria and Salamat, Beni Helba and Gimir in April-May 2013. In North Darfur, cases in point are those of the North Rezeigat against the Beni Hussain in Jebel Amer (April 2013), and the Berti against the Zayadia in Melit (March 2012).

Melit is a semi urban commercial and administrative center in North Darfur. The center is dominated by three main ethnic groups; namely, the Berti (the majority), the Zayadia, and the Meidob. In March 2012, a clash between two members of the Berti and the Zayadia took place in the market place while bargaining over goods. Tension escalated and both tribes mobilized their forces in support of their

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<sup>5</sup> “Nazir” is the head of the ethnic group who collects taxes on behalf of the government and resolves disputes through his court, which had certain powers in the native administration system before it was dissolved.

members. The Berti got the police and the popular defense forces on their side, while the Zayadia had the central reserve forces (Abu Terra) and the Janjaweed on their side. In this case, government military forces had to stand in support of their tribes. A bloodshed would have resulted if not for the presence of wise men from both sides. The state governor established an investigating committee and undertook an investigation of the incident. The case of the Berti and Zayadia clearly shows that tribalized military organizations are a widespread phenomena among all tribal communities in Darfur. That means that tribes are now becoming very powerful in fighting each other and causing massive destruction.

It could be argued that, while national state powers are shrinking in the main cities in Darfur, tribes have been expanding their military powers to fill the vast geographical space of the rural areas. Lawlessness and chaos under such conditions have driven the helpless poor rural populations to urban centers in search of personal and family security. For those who were lucky enough, the IDP camps represented safe havens.

In the new phase of the Darfur tribal wars, because of the absence of state institutions, tribes started to create war alliances to defend their territories. In South Darfur, a new defense alliance was created among the Habania, Beni, Helba Taasha, Felatta, and Turgem. To these groups the alliance is important because of: (1) the absence of powerful government institutions; e.g., army and police; (2) the aggression of the new independent state of South Sudan claiming part of their lands; and (3) the government support of the Rezigat of the north (Janjaweed), who crashed the Beni Hussain in the Jebel Amer conflict of April 2013.<sup>6</sup>

The Jebel Amer conflict between north Rezigat “Aballa” and the Beni Hussain tribe in northern Darfur was horrifying. It changed the rules of the game in tribal wars drastically. In a press release, the Beni Hussain claimed the death and injury of many men and women<sup>7</sup>, burned villages,<sup>8</sup> displacement of families,<sup>9</sup> as well as blocking of roads from Serief Beni Hussein to stop humanitarian aid from reaching people. In addition, 15 women were reportedly raped during the tribal clash. In their final statement, the Beni Hussain urged the government to help them by providing armed forces to open the roads.<sup>10</sup>

*War activities of rebel armed movements in Darfur:* The violence generated by the Darfur rebel armed movements was tremendous. In April 2013, the Sudan Minister of Interior told the parliament that in the previous six months there had been more than 626 attacks by the Darfur movements. He further added that South Darfur was the most unstable area in the whole country. Between October 2012 and April 2013, 85 public crimes were registered in South Darfur alone, while in North Darfur there were about 29 similar cases. In April, May, and June 2013, the armed movements intensified their activities

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<sup>6</sup> Interview with Hamid Saad, a tribal activist, Nyala (11 May 2013).

<sup>7</sup> Between men, children, and women, 510 were killed and 865 were injured.

<sup>8</sup> Sixty-eight villages were completely burned and 120 villages were partly burned.

<sup>9</sup> A total of 18,908 families were displaced from localities and towns.

<sup>10</sup> Sahafa Daily Newspaper, Khartoum, 26 February 2013.

in the region especially around Nyala, Elfasher and Zalingi. In South Darfur they clashed many times with the government's armed forces.<sup>11</sup>

In March 2013, there was a conflict between the north Rizegait (camel owners) and the Beni Hussein tribe in the area of Jabal Amer, which is rich in gold. During the same month, the area witnessed a conflict between the Misserya, Tayasha and Salamat. In April 2013, there were recurrent conflicts between the Helba and Gimir in South Darfur. The new state in east Darfur witnessed the conflict of the Rizaigat and Maalya in August 2013. The communities were badly affected by these conflicts as modern arms were used in the fighting, causing the death of many people. Also, the different government militias fought alongside their tribes and against other tribes. This gave the conflict a different dimension as these militias are well trained. The report to the state on the conflict between the Rizaigat and Malalya in the period between 17 April to 22 August 2013 documents the participation of government militias in the conflict.

In May 2013, the rebel armed groups occupied Muhajeria and Laboda and looted convoys of trucks between East and South Darfur. They blocked the Nyala–Boram road and charged the commercial vehicles and buses, taking money and fuel. Lootings, robberies, and hijackings have become commonplace. Government armed forces have been reported burning villages and raping women as well. They too are getting by with the use of guns, especially after government supplies and money started running short because of the separation of South Sudan in 2011.

The direct effects of all these warring “partners” are:

1. Huge migration of the Darfur rural population, including children, men, and women, to urban centers, or to IDP Camps and poor shanty areas in urban neighborhoods (see Table 1 annexed for details).
2. Complete collapse of the rural economy that depends on rain-fed farming.
3. Widespread poverty among the major sectors of the population.
4. Unsafe and confusing system of transport and mobility of goods and humans among all Darfur urban centers.
5. Feelings of despair among the population, which limit the activities of all productive sectors of Darfur communities.
6. Increased dependence on humanitarian aid.

The abnormality of everyday life, since 2003, produced forms of violence unprecedented in Darfur, which will be discussed in later parts of this paper. Thousands of people from different ethnic groups, with different cultures, are living together in camps with no sources of livelihood, no security and depending on relief food and items that are not available regularly. As stated previously, the main international and national organizations, which had been providing food and other services, have been expelled. If men were to move outside the camps, they would be killed. Thus, it is the women who are to look for sources of livelihood. They are forced to go outside the camps in an unsafe situation as they are targeted by both government and armed groups from Darfur.

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<sup>11</sup> Sahafa Daily Newspaper, Khartoum, 26 February 2013.

## The changing roles of the traditional leaders in Darfur

Traditional leaders in Darfur are used to referring to the network of tribal leaders recognized during the colonial period and the post-independence period. Since the early Sudanese sultanates in Darfur, Sinnar, Maslit and Abdallab, the traditional leaders were given specific responsibilities in the management of tribes and local communities. These responsibilities continued in all governing systems. Laws were passed during the Anglo-Egyptian period (1898-1956) to formalize this role under the native administration system. Such laws remained active until the native administration was abolished in 1970.

The Anglo-Egyptian colonial powers gave the native administrators extended responsibilities to manage their tribal domains. This gave tribal leaders an important role in their communities; namely, maintaining security and public order, managing land and other resources, conflict resolution, and implementing customary law on individuals as well as among groups. Thus, the native administration in Darfur was a pillar in preserving security and stability for men, women, and children. The tribal leader is known to be customarily responsible for protecting rights of members of the local community.

The customs observed by the traditional leaders historically entailed that women, as symbols of honor of the tribes, not be exposed to any humiliation during the local conflicts. Tribal leaders were responsible for protection of women, land, and other resources during conflicts among different competing groups. One of the tribal leaders in South Darfur noted that:<sup>12</sup> “Before the current conflict in Darfur, in 2002, the native administrators had powers, which were recognized by the government as well as the local people. The Sheikh<sup>13</sup> or Dar played the role of the police in conflict resolution and in maintaining the social fabric and cooperation between the farmers and pastoralists. He was an ambassador, representing his group. The Omda<sup>14</sup> had a judicial role in conflict resolution among tribes. The Nazir was like the overall governor. All these positions were recognized and respected, specifically because of their roles in protecting people.”

The effective role of tribal leaders in Darfur started to weaken and change with time as different political systems tried to draft models conducive to nation-building. Since independence, in 1956, politicians noted the extended powers the native administrators had at the local level. Different government policies in Darfur and other parts of the country focused on reducing the authority of the Sheikhs and of other tribal leaders to ensure that these groups remain under the central state powers.

The reduction of the native administration’s powers was evident from 1969 to 1985, and later from 1989 to 2013. Jaafer Nimeri, president of Sudan between 1969 and 1985, passed a law for unregistered lands in 1970 whose ownership went from the tribal leaders to the state. The unregistered land and tribal areas were sources of income for the tribal leaders. That same year, Nimeri abolished the native

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<sup>12</sup> An interview with Omda Salaheldin of the Bergid tribe, interviewed 16/9/2013, Nyala, South Darfur.

<sup>13</sup> The Sheikh is a local leader responsible for a nomadic camp or a village, helping the Nazir in collecting taxes. He remands difficult cases to the Omda.

<sup>14</sup> The Omda is a local leader in charge of a number of nomadic camps or villages. He has a court but with less power than the one held by the Nazir.

administration system. These policies created a wide administrative gap in governance at the local level. Recurring conflicts resulted among different groups and this led to a loss of security at the local level. The native administration was institutionalized after a decade. It was organized around new principles, with emphasis on loyalty to the regime. However, its basis was weak and most leaders lost social recognition and legitimacy among their local communities.

Starting in 1989, the central government policies focused on gradually weakening the native administration and incorporating the tribal leaders in the National Congress, which is the Islamist ruling party. The tribal leaders became paid government employees and lost their neutrality and social legitimacy, which had in the past provided them with acceptance and recognition from their local communities.

During the conflict in Darfur, from 2003 to 2008, some of the tribal leaders continued to support the government, while others were recruited by the armed groups. Tribal leaders can be divided into three groups:

- 1) Those who supported the government against the armed groups (which included the Arab Pastoralist tribes, Baggara and Aballa) and came to be known as Jangaweed.
- 2) Those who supported the armed groups against the government (most of them from settled tribes of African origin known as “Tora Bora”).
- 3) Those who resisted the government and the armed movements and remained independent, but targeted by both the government and rebel forces. Leaders from this category became incapacitated and have had no role in the ongoing conflicts.

The negative impact on the powers of the traditional leaders came with the establishment of armed militias, which had a tribal basis. The heads of the armed militias formed the main leadership of the local communities. Thus, traditional leaders lost their power and influence. One tribal leader explained that, “we are negatively affected by these organized militias. Some of them force the people to pay fines without consideration of customary practices or law. These armed forces have no salaries but they are voluntary armies and we cannot do anything with them.” Some tribal activists state that, “native administration and tribal leaders have become part of the conflict in Darfur, because they are contributing to wars by providing money, arms and fighters. Most frequently the tribal leader is the militias’ leader heading the financial, military and political affairs, as well as the reconciliation process. If he does not play all these roles, he may lose his leading position.”<sup>15</sup> This is the reality behind changes influencing the roles of tribal leaders and weakening their ability to protect women and children from violence. That said, many continue to help people and administer customary laws within their communities.

Understanding why Darfur has recently become the home of such extreme acts of violence necessitates looking back at the reasons that triggered the conflicts throughout the region. The main factors to be examined in this regard are: the Khartoum regime policies in Darfur, tribal wars and their causes, and the civil wars launched by Darfur armed groups against the government at the central and state level.

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<sup>15</sup> An interview with leader (Amir/Nazir) Abdalla Shineibat of Bani Halba tribe and the Chairperson for the Administration of Nomads, Genina, West Darfur on 25/05/2013.

## The condition of women in Darfur

To discuss the issues of violence against, and protection of, women it is important to understand women's positions and roles in Darfur society, as there are variations in the cultures that have shaped women's rights and roles among the different ethnic groups. Darfur communities are divided into two groups: indigenous African groups, predominantly of sedentary farmers and mixed pastoralists; and Arab nomadic groups, of both Bagarra cattle keepers and Aballa camel keepers. While the first groups highly regarded Daali<sup>16</sup> customs and traditions, with regards to the rights of women, the Bagarra and Aballa shifted towards unorthodox Islamic sharia laws. Nonetheless, there is a process of give-and-take between the two groups.

Historically, women in Darfur, in particular those from the settled African tribes of the Fur, Masaleet, Birgid, Dago, and Zaghawa, enjoyed significant economic and political positions, particularly among those tribes that were the core power centers of the Sultanates of Darfur (Dago, Tungor and Fur, Zaghawa and Gimir). These power centers enjoyed a supreme status in Darfur society and continued to value women generation after generation, and until recently.

The prestigious status of women among the settled tribes of Darfur engaged in agricultural production was a result of two major traditions. The first tradition relates to the respect shown for the matrilineal line, especially through the mother or brother (uncles/Basunga), who always received the respect and gifts of the Sultans and their officers. The second tradition relates to the female descendants of the Sultans who are known as Mayarim and who are considered princesses, owning large fiefdoms throughout Darfur. These women represent a politically privileged ruling elite, whose status and wealth derives from the importance of land.

When Daali customary laws were first introduced to govern the Fur Kaira Kingdom in the seventeenth century, they didn't discriminate between men and women in most of their articles (O'Fahey 2008, 34-35). Daali laws stated the following:

- a) As a form of *dia* (compensation) 100 cows or camels were due for every killed person, man or women.
- b) In the case of adultery with a virgin, both men and women were to provide one cow as a form of fine. For adultery with married women, the number of cows went up to six.

In the development of the Kaira Kingdom institutions, Daali customary law was widely spread and became the governing constitution. When Islamic sharia laws were introduced during the eighteenth century, people were given the option to choose either the customary law or sharia (O'Fahey 1980). In 1941, all tribes in the South Darfur district held a conference in Dar Habannia on the matter of *dia*. While some tribes estimated the women's *dia* to be half that of men from within the tribe, like among the Beni Helba, Burgid, Otorla, Tergan, and Salamat, other tribes, like the Habannia and Reziegat, estimated it to be half of that of a man from outside the tribe. In the Masalat *dia* system, both men and women were considered equal. For the Felatta and Taasha tribes, women's *dia* was valued as less than half that of men (specifically, 20 cows for women and 70 cows for men). Such different applications of customary laws seem to reflect the differences between sedentary farmers and pastoralists. For both the Masalat and Borgo, who are sedentary African tribes, men and women are equal in the *dia* system.

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<sup>16</sup> According to O'Fahey (2008, 34), Daali is credited with the codification of the laws and customs of the Keira Kingdom in the so-called Kitab or *qanun daali*.

For the pastoralists who used to live in or around Jebel Merra, among the Fur and Masalit indigenous tribes, the *dia* system is much more favorable towards women. The *dia*'s value is placed at one hundred camels or cows for every killed man or woman. This equal compensation of men and women indicates the cultural influences of African indigenous tribes over pastoral Arab tribes where Daali customary traditions are still strong. The changes in the Darfur system brought gender inequality and injustice and are related to traditional Islam.

*Women's economic power in Darfur:* During the Kaira Kingdom (1650-1916), royal Darfur women (Mayarim) shared equally in the allocation of land as part of the political elite and along with royal males and other members of the ruling class. In research undertaken by the author in 2008 it was found that most of the lands of present-day South Darfur were assigned to Mayarim, especially the land strips around Nyala, the state capital.<sup>17</sup> Mayram Bakhita was, for example, appointed to the office of Shortay (district administrator) with judicial and administrative powers to rule these lands.<sup>18</sup>

The Darfurian women's land tenure has become common all over the Darfur region. Land is the source of power in Darfur, as well as anywhere; thus, women with land in Darfur were among the most powerful ruling class until recent times. A power reflected in their influence on the political sphere.

The political power and participation in politics of Darfur women is well documented. To quote Gustaf Nathtigal in writing about Sultan Ahmed Alhussein in 1873, "his sister Zamzem the *eya basi* already mentioned as one of the highest female dignitaries in the country, whose character was very much that of a man, finally exercised so much power that she could with impunity give herself over to that unbridled arbitrariness to which she was inclined. She moved around the country at the head of her armed men, plundered the districts placed under her control, and easily got from the weak king those *hawakir* (plural of *Hakora*) which she particularly liked." (Nachtigal 1971, 315-316).

When the British army invaded Darfur (1916), there was a rumor circulating that Sultan Ali Dinar was ready to negotiate with British authorities. His sister, Mayram Taja, strongly advocated against any form of negotiation, leading the last Sultan of Darfur to accept the challenge of the invaders and wage war against them. Whether that was true or not, it was a testament to the strong political influence of Taja over her brother, the Sultan, and his decisions.

With the colonial occupation of the Darfur Sultanate in 1916 things radically changed, including the socio-economic and political position of women. There was a complete break with the past as Darfur was annexed to Anglo-Egyptian Sudan, which became an independent republic in 1956. Darfur culture came under the influence of Islamic Arabic culture, which characterizes the Nile communities in North

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<sup>17</sup> Examples of what currently exists in South Darfur, around Nyala city, are the following *Hakuras* of Mayarim: the *Hakura* of Mayram Aisha Bint Alsultan Mohamed Alfadul, south of Nyala; the *Hakura* of Mayram Um Karam Aldeen, east of Nyala; the *Hakura* of Mayram Um Naem Bint ANAs, the granddaughter of Maghdom Alsultan in South Darfur, south of Nyala; the *Hakura* of Mayram Fatima Bint Jamie Abin Alsultan Mohamed Alfadul in the area of Kundwah (see Takana 2013).

<sup>18</sup> Interview with Mohamed Arbab, Fur Omda, Nyala.

Sudan. Indigenous women's institutions and traditions changed and their socio-economic conditions declined. The climax of this decline was in 2003, when the armed groups rose against the Khartoum government and a civil war broke out.

Gender power relations in Darfur are characterized by male dominance despite women prominence in production. Among many groups, forced and early marriages and polygamy are widely practiced, while female genital mutilation and violence of husband on wife are strongly supported by traditions and norms.

Inequalities are evident among different groups in Darfur. As one activist from Darfur stated, "women in the administrations of Baggara are generally considered as secondary constituents in the clan since they are not required to pay the *dia* in the cases of fights and resolutions of conflicts and they are also not registered in the government tax lists."<sup>19</sup> Exceptions are the *Hakamat*, women who write poems during times of peace and war and enjoy a prestigious position among the pastoral groups, especially among the Baggara tribes in South Darfur. However, their number is limited if compared with the total number of women among the different tribes. Recently, peacebuilding efforts aimed at changing the role of the *Hakamat* in triggering conflicts.

The spread of education in urban areas of Darfur led to some changes in women's occupations and status. The result was the growing presence of women in civil service, education, and in different types of jobs and income-generating activities. But the majority remains uneducated and continues working in the agricultural and animal-rearing sectors. Women of Darfur can be seen in markets, selling different types of goods, some of which they produce themselves (including agricultural products, processed foods, and handicrafts).

Rural women remained isolated from the decision-making processes at the household and local levels. There is no women representation in the reconciliation conferences held between tribes. Also, women in Darfur cannot participate in the traditional *ajaweed*, which oversees customary dispute resolution, and they are further deprived of posts in the native administration and in customary courts. Some of the educated women have been engaged in the last decades in public work, mainly in civil society organizations.

The conflict has affected women's roles tremendously. Many women have been forced to move to displaced camps, host communities or suburbs of towns. Some continued to live in conflict zones. In all these contexts, the women of Darfur have experienced different types of violence.

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<sup>19</sup> Interview with Osman Altom, rapporteur of conflict resolution mechanisms in South Darfur (15 May 2013).

## Violence against Women in Darfur

The concept of violence I use here is very well defined by Awatif Sakali Ali Dinar, Chief Sheikh of Sakali's IDP camp in South Darfur and the representative of women in IDP camps in the state. According to Sakali violence takes many shapes, including:

- 1) Direct violence where a tool or instrument is used to produce physical injuries, kill, or slaughter, including genital mutilation and sexual harassment.
- 2) Indirect violence, which includes deprivation of physical, psychological or sexual needs that dehumanizes women.

Sakali clarified that violence against women in Darfur includes beating, sexual harassment, rape, kidnapping, ethnic-based violence, government injustice through laws and institutions, unjust customs and traditions in male-dominated communities, and economic violence.<sup>20</sup>

Rape was widely utilized as a war weapon during the early years of the Darfur crisis (2002-2005). Although its incidence has declined in recent years, it is still practiced all over the Darfur states.<sup>21</sup> Based on statements obtained from a large group of women,<sup>22</sup> it is clear that the consequences of rape, such as pregnancies that are considered illegal, add to this form of violence in terms of the stigma and ostracism against women by family and community members (Abusharaf 2006).

With the escalation of the conflict in Darfur, the international community showed great concern for the ferocity of the fighting, the death toll and the violence against women. In 2005, the International Commission of Inquiry on Darfur in its report, *Killing in joint attacks by government forces and Janjaweed*, wrote the following:

*As an example of a case of mass killing of civilians documented by the Commission, the attack on Surra, a village with a population of 1700 east of Zalingi, South Darfur, in January 2004, is revealing. Witnesses interviewed in separate groups gave a very credible, detailed and consistent account of the attack, in which more than 250 persons were killed including women and a large number of children. An additional 30 people were missing. The Janjaweed and government forces attacked jointly in the early hours of the morning. The military fired mortars at unarmed civilians. The Janjaweed were wearing camouflage military uniforms and were shooting with rifles and machine guns. They entered homes and*

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<sup>20</sup> Interview with Awatif (Sakali) Ali Dinnar, Nyala (6 May 2013).

<sup>21</sup> Interview with Awatif Abdel Rahman Yousif (6 May 2013).

<sup>22</sup> 1) Awatif Abdul Rahman Yousif Ali Dina r, Sakali IDPs Camp, South Darfur; 2) Hawa Younis, Sakali IDPs Camp, South Darfur; 3) Nadera Mustafa, Women Department, Ministry of Social Welfare, Al Fashir; 4) Halima Yagoub, Human Rights Department, UNAMID, Al Fashir; 5) Zubeda Suliman Omer, Women Network Organization for Development & Peace Building, Al Fashir; 6) Hawa Ibrahim; 7) Mariam Adam; 8) Hawa Abdel Rahman; 9) Fatima Abdel Karim; 10) Amira Nurain; 11) Fathia Suliman; 12) Saadia Yahya; 13) Asha Arbab, Women Sheikhs in West Darfur IDPs Camps; 14) Rogaya Yousif, Social Officer in Geneina, Prison for Women; 15) Rawiya Khalil ASbdel Malik, Women and Family Department, Ministry of Social Welfare, GenieNA, West Darfur. All these women were interviewed by the author in Nyala (May 2013), Al Fashir (19/05/2013) and Al Geneina (15/06/2013).

*killed men. They gathered the women in the mosque. There were around ten men hidden with the women. They found those men and killed them inside the mosque. They forced women to take off their mexi (large piece of clothing covering the entire body) and they found that they were holding their young children under them. They killed the children. The survivors fled the village and did not bury their dead. (Report of the International Commission of Inquiry on Darfur 2005, 74)*

As for rape and other forms of violence committed by the rebels, the report stated (in paragraph 354) that rape cases and sexual violence, which the report mentioned as being committed by the rebels, were fewer in number. It claimed that, in November 2004, the Sudanese Liberation Army kidnapped five girls from the Gimir tribe near Kulbus, western Darfur, and kept them for three days. The claims revealed that four out of the five girls were raped and the fifth was sexually abused, and that more than 60 women and girls from the Bani Mansour tribe were raped or subjected to sexual abuse by rebels in the area of Almalm, between February and July 2004 (Report of the International Commission of Inquiry on Darfur 2005, 159). This and other reports refer to the women's tragedy in Darfur as evidence that their kidnapping, rape and humiliation were war weapons used by the different combatants during the conflict (Darfur Relief Documentation Center 2005; Médecins Sans Frontières 2005).

Some rape cases in South Darfur should be mentioned because they are very revealing of how local communities started to apply customary laws to respond to these crimes. The first of such cases was committed in October 2011 in the Sakali IDP camp. A man from the Barno tribe raped a seven-year-old orphan girl from the Ronga tribe. The man admitted to the crime. A *judia* was established to hear the case and enforce customary law. The girl and her relatives received monetary compensation.<sup>23</sup>

The second rape case was committed in the Labado village, East Nyala, where four men from Umkamalti raped two women, Hayat Mohamed and Mashir Hessain, threatening them with weapons. The two women were relatives of Omda Salah Eldin Abdalla Hassan of the Birgiel tribe. Per the request of the commissioner of the Belel locality, an agreement between leaders of the two tribes was reached, based on which the raped women were compensated in cows (one cow per woman).<sup>24</sup>

Rape cases were also reported in both North and West Darfur. They occurred either in IDP camps and shanty areas in urban centers, like Al Fashir and Geneina, or when IDP women hunted for firewood in remote areas with no protective measures. In Al Fashir, serious steps were taken to combat rape crimes. In 2012, three cases were brought to criminal courts and two men were tried. One was sentenced to 20 years in prison and the other to 10 years.<sup>25</sup>

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<sup>23</sup> Interview with Awatif Abdel Rahman Yousif (6 May 2013).

<sup>24</sup> Interview with Omda Salah Eldin Abdalla Hassan of the Birgid tribe and Coordinator of the IDP camp in Darfur, Nyala, (10 May 2012)

<sup>25</sup> Interview with Zobeida Souliman Omer, Women Network for Peace and Capacity Building for Women, Al Fashir (19 May 2013).

*Kidnapping:* The report of the International Commission of Inquiry Report (2004) pursuant to Security Council Resolution 1564, paragraph 341, dated 18 September 2004, and titled “the acts of sexual, kidnapping and slavery,” stated that:

*Other sources informed that women and girls were exposed to kidnapping and they were detained for many days and repeatedly raped by the Janjaweed and the soldiers in the attacked villages and in the camps and the hiding places. In addition, the report mentioned that torture was used to prevent women from escaping. In March 2004, Janjaweed and 150 soldiers were reported to have kidnapped and raped 16 young girls in Kutom, North Darfur. During the attacks on Taweela and its surrounding villages in North Darfur in February 2004, it was claimed that 35 female students were exposed to kidnapping and rape by the Janjaweed. It was also reported that other kidnapping acts took place in the area around Geneina western Darfur and Kalik in South Darfur as well as additional acts of kidnapping and rape which were reported along with other acts in the areas around Bidisa and Siliya in West Darfur.*

The investigation committee found that, in March 2003, a group of women that had gone to the market or in search of water in Tarni, North Darfur, was kidnapped and detained for three days and raped by members of the government forces. Despite this information, the government of Sudan established a big camp in the nearby area. During the Janjaweed attack on the village of Mbarsa, Western Darfur, in November 2003, 20 girls were kidnapped and taken to the camp of Ammar. The investigating committee reported that 21 women were kidnapped during the joint attack launched by the government military forces and the Janjaweed on Kanji, Western Darfur, in January 2004, where the Janjaweed abducted the women for three months and some of them became pregnant during their abduction. In the attack on Malja, Western Darfur, in October 2004, the Janjaweed kidnapped four girls, one of whom was under the age of 12. The girls were abducted for three days, raped, and then released. After an attack on Taweela, in February 2004, a group of 30 female students were kidnapped by the Janjaweed and taken to a harboring camp where they were repeatedly raped. The report described rape cases involving women who went out for water or firewood in the camps of Zamazm, Abu Shouk, and Kerngrang (International Investigation Committee on Darfur 2005, 103-105. See also the report by Gingerich et al, 2004).

There is no doubt that there are many other cases of women being kidnapped during the different stages of the conflict in Darfur, but none of these cases have been reported, nor were criminal procedures initiated by the police forces to punish the perpetrators. Women subjected to this type of violence are left to reintegrate without any professional help.

*Illegal pregnancies and sex work:* War throughout the Darfur region compelled most of the rural population to migrate to urban and semi-urban centers. Most of them are widows who lost their husbands during the war or whose husbands left them with no means to survive. They have become invisible IDPs and have little choice other than becoming sex workers. In a recent bio-behavioral survey in the town of Al Fashir, in North Darfur, 300 sex workers were identified. While 20% of them were from IDP camps, 50% were newcomers from the rural areas, and 30% came from Al Fashir

itself<sup>26</sup>. Upon being interviewed, the sex workers provided the following as causes for their current condition:

- 1) Wars and conflicts in their rural villages.
- 2) Losing their parents or husbands.
- 3) Having no other skills or trade.

Young IDP girls have their first encounters with sexual exploitation when they first work as house servants, either for government officials or businessmen.<sup>27</sup> Children, especially orphans, constitute a large portion of these invisible IDPs. In April 2013, a local charity registered 40 illegal pregnancies in one of the new neighborhoods with recent immigrants from the surrounding rural areas.<sup>28</sup>

Women sex workers have no awareness of how to protect themselves from sexually transmitted diseases, including HIV/AIDS. They also experience violence in everyday life as they are stigmatized and socially marginalized and excluded. Children born out of wedlock have no legal rights and are thus not entitled to any identity documents. Most of these children are becoming street children, a phenomenon that is now spreading all over Darfur. A report by the West Darfur State Ministry of Social Welfare (2011) lists the following reasons as causing this phenomenon: tribal wars, displacement, bad economic conditions, poverty, family disintegration, drugs and alcoholism. In West Darfur, the estimated total number of street children was 350 in 2011, their distribution was as follows: 25 in Mokjer, 20 in Nertiti, 35 in Kerenik, 40 in Zalingi, 40 in Forbranga, 180 in Geneina, and 40 in Beida. That means that in every town or big village where there are IDP camps, there are street boys. In 2013, there were 700 street boys in Al Fashir alone. Of these, 60% were from IDP camps (The Organization for Development and Rehabilitation and the Ministry of Social Welfare 2013).<sup>29</sup> In Geneina, the boys started forming gangs, walking in groups, and looting. If food sellers tried to resist, they would be beaten. With their mothers helpless, these children used crime and violence to survive.<sup>30</sup>

*Women in Courts and Prisons:* Wars and conflicts in Darfur produced what could be identified as a culture of violence among women. In West Darfur, six women were sentenced to death in prison. Most crimes are related to violent acts of women against men. Gania, 19 years old, was a pupil in the Geneina Secondary School and was planning on obtaining a university degree. She was forced by her family to marry one of her relatives. She poisoned her husband who died in the hospital. She confessed to the crime and was sentenced to death under article 130 of the criminal code. In an interview, she stated that she feels she has no future, is fed up with life and ready to die.<sup>31</sup> Kaltoum is 30 years old and has two children. Her husband deserted her. Kaltoum became pregnant illegally. She confessed to having an abortion and was sentenced to death. Such cases of violence among women are

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<sup>26</sup> This information was provided by Waleed Yagoub Ahmed of the National Organization for Development and Rehabilitation. His research is undertaken in collaboration with Gezira University, Sudan. Interviewed on 17/05/2013.

<sup>27</sup> Interview with Walid Yagoub Ahmed, National Organization for Development & Rehabilitation, Al Fashir (17 May 2013).

<sup>28</sup> Interview with Ahmed Faki Salih, Imam of Buram Mosque, Nyala (8 May 2013).

<sup>29</sup> From the interview with Waleed Yagoub Ahmed cited above.

<sup>30</sup> Interview with Saadia Mohamed Yahia, Women Sheikh Krinding, Geneina IDP camp (25 May 2013).

<sup>31</sup> Interview with Rogia Yousif, Warden of the Geneina Prison for Women, Geneina (26 May 2013).

becoming widespread. A culture of disintegration of family life is becoming a real threat to the Darfur conservative communities. In Geneina, 10 out of 20 women were convicted on murder charges.<sup>32</sup>

The marginalization of women leaders in peace talks is yet another form of violence. The exclusion of women from reconciliation processes at the local level is commonplace among educated political leaders leading peace talks in Darfur. This despite the fact that women leaders are prepared to participate in peace talks, having been trained to negotiate and communicate in political discussions. Their interests are not likely to be represented in peace agreements, which in itself is a form of violence.

Conflicts in Darfur have created very alarming conditions on the ground, women and children being the most impacted groups. Communities are on the brink of disintegration and, if war continues, they may collapse very soon. The international community, represented by UN agencies and various international organizations, has made tremendous efforts to provide services for women who are victims of rape and other forms of violence. The support provided includes health and psychiatric-social support services for raped women, legal aid, and raising awareness. Support also came in the form of food, water, sanitation and, in some camps, education services and group activities. But starting in 2009, with the expulsion of international and national organizations, most of these services stopped, exception made for the limited services provided by UN agencies. Services for the raped women seem to be non-existent when they are provided by public health institutions whose staff lacks adequate training. Additionally, health providers in public health institutions never recognize the raped women's rights for services, discouraging them from reporting or getting needed assistance.

## The role of the traditional leadership in protecting women

The conflict, along with an intensive rush of citizens to the camps in the city, caused a semi-collapse of the native administration system. Traditional leaders (especially Sheikhs and Omdas), like other citizens, escaped from the war zones leaving a huge gap between them and their fellow citizens. This matter created a new reality in the structure of the administration and its traditional legitimacy.

The Secretary-General of the Displaced Women in West Darfur, Aman Abdallahman, recounts that “the village of Tandalti, on May 5, 2004, was attacked and about 400 cattle were looted as well as some horses under the threat of guns. We, as members of twenty-seven families, moved from Tandalti to Geneina. That was not an organized migration, it seemed to be similar to escaping to a secured place. There were no Sheikhs until 2006, and this made the displaced people hate them and consider them as government agents. They were not able to enter the camps until many years passed and the humanitarian organizations intensified the number of workshops on the importance of these Sheikhs for resolving conflicts within the camps.”<sup>33</sup> As for the native administrations of the Arab tribes, they allied themselves with the government during the first stage of the conflict in Darfur. War became the area of engagement for their leaders at the native administration level, especially in northern, middle

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<sup>32</sup> Interview with Abdel Rahman Ali Tahir, Inspector General of West Darfur Prison, Geneina (26 May 2013).

<sup>33</sup> Interview with Aman Abdallahman Abu Norien, the Secretary-General of the Displaced Women in West Darfur State, Algeneina (15 June 2013).

and western Darfur. Although this alliance with the government allowed traditional leaders to see an increase in their affiliates and an allocation of new emirates (*nazers*) in western and middle Darfur, as well as providing them with a number of logistic and financial gains, it had an adverse effect on their legitimacy and influence.

The gap left by the Sheikhs of the native administration at the lower levels, especially in the camps, was filled by new and different individuals. In the administration of the camps, the new Sheikhs took a new and untraditional pattern. Most of them were young and educated, opposing the government as a party to the conflict and for its dependence on the Arab tribes, which it armed, trained, and engaged in the war against them. These new leaders formed links between the displaced in the camps and the international organizations. Their role certainly gave them power and benefits, so much so that they were called the Sheikhs of interest. They have been able to work alongside the Humanitarian Aid Commission, police and security. They are also recognized by the government. In the process, the new leaders have gained recognition and respect, while those outside the camp have lost their power over people and have become government employees.

The new Sheikhs of the camps of Darfur, which contain about 30% of the total population and 60% of the settled non-Arab tribes working in agriculture, managed to make a shift in the traditional Sheikh's power structure within the native administration. This shift was especially observable at the lower and medium levels of the administration, as well as in the development of awareness for modern concepts, such as women's rights, child rights, and human rights. Accordingly, new structures were established for both women and youth.<sup>34</sup>

Despite the modernization enjoyed by the new leaders and experienced by inhabitants in and outside the camps, these Sheikhs lacked the knowledge of social and tribal traditions and customs, which were a big part in conflict resolution and in the weaving of the social fabric. This drew the attention of the camps' management and soon old tribal leaders, who arrived in the camps after 2006, were assigned the tasks of resolving disputes, something that gave rise to a competition over power and competencies between the old Sheikhs and Omdas of the villages and the new Sheikhs. The reassignment of duties also meant emphasizing customary laws and practices, which were historically based on gender inequality.

The traditional leaders were, however, able to protect women and children, as indicated by three occurrences. In the 2013 conflict between the Al Missarya and Tayasha on one side and the Salamat tribe on the other, the Sheikhs of all groups decided to evacuate the women and children of the Salamat tribe who were residents of Rehaid al Bardi, the administrative unit of the group fighting with them. The Salamat families were taken to Nyala with the government's assistance. The same was done during the conflict between Beni Hilba and Gimir in April 2013. Then, the Sheikhs of the Gimir took women and children to Katala, where they would be protected by the police and the army. In August 2013, the conflicts over land between the Rizigat and Maliya resumed. But before the fighting started, the Maliya families were moved away from the conflict zone, with the help of UNAMID soldiers and

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<sup>34</sup> The numbers reported in this section are not supported by any authenticated statistics, they were only based on the estimations of a number of activists on the field, who were interviewed by the writer. It is worth mentioning that the number of the displaced persons during the first stage of the conflict has exceeded 2 million, according to some humanitarian organizations. Based on an interview with Omda yahya Dawelbait and Omda Hussein Ishag Sajo, Al Fashir, 17/05/2013.

with the Sheikh taking a lead in the evacuation. Sometimes seen as a form of ethnic cleansing, parties agree that instances such as the ones described above represent a protection process.

## Traditional leaders and their experiences with violence against women

### 1) The case of Omda Salahaldin Abdalla Hassan

Salah is from the Bargad Tribe, which inhabits the eastern part of Nyala, in South Darfur State. The Bargad were part of the Fur tribes. However, the two tribes were eventually separated and the Bargad established their own administrative unit. Salah inherited his Omda post from his kin. He was born in 1970 and is currently a student in Nyala University. At the beginning of the conflict, many Bargad tribe members were forced to move their camps, and Omda Salah moved with his group. He took over the responsibilities of organizing his group and was nominated Head of the Coordination Office for the displaced in the state. He stated that: "The violence against women has been reduced after the Doha agreement in 2010 as people are feeling that peace is imminent. Most of the violence, sexual and physical, is against women because they have to go outside the camps. Women are raped and face different types of violence. The perpetrators are the tribal militias armed by the government. About 60% of your women have to work outside the camp and most often work in domestic settings or in the sale of coal or tea and food. Some work in farming or brick mines to fill the gap in livelihood needs created by the expulsion of the international organizations."

When in November 2010 some women from the Bargad Kalma camp in Nyala went to work on farms, two of them were raped and the rest beaten by a group from Zagawa. The perpetrators were Janjaweed from the Um Kmalit tribe. The perpetrators admitted their crimes. Their group requested reconciliation according to customary practices. The victims accepted the informal resolution of the case. The men from the Um Kmalit tribe agreed to: 1) ensure that women receive treatment; 2) pay for agricultural losses; and 3) give two cows as compensation to the raped women. The Omda Salah guaranteed the acceptance of the terms by the victims.

The agreement does not compensate for the humiliation of the two women, but Omda Salah noted that the process was more of a guarantee than the procedures of the formal legal system where there is a lack of cooperation by police, security and health personnel. Human rights activists in Darfur refused the settlement of the case as it did not deal with the injustice inflicted on the victims and it would not prevent perpetrators from repeating the crimes.

Omda Salah explained that "it is very rare for legal institutions to deal with rape cases." Rapes outside the towns are usually not reported to the police as families consider it shameful to report such a crime. Rape cases are mostly dealt with according to customary practices to avoid stigma.

## 2) The case of Omda Adam Yahya Daw al Bait

Adam is from the Fur Tribe of the Tawila area, in North Darfur State. On 24 November 2004, the government militias attacked the area and the Omda moved with his people to the town of El Fashir. They had no shelter until IRC/USA, in collaboration with the government, established the Al Salam camp. At the time the camp was in the process of accommodating 30,000 IDPs from different areas, including Fur, Zaghawa, Berti, Masalit, Bargu, Kanin, Miwia and Tunjr. All these groups agreed that Omda Adam would officially represent them in the camp. He was to be the Omda supervising all the Sheikhs from the different groups. Omda Adam became the Head of the Executive Office of the Salam camp, elected by the Sheikhs, men and women, and later was nominated Head of the High Committee for Displaced People in North Kordofan. He represents the link between the people and the officials.

Omda Adam also became the Head of the Justice Committee, which is responsible for conflict resolution and all crimes in the camp. The committee considers cases of violence against girls and women, including sexual harassment of girls working in domestic services or mines, domestic violence and divorces. All these cases are judged based on customary practices. The committee mostly supports women and applies high fines in cases of pregnancy outside wedlock (the man who gets a young girl pregnant may have to pay up to 10,000 SDG). But in cases of illegitimate relations, the woman's family may be asked to leave the camp. Omda Adam believes that, because of conditions of poverty, the families that are able to protect their girls are not more than 10%. In the Salam camp there are 1,400 orphans, 2,600 in the Abu Shok camp. Thousands of widows are subjected to physical violence and rape is dealt with according to customary practices rather than being brought to the legal system.

## 3) The case of Omda Hussein Ishag Yahya (Saju)

Omda Saju, from the Fur Swni in North Darfur, represents one of the new leaders. He moved with his group to the Korma area in 2003. In 2004, he moved again because of the fighting in the area where the current Abu Shok camp was established. Omda Saju contributed to the organization of the displaced in the camp together with other traditional leaders. Of the 95,000 displaced in the camp, 70% are women. Omda Saju became the Head of the Justice Court, which deals with all types of conflicts. As a protector of his people against the government he was imprisoned for three years. During his leadership, he appointed a committee of two men and two women to deal with reconciliation issues. According to Omda Saju, most of the court cases are related to polygamy and divorce. Husbands who fail to support women are imprisoned until their relatives pay for them.

In cases of pregnancy of unmarried girls, the alleged perpetrator is asked whether or not he committed the act. If he denies, the matter is further investigated. If the investigation finds him guilty, or he admits to being guilty, the court suggests that he marry the impregnated girl. If he refuses, he is to pay her family 5,000 SDG. This process is called Kasr Bait (breaking a house). He has to vow not to do that again, while the girl will live with her stigma and without opportunities for the rest of her life.

These three cases demonstrate how traditional leaders use customary laws in resolving conflicts between men and women. Customary laws do not guarantee justice for women who are abducted or raped. Women experience different forms of violence under the traditional leaders, despite their changing roles and the exposure to the international communities.

## Concluding remarks

There are different forms of violence that women in Darfur experience as they escape from conflict and struggle for survival in displaced camps. Parents often resort to early marriage to protect their daughters. Many women and girls who are raped live with a stigma, or are forced to get divorced and care for their “illegal” children. Some women and girls are kidnapped and have to live far from their communities for years. Most women have to continue in their traditional roles in the vulnerable context of the camps. They have no choice in terms of earning opportunities, except for domestic work, and they are often raped by their employers in the cities they have moved to. Under such circumstances, many women find their only alternative in sex work, which, in addition to being illegal, is also an HIV/AIDS high-risk activity. The expulsion of the international organizations has left these women without any support for addressing the violence perpetrated against them.

Traditional leaders in camps have been trying to help women reach out to the police and to health institutions, whose staff is often politicized and cannot offer any form of assistance. Some leaders deal with violence according to customary law, which however perpetuates the stigma placed on women by their community. Lastly, there are leaders that have helped in bringing back kidnapped women and girls to their camp or community.

Considering the widespread “illegal” pregnancies and forced or early marriages in many camps, it is evident that the protection role of the traditional leaders is very limited. Only in very rare cases the traditional leaders succeed in protecting women from violence with the help of staff from service institutions. Customary practices do not provide the raped women with any protection as compensation is given to their families and they suffer from marginalization and violence, with the perpetrator often marrying the rape victim. Similarly, children born after rape are not protected from social exclusion and are thought of as “illegal children.” Accordingly, many women in Darfur are deprived of their basic rights. Justice remains a far-away dream for them and the role of the traditional leaders in protecting them remains very limited.

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The armed conflict between the Sudan government and rebel groups in Darfur erupted in 2003. Escalating violence included sexual assaults on women. Many women who have been raped live with a stigma, or are forced to get divorced and care for their “illegal” children. After a number of aid organizations were expelled from Darfur, civil society organizations and the traditional leadership were called upon to protect women from sexual violence. This paper explores the role of traditional leaders. It argues that customary practices do not provide women with any protection as compensation is given to their families and they suffer from marginalization and further violence. Similarly, children born after rape are not protected from social exclusion and are thought of as illegal. Accordingly, many women are deprived of their basic rights and the role of traditional leaders in protecting them remains very limited.