

AFRICAN UNION

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PROTOCOL

BETWEEN THE GOVERNMENT OF THE SUDAN (GoS),
THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND
THE JUSTICE AND EQUALITY MOVEMENT (JEM)
ON THE ENHANCEMENT OF THE SECURITY SITUATION IN
DARFUR IN ACCORDANCE WITH THE N'DJAMENA AGREEMENT

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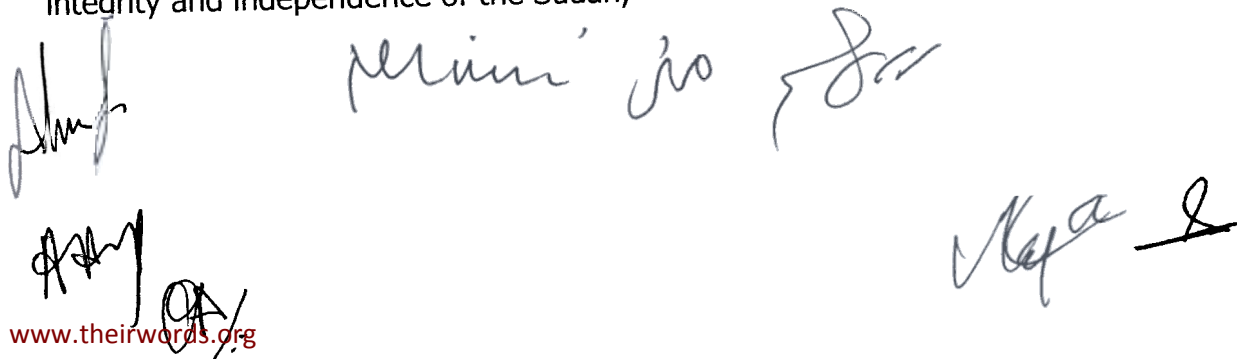
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PROTOCOL

BETWEEN THE GOVERNMENT OF THE SUDAN (GoS), THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A) AND THE JUSTICE AND EQUALITY MOVEMENT (JEM) ON THE ENHANCEMENT OF THE SECURITY SITUATION IN DARFUR IN ACCORDANCE WITH THE N'DJAMENA AGREEMENT

PREAMBLE

1. **We**, the Government of the Sudan (hereinafter the GoS), on one hand, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) [hereinafter the SLM/A-JEM], on the other, henceforth referred to as the Parties, meeting in Abuja, Nigeria, under the auspices of the African Union (AU), as part of the efforts to find a lasting solution to the conflict in Darfur;
2. **Expressing** our utmost concern over the repeated violations of the relevant provisions of the Humanitarian Ceasefire Agreement, signed in N'djamena, Chad, on 8 April 2004 [hereinafter the N'djamena Agreement], and the prevailing insecurity in Darfur, notably the persistent attacks and other abuses against civilians and their property and livelihood;
3. **Condemning** all acts of violence against civilians and violations of human rights and international humanitarian law;
4. **Cognizant** of the need to restore confidence in Darfur, as part of the efforts to facilitate the voluntary return of the refugees and internally displaced persons (IDPs), alleviate the plight of the civilian population and create conditions for a lasting and comprehensive settlement of the conflict in Darfur;
5. **Reiterating** our commitment to the N'djamena Agreement, including the appended Protocol on the Establishment of Humanitarian Assistance in Darfur, the Agreement on the Modalities for the Establishment of the Ceasefire Commission (CFC) and the Deployment of Observers in Darfur, signed in Addis Ababa, Ethiopia, on 28 May 2004 [hereinafter the Addis Ababa Agreement] and the Protocol on the improvement of the Humanitarian situation in Darfur, signed in Abuja on 9 November 2004;
6. **Reaffirming** our commitment to the sovereignty, unity, territorial integrity and independence of the Sudan;



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7. **Recalling** the spirit and letter of resolutions 1556 (2004) and 1564 (2004) adopted by the UN Security Council on 30 July and 20 September 2004, respectively, as well as relevant AU decisions, including the Communiqué adopted by the 18th meeting of the Peace and Security Council (PSC) of the AU, held on 20 October 2004;

8. **Recognizing** that the magnitude of the crisis in Darfur is such that it requires sustained assistance and engagement by the international community and, in this regard, **expressing our appreciation** for its efforts to alleviate the humanitarian plight and promote lasting peace and security in Darfur;

9. **Welcoming** the leadership and the engagement of the African Union, including its decision to strengthen its Mission in the Sudan (CFC/AMIS), to provide more effective support to the efforts aimed at restoring peace and security in Darfur, and **expressing our commitment** to fully cooperate with the AU to that end;

10. **Recording** our agreement to address humanitarian issues, security issues, political questions, as well as economic and social affairs, in the course of the Inter-Sudanese Peace Talks on the crisis in Darfur;

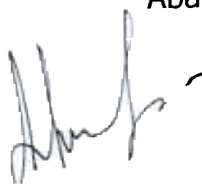

Agree as Follows:

1. The Parties agree to strictly abide by the provisions of the N'djamena and Addis Ababa Agreements. In this respect, the Parties recommit themselves to ensure an effective ceasefire on land and air, in particular:

- refraining from all hostilities and military actions, any reconnaissance operations, deployment, movement, or any other action aimed at extending territories under their respective control, and any military activity which, in the view of CFC/AMIS, undermines the ceasefire;
- notifying all administrative movements to the CFC/AMIS.

2. The Parties agree to enhance and facilitate the implementation of the N'djamena Agreement, through, *inter alia*, the following:

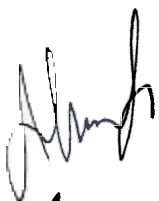
- submitting to the Chairman of the CFC/AMIS, or his designated representative, all information needed to enable it to carry out its mandate and tasks as agreed upon under the N'djamena and Addis Ababa Agreements. Such information shall be held confidentially;

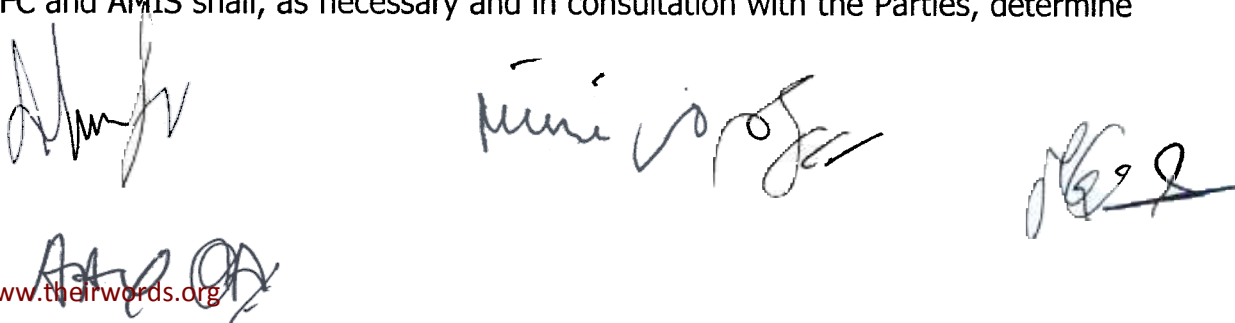




- cooperating fully with the CFC/AMIS, to enable it develop, as soon as possible, a plan with a view to ensuring that no exchange of fire takes place and facilitating the effective monitoring of the ceasefire;
 - providing CFC/AMIS with the required information to enable it determine clearly the sites occupied by the forces on the ground;
 - extending unreserved cooperation to AMIS to enable it discharge its mandate and operational tasks as spelt out in the communiqué adopted by the 18th meeting of the PSC held on 20 October 2004;
 - refraining from conducting hostile military flights in and over the Darfur Region.
3. The Parties call upon the CFC/AMIS to accelerate the enforcement and full implementation of the N'djamena Agreement.
4. In compliance with Article 5 of the N'djamena Agreement, the Parties commit themselves to:
- release immediately and unconditionally all persons detained in relation to the hostilities in Darfur. This stipulation shall not apply to those convicted through the due process of law under para. 6 of resolution 1556 (2004);
 - request the International Committee of the Red Cross (ICRC) to assist in this exercise in accordance with the Geneva Conventions; in this respect, further request CFC/AMIS to extend its full cooperation to the ICRC, in conformity with the latter's mandate as a neutral intermediary;
 - abstain, in conformity with the N'djamena Agreement, from detaining or abducting persons.
5. In accordance with the N'djamena Agreement, relevant AU decisions and UN Security Council resolutions 1556 and 1564, the GoS undertakes to:
- expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias, bearing in mind the relevant UN Security Council resolutions. Such a process shall be supervised and verified by the CFC/AMIS. For this purpose, the GoS shall provide all relevant information to the CFC/AMIS;



- identify and declare those militias over whom it has influence, and provide CFC/AMIS with all relevant details. The GoS shall ensure that these militias will refrain from all attacks, harassment, or intimidation.
6. The Parties agree to build confidence between themselves and restore trust among the local communities, including through:
- ensuring the security of commercial activities in Darfur, as well as to and from other parts of the country, and facilitating the provision of basic humanitarian services in Darfur;
 - ensuring full control of the members of their respective forces at all levels to prevent all actions that would constitute violations of the ceasefire or undermine security.
7. Acknowledging the need for a sustained assistance and engagement by the international community, the Parties:
- commit themselves to fully cooperate with the AU to facilitate the process of strengthening AMIS as decided by 18th meeting of the PSC held on 20 October 2004;
 - request the CFC to report on a regular basis, at least once every two weeks, to the Joint Commission on the progress made in the implementation of the present Protocol, in accordance with the N'djamena and Addis Ababa Agreements;
 - agree on the urgent need to enhance the role of the Joint Commission, including by holding monthly meetings and ensuring adequate attendance at appropriate level;
 - agree, in line with the Constitutive Act of the AU, to seek any additional assistance that may be needed from the AU to speed up the implementation of the above commitments.
8. The Parties shall refrain from recruiting children as soldiers or combatants, consistent with the African Charter on the Rights and Welfare of Children, the Convention on the Right of the Child (CRC) and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.
9. The Parties request CFC and AMIS, in accordance with their mandates, to monitor and observe compliance with the present Protocol. In this respect, the CFC and AMIS shall, as necessary and in consultation with the Parties, determine



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modalities for discharging the responsibilities entrusted to them under the present Protocol.

10. The Parties agree to defer any disagreement on interpretation of the present Protocol to the AU Commission.

11. This Protocol shall take effect as from its date of signature.

12. The Chairperson of the AU Commission shall register the present Protocol with the Secretary-General of the United Nations, in accordance with Article 102 of the UN Charter.

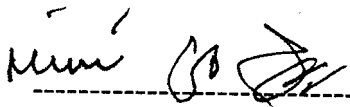
Abuja, 9 November 2004.

For the Government of the Sudan



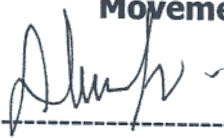
Dr. Magzoub El-Khalifa,
Head of Delegation

**For the Sudan Liberation
Movement/Army**



Minni Arkou Minawi,
Secretary-General

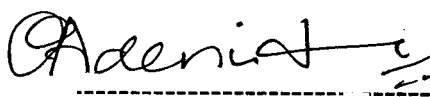
**For the Justice and Equality
Movement**



Ahmed Mohamed Tugod Lissan
General Coordinator,
Head of delegation

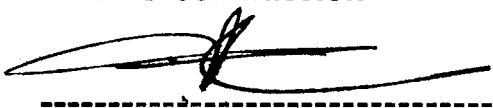
Witnessed by:

The Federal Republic of Nigeria (Chair of the AU)



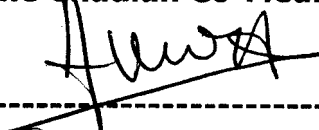
Amb. Oluyemi Adeniji, CON
Minister of Foreign Affairs

The AU Commission



Amb. Sam B. Ibok

The Chadian Co-Mediation



Amb. Allam-Mi Ahmad