



**REPORT OF THE VIRTUAL JOINT FACT-FINDING MISSION ON THE HUMAN
RIGHTS SITUATION IN THE SUDAN**

Conducted by

**The African Commission on Human and Peoples' Rights (ACHPR) in collaboration
with the African Union Commission (AUC) - Department of Political Affairs, Peace,
and Security (PAPS)**

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LIST OF ABBREVIATIONS

Abbreviation	Full Name
ACHPR	African Commission on Human and Peoples' Rights
ACHPR Res. Rights	Resolution of the African Commission on Human and Peoples' Rights
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
AfCHPR	African Court on Human and Peoples' Rights
African Charter	African Charter on Human and Peoples' Rights
AGA	African Governance Architecture
APSA	African Peace and Security Architecture
AU	African Union
AUC	African Union Commission
AUHRMF work	African Union Human Rights and Governance Strategy/Framework
AU PSC / PSC	Peace and Security Council of the African Union
AU TJP	African Union Transitional Justice Policy
BOR	Bill of Rights (Sudan's 2019 Constitutional Charter)
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEWS	Continental Early Warning System
CONSTITUTIVE ACT	Constitutive Act of the African Union
CRC	Convention on the Rights of the Child

CRC-OP-AC	Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
CRC-OP-SC	Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DPAPS	Department of Political Affairs, Peace, and Security (AUC)
ERRs	Emergency Response Rooms
EPRD	Early Warning and Preventive Diplomacy
FFM	Fact-Finding Mission
FFM-S	Fact-Finding Mission on Sudan
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICL	International Criminal Law
ICRC	International Committee of the Red Cross
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INGO	International Non-Governmental Organisation
KAMPALA	African Union Convention for the Protection and Assistance of
CONVENTION	Internally Displaced Persons in Africa
MALABO	Protocol on Amendments to the Protocol on the Statute of the
PROTOCOL	African Court of Justice and Human Rights

MAPUTO the PROTOCOL	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
MSF	Médecins Sans Frontières / Doctors Without Borders
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission (of the Sudan)
NHRIs	National Human Rights Institutions
OAU	Organisation of African Unity
OAU REFUGEE CONVENTION	Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
OSINT	Open-Source Intelligence
PAPS	Political Affairs, Peace, and Security Department (AUC)
R2P tive Act)	Responsibility to Protect (under Article 4(h) of the AU Constitu-
RECs	Regional Economic Communities
RIG	Robben Island Guidelines (for the Prohibition and Prevention of Torture in Africa)
Rome Statute	Statute of the International Criminal Court
RSF	Rapid Support Forces
SAF	Sudanese Armed Forces
SAF MI	Sudanese Armed Forces Military Intelligence
SGBV	Sexual and Gender-Based Violence
SPLA/M	Sudan People's Liberation Army/Movement
SPLA/N	Sudan People's Liberation Army - North
TCEWS	Thematic Continental Early Warning System
TMC	Transitional Military Council
TJ	Transitional Justice

UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
UNSC 1325	United Nations Security Council Resolution 1325 on Women, Peace and Security
WHO	World Health Organisation

GLOSSARY

For purposes of the present report:

- a. **African Charter** means the African Charter on Human and Peoples' Rights.
- b. **Arbitrary Arrest and Detention** mean unlawful deprivation of liberty without due legal process, as prohibited under Article 6 of the African Charter.
- c. **Arbitrary Killings** means unlawful deprivation of life without due process or justification, prohibited under Article 4 of the African Charter.
- d. **A Child** is a human being below 18 years of age as defined by Article 2 of the African Charter on the Rights and Welfare of the Child (ACRWC).
- e. **Child Soldier** means an individual under 18 years of age who is forcibly recruited or voluntarily participates in hostilities, as prohibited by Article 22 of the African Charter on the Rights and Welfare of the Child (ACRWC).
- f. **Civic Space** means the public sphere where citizens freely exercise rights of expression, assembly, and association, guaranteed by Articles 9, 10, and 11 of the African Charter.
- g. **Conflict-Related Sexual Violence (CRSV)** means sexual violence committed systematically or opportunistically during armed conflict and prohibited by Article 11 of the Maputo Protocol and Resolution ACHPR/Res. 283(LV)2014.
- h. **Crimes Against Humanity** means serious acts including murder, rape, and torture systematically or widespread committed against civilians, recognised under Article 7 of the Rome Statute and Article 28C of the Malabo Protocol.
- i. **Cruel, Inhuman, or Degrading Treatment** means acts that cause severe pain or humiliation, prohibited under Article 5 of the African Charter.
- j. **Enforced Disappearance** means secret abduction or detention of a person with refusal to acknowledge whereabouts, in violation of Articles 4, 5, and 6 of the African Charter and the ICPED.
- k. **Ethnic Cleansing** means forced removal or violence against ethnic groups to alter population demographics, in violation of Article 19 of the African Charter and constituting international crimes under the Rome Statute and the Malabo Protocol.
- l. **Discrimination** means any distinction, exclusion, restriction, or preference based on race, ethnicity, colour, or national origin that impairs equal enjoyment of rights and is prohibited by Article 2 of the African Charter.

- m. **Extra-Judicial Killings** means the deliberate killing of persons by state agents without judicial authorisation, in violation of Article 4 of the African Charter.
- n. **Fact-Finding Mission (FFM)- the Sudan** means a temporary investigative body mandated by the AU PSC to gather and verify facts about the human rights situation in the Sudan following the April 2023 conflict.
- o. **Freedom of Expression** means the right to express ideas and receive information without interference, guaranteed by Article 9 of the African Charter.
- p. **Freedom of Movement** means the right to move freely and reside within states and across borders, guaranteed by Article 12 of the African Charter and Article II of the OAU Refugee Convention.
- q. **Gender-Based Violence (GBV)** means violence directed against individuals based on their gender, prohibited under Articles 3 and 4 of the Maputo Protocol.
- r. **Geneva Conventions of 1949** means a set of four international treaties designed to protect individuals affected by armed conflict.
- s. **Genocide** means acts, constituting international crimes, committed with the intention to destroy national, ethnic, racial, or religious groups, as prohibited under Article 6 of the Rome Statute, Article II of the Genocide Convention, and Article 28B of the Malabo Protocol.
- t. **Hate Speech (Incitement to Hatred)** means any communication that constitutes incitement to discrimination, hostility, or violence on prohibited grounds including race, ethnicity, religion, gender etc.
- u. **Human Dignity** means a person's intrinsic worth, which must be respected and protected, as affirmed by Article 5 of the African Charter.
- v. **Humanitarian Aid Obstruction** means the intentional blockage or restriction of humanitarian relief, prohibited under customary IHL in particular articles 23, 55 and 59 of the Fourth Geneva Conventions, the Rome Statute and the Malabo Protocol.
- w. **Internally Displaced Persons (IDPs)** are persons forcibly displaced within their own country due to conflict, violence, or disasters. They are protected under the AU Kampala Convention and the 1998 UN Guiding Principles on Internal Displacement.
- x. **International Crimes** means crimes including genocide, war crimes, and crimes against humanity, prosecutable under Articles 6, 7, and 8 of the Rome Statute and Article 28 B, C and D of the Malabo Protocol.

- y. **Mass Killings** mean the widespread intentional killing of civilians, violating Article 4 of the African Charter and considered crimes against humanity under the Rome Statute and the Malabo Protocol.
- z. **Non-refoulement is the principle prohibiting the** forced return of refugees or asylum seekers to danger, affirmed by Article II (3) of the OAU Refugee Convention.
- aa. **Non-International Armed Conflict** means armed conflict within state boundaries involving state and non-state actors, regulated under Common Article 3 of the Geneva Conventions and Additional Protocol II.
- bb. **Prohibition of Torture** means an absolute ban on the intentional infliction of severe physical or psychological pain, affirmed by Article 5 of the African Charter and the CAT.
- cc. **Right to Life** means absolute protection from arbitrary deprivation of life, guaranteed under Article 4 of the African Charter and General Comment No.3 of the ACHPR.
- dd. **Resistance Committee Members** - Informal grassroots networks formed to organise civil disobedience against the government of Omar Al Bashir in the Sudan.
- ee. **Sexual Slavery** means the forced detention of individuals for sexual exploitation, prohibited as crimes against humanity and war crimes under Articles 7 and 8 of the Rome Statute and Article 28C(1)(g) of the Malabo Protocol.
- ff. **Systematic Attacks** means coordinated, large-scale assaults directed intentionally at civilian populations, constituting crimes against humanity under Article 7 of the Rome Statute and Article 28D of the Malabo Protocol.
- gg. **Targeted Ethnic Violence** means violence directed against specific ethnic groups due to ethnicity, violating Article 19 of the African Charter and recognised as crimes under the Rome Statute and the Malabo Protocol.
- hh. **Transitional Justice** means processes that address past abuses through accountability, justice and reconciliation, with a view to prevent recurrence, guided by the AU Transitional Justice Policy (AUTJP, Articles 4 and 5).
- ii. **War Crimes** mean serious violations of international humanitarian law committed during armed conflict, which are prosecutable under Article 8 of the Rome Statute and Article 28D of the Malabo Protocol.

EXECUTIVE SUMMARY

Background

1. It has been more than two years since the conflict in the Sudan erupted on 15 April 2023. This conflict has caused serious and massive human rights violations and disproportionately affected civilians, without sparing them the sanctity of life, human dignity and respect for fundamental freedoms. Civilians have suffered, indiscriminate attacks, leading to unlawful killings, destructions of civilian infrastructure, and lack of access to humanitarian aid. The conflict has also increased numbers of displaced persons as well refugees. The attacks have occurred across the Sudan, with high concentrations of attacks in Al Gezira, Blue Nile, Khartoum, North Darfur, South Darfur South Kordofan, and West Darfur.
2. The Joint African Union (AU) Fact Finding Mission (FFM) led by the ACHPR, mandated by the African Union Peace and Security Council (PSC), undertook an investigation of the situation of human rights in the Sudan. The FFM took note of the comprehensive AU diplomatic efforts aimed at resolving the conflict and restoring peace in Sudan. This included the establishment of the Expanded Mechanism for the Resolution of the Sudan Crisis, the adoption of the AU Roadmap outlining six essential pillars for conflict resolution, deployment of the AU High-Level Panel on Sudan, and consistent advocacy for humanitarian ceasefires and inclusive political dialogue, prominently featuring the Jeddah and Juba peace processes. The African Commission, consistent, with its mandate to promote and protect the human and people's rights in Africa, have through this FFM process been further tasked to conduct a mission, to inquire into the nature, scope and extent of the human and people's rights violation that is taking place and is caused by the ongoing conflict in the Sudan. This report is a consequence of that process.
3. The FFM conducted a virtual inquiry from June 2024 to March 2025 based on receipt of written and oral evidence. The sources of data used for investigation covers not only written submissions and oral testimonies but also digital evidence. The inquiry covered events in the Sudan from April 2023 to date. It focussed primarily on events that took place primarily in Khartoum, Darfur (North, South, West), South Kordofan, Al Gezira, Blue Nile, and Senner States, as well as other parts of the Sudan. The FFM has further established that both the SAF and the RSF and their respective allied militia are responsible for the documented violations and must accordingly be hold accountable. The FFM report reflects factual and legal findings based on 10 thematic areas, covering the rights set out in the African Charter on Human and Peoples'

Rights, and other African human rights instruments. The investigation established that the following human rights violations occurred in the Sudan, since the beginning of the conflict in April 2023: -

- a. *Violations of the right to life* – This right is inviolable. It is supreme and all other rights depend on it. Under Article 4 of the African Charter, it is prohibited and failure to protect it means, the flagrant disregard for human sanctity and the arbitrary taking of life. The Sudan conflict meted out indiscriminate attacks, extrajudicial killings and ethnic based killings on the people of Sudan. The FFM documented incidents show a systemic pattern of a wanton disregard for life.
- b. *Violations of the right to human dignity*–the inherent worth of a person. It is a central theme of humanity, and the protection of rights associated with this value is important. The use of torture, cruel, inhuman or degrading treatment, was prevalent, and were often used to weaponised to instil fear and cause anguish, through methods such as strangulations, beatings and sexual violence. The FFM reported incidents show a pattern consistent with a total disregard for the centrality of dignity and the elevation of humiliation, discriminatory posture of disregard for human life, based simply of the ethnicity or racial discrimination of that person. The African Charter, extend protections for these rights and the recorded incidents fall short of the required due diligence on the part of the State.
- c. *Violations that constitute conflict related sexual violence* – that sexual violence was prevalent and took the form of rape, gang rape, sexual slavery, sexual exploitation and forced marriages which were often used as weapons of war. The Commission has established that often, conflict has become synonymous with rampant incidents of sexual violence. While in conflict, civilians are disproportionately and negatively affected, women and children carry the brunt of its impact. The incidents recorded show a disturbing rise in violations, that denigrate women, exploit children and make people vulnerable to sexual slavery and related incidents of sexual violence. The Commission has established that often, conflict has become synonymous with rampant incidents of sexual violence, while in conflict, civilians are disproportionately and negatively affected by conflict and women and children carry the brunt of its impact. The incidents recorded show a disturbing rise in violations, that denigrate women, make children vulnerable and societies polarised, with the rise of ethnic tensions and discriminatory behaviour, that goes against principles of collective peoples, life, dignity, liberty and justice.

- d. *Violations of the right to liberty and security of the person* - that violations of the right to liberty and security of the person were rife and took the form of arbitrary arrests and detention, kidnappings, abductions, and enforced disappearances. The incidents recorded, are samples of the vulnerability of life the dereliction of responsibility of states to protect their citizens against violation of several rights of the African Charter.
- e. *Violations of fundamental freedoms* – that the curtailment of fundamental freedoms of speech, the media, association, the press, academic and of assembly created an atmosphere of fear and repression. While rights are typically subject to limitations, these rights are otherwise protected, and any violation must be justifiable and reasonable. The Commission has considered and clarified the meaning and content of these rights, despite a persistent stream of violations against prohibitions, that if not complied with affects several other rights of a civil political and socio-economic nature.
- f. *Violations of the right to freedom of movement* – that freedom of movement was severely constrained including the frequent refusal of civilians to move in and out of IDP camps, the closure of borders and obstruction of humanitarian aid and assistance.
- g. *Violations of Economic, Social and Cultural Rights* – that the looting of civilian goods, blocking of humanitarian aid, restrictions on movement of goods and services essential to sustain life, and the destruction of critical infrastructure had a negative effect on civilians. It is evident from the FFM recordings, that ESCR, while being violated because of the inextricable link between civil political and economic social, cultural rights was under reported. This does not mean, their value is insignificant. The existing data suggest a deeper need and further investigation on issues affecting the people of the Sudan in respect of these set of rights and their violations.
- h. *Violations against children* – that children were exposed to serious violations including displacement, loss of life, sexual violence, hunger and malnutrition, and conscription to engage in hostilities. The incidents documented, do not reflect a culture of protection, and prevention of violations against children. Despite studies and work, including the work of the African Commission and the ACERWC, incidents recorded, show a worrying trend of an increase in the violation of children's rights and that they often are subjected to sexual exploitation, recruitment into combat and the absence of basic tenets encapsulating the best interest of the child.

- i. *Violations of the right to non-discrimination* - that racial and ethnic groups, in particular non-Arab groups have been targeted by predominantly Arab groups for ethnically motivated attacks including targeted violence, forced relocation, service exclusion, structural marginalisation and rape. The right to life, human dignity, liberty and non-discrimination The protection of rights associated with these values, are central to harmony, peace and security of any society. Targeting of a people, based simply of its ethnicity or race until today is considered an affront, to the values of human dignity, equality and non-discrimination. The incidents of ethnic cleansing through killings and acts of blatant discrimination violate the letter and spirit of the African Charter and goes against the intent of the Constitutive Act.
- j. *Violations targeting vulnerable groups* – that women and children have been subjected to overcrowded camps, starvation, and other vulnerabilities and exploitation, further exacerbated by the ongoing conflict. Further, that the experiences of older persons and persons with disabilities remain highly under documented and their experiences underrepresented in existing narratives on the conflict. The FFM has documented incidents known and unknown reflects a society factually or structurally marginalised. While the African Charter, protects rights affecting vulnerable communities through its communications procedures or human rights instruments, such as protocols, the continuing absence of sufficient data in conflict situations to accurately reflect the suffering and extent of violations, affecting vulnerable communities, requires urgent consideration. The rights violated, are protected under the African Charter and their disregard, is failure of the state to ensure compliance with the spirit of the African Charter as envisaged under the provisions of Article 1 of the African Charter.
- k. *Violation of the right to peace and security*: the fighting in urban centres and heavily populated areas including IDP camps, the use of indiscriminate attacks by the warring parties and the defiance of the parties to efforts for peace-making continue to disturb the peace of the peoples of Sudan and create an environment of insecurity and instability threatening the wellbeing of Sudanese.
- l. The violations, documented show violations of protected rights under the African Charter. The FFM recorded incidents that meets the basic thresholds, that constitute these rights further finding, that the non-compliance of the Sudan in meeting its obligations to protect rights, fulfil obligations and prevent violations. There are massive violations of provisions of the African Charter, the Maputo Protocol, the Kampala Convention and related Protocols, and other Regional and International Human Rights instruments, including a serious disregard of the norms set out in the IHL leading to scores of civilian deaths, destruction of critical

civilian infrastructure. Further showing rampant incidents of sexual violations and disregard of various freedoms, makes the rights and the concomitant obligations set out under the African Charter illusory.

- m. The recommendations set out in this report serve both as the recognition of the limitations of the safeguards and protections extended and the need for immediate steps to ensure a cessation of hostilities as first actions to mitigate against further violation of rights.

RECOMMENDATIONS

- 4. Considering the foregoing, the FFM, among others, makes the following recommendations: -
 - a) The FFM recorded incidents that show a series of serious and massive human rights violations. The incidents show a pattern of disregarding of life, dignity and non-discrimination. It affects the civilian population disproportionately and in total disregard of IHL and IHRL norms. To reduce or eliminate the violation of human and people's rights, the parties are expected to commit to:-
 - b) The cessation of hostilities and the urgent halt of any further fighting in the siege laid on El-Fasher
 - c) That the parties to the conflict immediately instruct all their fighting forces and affiliates desist from and totally end attacks against civilians including the use of sexual violence against women and girls, torture and arbitrary deprivation of liberty.
 - d) That the parties to the conflict ensure that Sudanese affected by the war are allowed to freely move to areas where there is less threat of violence from the fighting and they can access support both within the Sudan and across its regional and international borders.
 - e) That the parties to the conflict fully bear their obligations under international human rights and international humanitarian (IHL) laws particularly by respecting and ensuring observance of all IHL rules including those of distinction, necessity, proportionality and precaution.
 - f) That parties to the conflict commit to ensure access to humanitarian aid, protection of IDP camps, access to medical services including sexual and reproductive health services and protection of humanitarian workers.
 - g) That parties to the conflict recommit to observe the obligations made by the signing of the Jeddah Declaration of Commitment to Protect the Civilians of Sudan, and further to uphold their obligations under the African Charter and International Humanitarian Law (IHL) regarding protection of civilians.
 - h) That parties to the conflict ensure restoration of internet services to provide flow of information and reporting of human rights violations.

- i) That parties to the conflict commit to engage in an inclusive mediation process led by the AU and IGAD.
- j) That the AU deploy an AU peacekeeping mission to Sudan consistent with article 4(h) of the Constitutive Act and in alignment with UN Security Council Resolution 2719 to assist in the process of stabilizing the situation in Sudan and offer necessary protection to civilians including the establishment of safe and demilitarized humanitarian corridors.
- k) That the AU Member States contribute to a continentally coordinated humanitarian convoy, particularly to locations where famine and siege conditions endanger over 1 million people.
- l) That both parties to the conflict agree to a disarmament, demobilization, and reintegration (DDR) programme for irregular armed units, and endorse a unified national military structure.
- m) That both parties to the conflict support the establishment of an African-led accountability mechanism with the mandate to prosecute grave violations of human rights and IHL committed in the Sudan, ensuring complementarity with the International Criminal Justice processes.
- n) That all interventions towards peace in the Sudan take into account the UNSCs resolution on Women, Peace and Security particularly UNSC 1325.
- o) Contribute to a multi-donor fund for victim/survivor reparations and institutional reform, with Sudanese-led governance once a responsible civilian led transitional government is established, as it happened before.
- p) The establishment of a sequenced transitional justice process in conformity with the AU Transitional Justice Policy to address the root causes of the conflict in the Sudan.

INTRODUCTION

Section I: Mandate and Composition

Overview of the Mandate

5. Following the eruption of armed conflict in the Republic of the Sudan (the Sudan) on 15 April 2023, the African Union (AU), guided by Articles 4(h) and 4(o) of the Constitutive Act of the African Union (Constitutive Act), activated its conflict prevention and response mechanisms to address the escalating humanitarian and human rights crisis.
6. The Peace and Security Council (PSC) of the AU, issued a joint mandate between the African Commission on Human and Peoples' Rights (ACHPR/African Commission), and, the Department of Political Affairs, Peace and Security (DPAPS), to undertake urgent investigative actions concerning the serious violations of human rights and international humanitarian law occurring in the Sudan, particularly in El Fasher and other affected areas of Darfur.¹²
7. In line with its established protective and promotional mandate under Article 45 of the African Charter on Human and Peoples' Rights (African Charter), the ACHPR constituted the Fact-Finding Mission on the Republic of the Sudan (the FFM). It did so through the adoption of Resolution 588 (LXXIX) 2024 on the Human Rights Situation in the Republic of the Sudan and Resolution 590 (LXXX) 2024 on the Joint Fact-Finding Mission to the Republic of the Sudan.³ Through, Resolutions 609 (LXXXI) 2024 and ACHPR/Res.635 (LXXXIII) 2025, the ACHPR further extended the mandate of the FFM.⁴
8. The investigative mission built upon the ACHPR's longstanding engagement with the human rights situation in the Sudan, since the overthrow of the Omar Al Bashir-led regime on 11 April 2019. The ACHPR adopted several resolutions expressing its

¹ PSC Press Statement, PCR/PR/BR [2024] adopted at the PRC's 1213th meeting held on 21 May 2024, expressed grave concern over the rapidly deteriorating situation in El Fasher, North Darfur, and explicitly requested the ACHPR to conduct urgent investigations into human rights violations in the Sudan, and to provide recommendations on accountability mechanisms to the PSC.

² PSC Communiqué, PSC/HoSG/COMM. adopted at its 1218th meeting held on 21 June 2024, reinforced the ACHPR's investigative mandate and explicitly directed the African Union Commission (AUC), in close coordination with the ACHPR, to investigate atrocities committed during the conflict in the Sudan and propose concrete measures for civilian protection, accountability, and justice.

³ Adopted on 10 June 2024, at its 79th Ordinary Session held in hybrid format from 14 May to 3 June 2024, and on 14 August 2024, at its 80th ordinary session, held virtually from 24 July to 2 August 2024, respectively.

⁴ Resolution 609 (LXXXI) 2024 on the Renewal of the Mandate of the Joint Fact-Finding Mission to the Republic of the Sudan, adopted on 14 November 2024, at its 81st Ordinary Session, held from 17 October to 6 November 2024.

concern with the human rights situation, amidst the rapidly changing political developments in the Sudan.⁵

9. The investigation is implemented in pursuit of the protection mandate of the African Commission provided for in the African Charter and the decision of the AU Peace and Security Council which mandated the investigation as part of and one of the elements of AU's effort for ending the war and advance the protection of civilians.⁶ Composition of the FFM and Secretariat

10. The composition of the FFM sought to ensure impartiality, independence, and thoroughness in undertaking the investigation. The FFM constituted of:

a) Commissioners:

- Hon. Hatem Essaïem (Chairperson of the FFM): The Country Rapporteur for the Republic of the Sudan
- Hon. Janet Ramatoullie Sallah-Njie: Vice Chairperson of the African Commission and the Special Rapporteur on the Rights of Women in Africa
- Hon. Solomon Ayele Dersso: The Focal Point on Human Rights in Conflict Situations in Africa
- Hon. Dr. Litha Musyimi-Ogana: The Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa
- Hon. Salma Sassi: The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced persons and Migrants in Africa

b) The Secretariat

⁵ Resolution 413 (EXT.OS/XXV) 2019 on the Human Rights Situation in the Republic of the Sudan, adopted on 5 May 2019, at its 25th Extra-Ordinary Session held from 19 February to 5 March 2019 in Banjul, The Gambia.

Resolution 421 (LXIV) 2019 on the Human Rights Situation in the Republic of the Sudan, adopted on 14 May 2019, at its 64th Ordinary Session held from 24 April to 14 May 2019 in Sharm El Sheikh, The Arab Republic of Egypt.

Resolution 444 (LXVI) 2020 on the Human Rights Situation in the Republic of the Sudan, adopted on 18 September 2020, at its 66th Ordinary Session, held virtually, from 13 July to 7 August 2020.

Resolution 510 (LXIX) 2021 on the Deterioration of the General Human Rights Situation in the Sudan following the Coup d'état of 25 October 2021, adopted on 3 January 2022, at its 69th Ordinary Session, held virtually, from 15 November to 5 December 2021.

Resolution 516 (LXX) 2022 on the Deterioration of the Human Rights Situation in the Sudan following the Coup d'état of 25 October 2021, adopted on 25 March 2022 at its 70th Ordinary Session held virtually, from 23 February to 9 March 2022.

Resolution 548 (LXXIII) 2022 on Coup d'état's, Military Transitions and Attendant Violations of Human and Peoples' Rights in Burkina Faso, Guinea, Mali, and the Sudan, adopted on 12 December 2022, at its 73rd Ordinary Session, held in Banjul, The Gambia from 20 October to 9 November 2022.

Resolution 555 (LXXV) 2023 on the Human Rights Situation in the Republic of the Sudan, adopted on 12 June 2023, at its 75th Ordinary Session held from 3 to 23 May 2023 in Banjul, The Gambia.

Resolution 563 (LXXVI) 2023 on the serious deterioration of the human rights situation in the Republic of the Sudan because of the continuation of the war that broke out on 15 April 2023, adopted on 4 August 2023 at its 76th Ordinary Session, held virtually from 19 July to 2 August 2023.

Resolution 578 (LXXVII) 2023 on the human rights situation and humanitarian crisis caused by the ongoing armed conflict in the Republic of the Sudan, adopted on 29 December 2023, at its 77th Ordinary Session held from 20 October to 9 November 2023 in Arusha, United Republic of Tanzania.

⁶ The AU, through its organs and special mechanisms including the Office of the AUC Chairperson, the PSC, the Expanded Mechanism for the Resolution of the Conflict in Sudan, the Joint AU/IGAD High Level Panel, and the AU Special Envoy on the Prevention of Genocide and other atrocities, took several measures to address and resolve the conflict in the Sudan as detailed in an Annexure to this report.

The Legal team supporting the mandates of the various Special Rapporteurs and Special Mechanisms mentioned above, researchers, analysts and support staff all based within the ACHPR, and one Human Rights Specialist from the DPAPS of the AUC.

Section II: Methodology

Methodological Approach

11. The FFM, unable to undertake on the ground investigation, conducted a virtual inquiry to obtain first hand testimonies and accounts of events in the Sudan. These testimonies and accounts served as crucial evidence, assisted in the validation of facts, and offered perspectives in the FFM's efforts to establish both the range and nature of human and peoples' rights violations perpetrated during the war and the accountability for human rights violations in the Sudan. They also shed light on the experiences, perspectives, and socio-political realities for civilians in the Sudan. The inquiry involved data collection through written and oral submissions, and data analysis.
12. The FFM relied on multiple data sources including direct sources (victims and witnesses appearing virtually before the FFM), third party sources (written submissions by human rights organisations and independent observers), and open sources (verified online sources submitted by independent observers or sourced by the FFM).
13. The inquiry centred Sudanese civilians, as the people who bore the brunt of the conflict in the Sudan. As such, the report from the inquiry reflects the voices, experiences, pain and suffering of the Sudanese people, and their hopes for sustained peace.
14. In seeking written and oral evidence, the FFM consulted various groups of people, especially the people of the Sudan with knowledge of the situation in the Sudan. They included victims of the violations, witnesses to the violations, experts on the situation in the Sudan such as academics, medical personnel, legal professionals, and journalists, and human rights and humanitarian organisations.
15. The FFM designed a simple standardised instrument for data collection,⁷ deployed through an open call for written submissions sent on 27 January 2025.⁸ Through the open call, the FFM received 28 written submissions containing both documentary evidence (pictures and reports) and electronic evidence (videos).

⁷ The instrument is attached as an annexure to this report.

⁸ The open call is attached as an annexure to this report.

16. The FFM also issued an open call for oral testimonies from victims and witnesses of human rights violations in the Sudan. Subsequently it conducted 36 interviews in the format of oral hearings. All oral hearings were held in-camera, on specifically assigned dates from 17 to 28 March 2025.
17. Once received, the FFM carried out textual, photographic and video analysis of the written and oral submissions. First, to establish the veracity of the information received, and second, to categorise the information thematically. The FFM produced thematic case briefs from the scores of data received and then consolidated the case briefs into thematic reports. The data in the thematic reports were synthesised and constitutes the thematic analysis in Part II of this report.

Ethical considerations:

18. The FFM adopted the following ethical considerations in the data collection process:
 - a) **Informed consent:** The FFM collected all data with the full and informed consent of the victims/witnesses involved. It deployed a Consent and Confidentiality Declaration which relayed the rights and duties of those willing to give their testimonies, prior to their submissions. The FFM sent or read out the Declaration in the preferred AU language of those providing information to it.
 - b) **Confidentiality, privacy, and data protection:** All FFM staff members signed the AU Non-Disclosure Agreement prior to commencement of the process. The FFM gave AU-issued electronic equipment (laptops) strictly set aside for the FFM members and required members of the Secretariat to work from the ACHPR offices to ensure strict confidentiality in the handling of the data. The FFM members held all discussions and handled all data in strict confidentiality.
 - c) **Victim-centeredness and respect for vulnerable populations:** The FFM inquiry focused on, and centred, the experiences, voices, and perspectives of Sudanese civilians. Data collection and analysis not only paid attention to the violations perpetrated and their impact on the victims, but also the remarkable resilience of the Sudanese people and their unbreakable spirit amid much suffering. The FFM applied the “do-no-harm” approach to guarantee victims’ and witnesses’ safety and security throughout the inquiry. It also handled the testimonies of girls and women victims of conflict related sexual and gender-based violence, with sensitivity and due care to prevent further harm, including avoiding victim re-traumatisation.
 - d) **Credibility and integrity:** The FFM collated facts in the case briefs and reports as received from the written submissions and oral hearings, and verified, with proper referencing to all sources. The inquiry consulted verified online sources, to corroborate facts declared in written and oral submissions, where applicable.

Standard of proof and Verification

19. The FFM applied the “reasonable grounds to believe” test to all received data. This legal standard requires a subjective belief, based on objective evidence, that a situation or fact exists. To consider evidence as constituting a prima facie case of a violation i.e. reasonable probability, the inquiry weighed and tested the written or oral testimony against corroborative accounts from alternative and separate sources.
20. To determine accuracy, integrity, and admissibility of digital evidence submitted (videos and pictures), the FFM adopted Open-Source Investigation Techniques (OSINT) including Reverse Image and Video Search, Metadata Analysis, Geolocation Verification, Chronological Cross-Checking, and Digital Forensics.

Key Methodological Limitations and Mitigation Strategies:

21. The FFM had initially set out to conduct a two-pronged inquiry consisting of onsite visits to the Sudan and neighbouring states, and a virtual inquiry. However, for several reasons related to access and financial resources, the investigation was restrained to a virtual enquiry. The virtual inquiry, on its own faced methodological limitations, but the FFM approached the inquiry with rigour.

a) Insufficient sample size for statistical measurements

The FFM resolved to proceed with a qualitative analysis in its virtual inquiry. While the initial plan had been to collect both quantitative and qualitative data, the sample size was insufficient to draw valid quantitative conclusions.

b) Limited access to critical data

While the virtual inquiry invited submissions from a broad spectrum of stakeholders, most submissions came from individuals and NGOs who received the FFM’s open calls for submissions and had internet access to send their written submissions or participate in virtual oral hearings. Victims and witnesses without internet access or knowledge of the FFM’s mandate did not contribute to the process. This limited the pool of data the FFM relied on.

Also, the FFM did not receive submissions from some of its traditional partners within the UN system. For instance, the FFM sent a *Note Verbale* on 27 January 2025 to the OHCHR’s East Africa Regional Office and its Representation to the African Union, inviting contributions to inform the FFM’s mandate but did not receive any response.

Further, the state of the Sudan and its full institutional structure, with grounded knowledge of the situation of victims, did not fully participate in the inquiry. On 31 October 2024, through a *Note Verbale*, the ACHPR sent an initial request to the

government of the Sudan for facilitation of on-site investigations and the authorisation of a field mission in the Sudan by the FFM. In a follow-up *Note Verbale*, on 4 February 2025, to the Ministry of Foreign Affairs of the Republic of the Sudan, the FFM further requested authorisation to conduct on-site visits, and informed the government of the commencement of the virtual FFM, but did not receive a response.

Additionally, the FFM did not receive any response from the National Human Rights Commission of the Sudan, after sending out a *Note Verbale* on 2 February 2025, requesting submissions in support of the work of the FFM. These contributions would have enhanced the comprehensiveness of the official account on the situation in the Sudan, which this inquiry prioritised, given states' role as primary duty bearers for the realisation of human rights.

Positively, however, during its 83rd Ordinary Session, held from 2 to 22 May 2025, the ACHPR received the Second Interim Report on the Work of the National Committee to Investigate War Crimes and Violations of National Law and International Humanitarian Law from the Ambassador of the transitional government of the Sudan to the African Union. The report provided the government's perspective about the human rights situation in the Sudan.

Further, despite sending timely requests to neighbouring States to the Sudan, for access to carry out field investigations, the FFM faced challenges receiving prompt responses and solid authorisation. On 31 October 2024, the ACHPR sent *Notes Verbales* to the governments of Chad, Egypt, Ethiopia, Eritrea, South Sudan, the Central African Republic and Uganda, seeking authorisation to engage with Sudanese refugees within their territories, and to collect relevant information and testimonies. The government of Uganda acknowledged receipt of the *Note Verbale*, while the government of Ethiopia tentatively proposed the possibility of a field mission in 2025, without providing any definitive date. Only the government of Chad, granted the FFM unqualified authorisation.

c) Time and Financial constraints

The FFM faced time and financial constraints to fully explore the experiences of the Sudanese people in the current conflict. These constraints were both a result of the unavailability of funding from the inception of the mandate to the start of actual work, and slow responses to requests for submissions. Funding constraints delayed the commencement of FFM activities, the onboarding of technical staff, the FFM's ability to conduct on-the-ground missions where authorisation was received, and the period of data collection, collation and analysis.

22. While the FFM acknowledges the limitations to its enquiry, it also notes that many of these limitations can be cured by direct access to victims, witnesses, and sites of violations through on-ground site visits to the Sudan and neighbouring states.

PART I – CONTEXTUAL BACKGROUND

History and context of the conflict in the Sudan

23. Political instability and insecurity in the Republic of the Sudan has always been influenced by competition over its natural resources. This has increasingly plunged the country into a series of internal conflicts and international tensions.⁹

Sequence of the conflicts in the Sudan and their effects

24. The Sudan was the first country to achieve independence in Africa on 10 January 1956.¹⁰ The young state inherited the legacies of colonial rule such as divide and rule which entrenched a centre-periphery divide, weak state institutions, the absence of a democratic tradition to build on, as well as lack of accountability.¹¹
25. The centre-periphery divide manifested most vividly in the differences between the South and the North.¹² Patterns of systemic discrimination, political exclusion, and contested state legitimacy erupted into civil war. The First Sudanese Civil War (1955–1972) broke out shortly before independence over regional marginalisation and ethnic inequities and lasted for 17 years.¹³ This war began in a mutiny led by the Equatoria Corps – a section of the Sudanese Defence forces from the South of the Sudan – due to sustained grievances.¹⁴ The outcome of this war was the Addis Ababa Agreement of 1972 which granted autonomy to the southern Sudan region.¹⁵
26. The failure to implement the Addis Ababa Agreement in good faith, however, led to the Second Sudanese Civil War (1983–2005) – a 22-year conflict that pitted the central

⁹ AU High-Level Panel on Darfur, Darfur: The Quest for Peace, Justice and Reconciliation, African Union Peace and Security Council, PSC/AHG/2(CCVII), 29 October 2009, pp. 9–11. See also ACHPR, Fact-Finding Mission to the Republic of Sudan in the Darfur Region, EX.CL/364 (XI), Annex III, paras. 17–25.

¹⁰ See: Douglas H. Johnson. (2016). “Nationalism, Independence & the First Civil War 1942–72.” In *The Root Causes of Sudan’s Civil Wars: Old Wars and New Wars* (Expanded 3rd Edition), African Issues, Boydell & Brewer. Chapter 3, p. 21–38.

¹¹ See: Mahmood Mamdani. (2020). *Neither settler nor native: The making and unmaking of permanent minorities*. Cambridge, MA: Harvard University Press

¹² See: Douglas H. Johnson. (2016). “The Historical Structure of North-South Relations.” In *The Root Causes of Sudan’s Civil Wars: Old Wars and New Wars* (Expanded 3rd Edition), African Issues, Boydell & Brewer. Chapter 1, p. 1–8; See also: Mamdani. (2020). *Neither settler nor native*, above.

¹³ See: Johnson. (2016). Nationalism, Independence & the First Civil War 1942–72, above.

¹⁴ See: Aleksis Ylonen. (2005). “Grievances and the Roots of Insurgencies: Southern Sudan and Darfur,” *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 7, July 2005 p.99-134, @105-114.

¹⁵ See: Douglas, H. Johnson. (2016). “The Addis Ababa Agreement & the Regional Governments 1972–83.” In *The Root Causes of Sudan’s Civil Wars: Old Wars and New Wars* (Expanded 3rd Edition), African Issues, Boydell & Brewer. Chapter 4, p. 39–58.

government of the Sudan against the Sudan People's Liberation Army/Movement (SPLA/M).¹⁶ The Second Sudanese war was triggered by the 1983 military coup, leading to the rise of the military in the Sudan's political, economic and security structures, and its prominence in the decades following the coup.¹⁷ The 1983 coup and the rise of the military also signified the start of the institutionalisation of impunity in the Sudan including through the adoption of draconian laws which vested sweeping unaccountable authority in security institutions.¹⁸ This era also saw the entry into the political power arena of the Islamist movement and the imposition of Islam as a state religion.¹⁹ The war culminated in the signing of the Comprehensive Peace Agreement (CPA) of 2005²⁰ and the secession of South Sudan in July 2011.²¹

27. Even before the signing of the CPA, the centre-periphery divide plunged Sudan into another conflict: the Darfur conflict (2003), characterised by genocidal violence and ethnic cleansing against non-Arab groups. Another war broke out in the South Kordofan and Blue Nile insurgencies (2011–2019), led by the SPLM-North.²² In 2004, the ACHPR's Fact-Finding Mission to the Republic of the Sudan in the Darfur Region documented grave violations against non-Arab communities, including mass killings, aerial bombardment, and mass displacement.²³ The origin of the paramilitary Rapid Support Forces (RSF) goes back to this war in Darfur that began in the early 2000s.

¹⁶ See: M.V. van Baarsen. (2000). "The Sudanese Civil War" The Netherlands and Sudan: Dutch Policies and Interventions with Respect to the Sudanese Civil War, Clingendael Institute, 2000, p17-35 @22-23.

See also: World History Edu. (3 April 2024). History and Major Facts about the Second Sudanese Civil War (1983-2005). <https://worldhistoryedu.com/history-major-facts-about-the-second-sudanese-civil-war-1983-2005/>.

Also: Johnson. (2016). "The Addis Ababa Agreement & the Regional Governments 1972–83," above.

¹⁷ See: Douglas, H. Johnson. (2016). "The Beginnings of the Second Civil War 1983–1985". In *The Root Causes of Sudan's Civil Wars: Old Wars and New Wars* (Expanded 3rd Edition), African Issues, Boydell & Brewer. Chapter 5, p. 59–74.

¹⁸ The ACHPR has historically consistently held the Sudanese state to account for the actions of its security agents that violate several rights under the Charter, enabled by successive repressive security laws. See:

Communication 222/98-229/99: *Law Office of Ghazi Suleiman v. Sudan*, paras 37, 50–67.

Communication 228/99: *Law Offices of Ghazi Suleiman v. Sudan*, paras 39–66.

Communication 236/00: *Curtis Francis Doebller v. Sudan*, paras 2, 29–44.

Communication 368/09: *Abdel Hadi, Ali Radi & Others v Sudan*, paras 34, 60–63, 78–84, 85–90, 93.

Communication 379/09: *Monim Elgak, Osman Hummeida and Amir Suliman (represented by FIDH and OMCT) v Sudan*, paras 96–101.

Communication 443/13: *Safia Ishaq Mohammed Issa (Represented by the REDRESS Trust) v. Sudan*, paras 78 – 98.

Communication 470/14: *Ibrahim Almaz Deng & 6 Ors (represented by IHRDA) v. Sudan*, paras 14–15, 34, 171–179.

¹⁹ Mohammed Elhaj Mustafa Ali and Ebaidalla M. Ebaidalla. (April 2023). 'Political Islam and Crony Capitalism in Sudan: A Case Study of "Munazzamat al-Dawa al-Islamiyya"' Working Paper No. 1633, ERF Working Papers Series.

See also: Riad Ibrahim. 'Factors Contributing to the Political Ascendancy of the Muslim Brethren in Sudan,' *Arab Studies Quarterly*, Vol. 12, No. 3/4 (Summer/Fall 1990), pp. 33–53.

Also: Abdelwahab, El-Affendi. (2013). 'Islamism in Sudan: Before, After, in Between', in Asef Bayat (ed.), *Post-Islamism: The Changing Faces of Political Islam* Oxford Academic, 26 Sept. 2013.

²⁰ See: UN Peacemaker,

<https://peacemaker.un.org/sites/default/files/document/files/2024/05/sd060000the20comprehensive20peace20agreement.pdf>.

²¹ See: AU High-Level Panel on Darfur, *Darfur: The Quest for Peace, Justice and Reconciliation*, PSC/AHG/2(CCVII), 29 October 2009, pp. 9–12, 45–47.

²² ACHPR, Fact-Finding Mission to the Republic of Sudan in the Darfur Region, EX.CL/364 (XI), Annex III, paras. 3–4, 23–26.

²³ Ibid.

28. After months of nationwide protests against his authoritarian regime, the former President Omar Al-Bashir was ousted in 2019.²⁴ The Transitional Military Council (TMC) which took control after Al-Bashir's fall, arrogated for itself a three-year mandate. To consolidate its power, the TMC carried out a violent crackdown on peaceful protesters, killing more than 100 civilians,²⁵ showing its intentions to deepen its grip on power, contrary to the spirit of the civilian mass protests. The TMC's unconstitutional seizure of power and its subsequent violence against protestors led to Sudan's suspension from the AU.²⁶
29. The pressure from the suspension, and, importantly, the persistence of the peaceful mass protests facilitated a mediation that culminated in a power-sharing agreement and the adoption of the Constitutional Declaration in August 2019.²⁷ The power-sharing agreement led to the establishment of a transitional government made up of the Sovereign Council and a cabinet, with a timeline plan for the transitional period.²⁸ While the military made up of the Sudan Armed Forces (headed by General Abdel Fattah al-Burhan "General Al Burhan") and the paramilitary Rapid Support Forces (headed by Lieutenant General Mohamed Hamdan Dagalo "Hemedti") took leadership of the Sovereign Council, Abdalla Hamdok assumed the role of Prime Minister leading the cabinet with the understanding that he would take over the leadership of the Sovereign Council by October 2021.
30. However, the 2019 Framework Agreement encountered significant opposition from political groups, including Sudanese Resistance Committees, the National Congress Party and the Democratic Bloc.²⁹ A central point of contention during the country's fragile political transition under Hamdok was the issue of security sector reform (SSR), particularly the integration of the Rapid Support Forces (RSF) into a unified national army and the broader restructuring of the Sudanese Armed Forces (SAF).³⁰

²⁴See: Magdi El-Gizouli. (12 April 2019). "The Fall of al-Bashir: Mapping Contestation Forces in Sudan," Arab Reform Initiative, <https://www.arab-reform.net/publication/the-fall-of-al-bashir-mapping-contestation-forces-in-sudan/>.

See also: Matthew LeRiche. (17 April 2019). "The Fall of Omar Bashir in Sudan: A People's Revolution or a Changing of the Guard?," E-International Relations, <https://www.e-ir.info/2019/04/17/the-fall-of-omar-bashir-in-sudan-a-peoples-revolution-or-a-changing-of-the-guard/>.

²⁵ See: Alan Yuhas. (4 June 2019). "100 Killed in Sudan and Dozens of Bodies Are Pulled From the Nile River," The New York Times. <https://www.nytimes.com/2019/06/04/world/africa/sudan-war-facts-history.html>.

²⁶ See: Sudan Tribune. (6 June 2019). "African Union suspends Sudan's membership, threatens to sanction military council," <https://sudantribune.com/article65753/>.

²⁷ Al Jazeera. (17 July 2019). Sudan's ruling generals, protest leaders sign power-sharing deal, <https://www.aljazeera.com/news/2019/7/17/sudans-ruling-generals-protest-leaders-sign-power-sharing-deal>.

See also: Karam Said, Political agreement signed in Sudan, December 13, 2022, <https://english.ahram.org.eg/NewsContent/50/1203/482551/Ahram-Weekly/World/Political-agreement-signed-in-Sudan.aspx>.

²⁸ Atta H. El-Battahani, (2023). The Dilemma of Political Transition in Sudan, An Analytical Approach, IDEA, <https://www.idea.int/sites/default/files/2023-09/dilemma-of-political-transition-in-sudan.pdf>

²⁹ El-Battahani, (2023). The Dilemma of Political Transition in Sudan, above.

³⁰ See UN Human Rights Council, Report of the Independent International Fact-Finding Mission on the Sudan, A/HRC/57/CRP.6, paras. 19-26; International Crisis Group, Finishing the Job: How the AU and UN Can Close the Deal on Sudan's Transition, 2 December 2022.

See AU High-Level Panel on Darfur, Darfur: The Quest for Peace, Justice and Reconciliation, PSC/AHG/2(CCVII), 29 October 2009, pp. 49-52, 77; ACHPR, Activity Reports, esp. 39th and 47th Reports.

The RSF, evolved from the Janjaweed Arab- militia armed group, created by Al-Bashir to fight against and suppress southern Sudanese rebels in the Darfur war of 2003,³¹ had received some form of recognition from the Al-Bashir government in 2013 under Decree No. 30 and the Rapid Support Forces Law (2017),³² as a paramilitary structure with expansive autonomy outside conventional command-and-control mechanisms.³³

31. On 25 October 2021, General al-Burhan led a military coup that dismantled the Hamdok-led transitional government.³⁴ After the coup, Hamdok was reinstated under duress, but eventually resigned in January 2022, citing the military's unwillingness to implement reforms in good faith.³⁵ The escalation of tensions between the SAF and the RSF, culminated in the outbreak of a full-scale war in April 2023.³⁶ The RSF, commanded by Lieutenant General Mohamed Hamdan "Hemedti" Dagalo, had retained extensive autonomy and control over lucrative sectors such as gold mining and border security, creating a parallel power center that challenged the authority of both civilian institutions and the Sudanese Armed Forces (SAF) leadership.³⁷
32. In December 2022 the African Union, IGAD and the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS), brokered a proposed Framework Agreement to re-establish a civilian-led transitional authority. The Framework outlined a roadmap for security sector reform, including a timeline for integrating the RSF into the SAF and depoliticising the security apparatus.³⁸ However, this initiative further deepened the rift between the SAF and the RSF, each viewing the Agreement as a threat to their respective influence.³⁹ As both factions mobilised

³¹ Ibid.

See also: ACHPR, *Fact-Finding Mission to the Republic of Sudan in the Darfur Region*, EX.CL/364 (XI), Annex III, paras. 3–4, 23–26; United Nations, *Report of the International Commission of Inquiry on Darfur to the UN Secretary-General*, UN Doc. S/2005/60, paras. 320–523; *Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army*, 2005, Protocol on the Resolution of Conflict in Southern Kordofan and Blue Nile States, Articles 3–5.

³² Rapid Support Forces Law, <https://redress.org/storage/2022/09/Rapid-Support-Forces-Act-2017-English.pdf>.

³³ Selma El Obeid. (31 October 2024). Sudan's War: The Narrow Path to Peace <https://fmes-france.org/sudans-war-the-narrow-path-to-peace/>.

³⁴ REDRESS, Military Coup in Sudan, Briefing for UK Parliament, October 2021, <https://redress.org/wp-content/uploads/2021/10/Briefing-on-Military-Coup-in-Sudan.pdf>.

³⁵ Al Jazeera. (3 January 2022). Sudan's Hamdok resigns as prime minister amid political deadlock, <https://www.aljazeera.com/news/2022/1/2/sudan-pm-abdalla-hamdok-resigns-after-deadly-protest>.

³⁶ International Rescue Committee. (17 April 2023). Crisis in Sudan: What is happening and how to help, <https://www.rescue.org/article/crisis-sudan-what-happening-and-how-help>.

³⁷ Anu Chauhan, Sudan's Fractured Military: Rivalry Between SAF and RSF, August 7, 2024, <https://nickledanddimed.com/2024/08/07/sudans-fractured-military-rivalry-between-saf-and-rsf/#:~:text=This%20article%20explores%20the%20fractured%20military%20landscape%20of,the%20ousting%20of%20President%20Omar%20al-Bashir%20in%202019.>

³⁸ IGAD. (5 December 2022). Trilateral Mechanism Statement on the Signing of a Political Framework Agreement, <https://igad.int/trilateral-mechanism-statement-on-the-signing-of-a-political-framework-agreement/>.

³⁹ See International Crisis Group, *Finishing the Job: How the AU and UN Can Close the Deal on Sudan's Transition*, 2 December 2022; UN Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Sudan*, A/HRC/57/CRP.6, paras. 23–29.

forces in and around Khartoum under the guise of implementing the Agreement, mutual mistrust, competing patronage networks, and lack of oversight mechanisms culminated in the outbreak of full-scale hostilities on 15 April 2023.

33. Since the conflict broke out, several human rights bodies have documented, among others, ethnically targeted killings, sexual violence, and the obstruction of humanitarian assistance by both the SAF and the RSF contrary to the provisions of the African Charter and other international instruments.⁴⁰

The cumulative impact of the culture of impunity on the current conflict

34. Across these episodes, the Sudan has demonstrably failed to uphold its obligations under the African Charter. The legal institutionalisation of paramilitary forces, such as the RSF entrenched dual security structures incompatible with principles of civilian oversight and rule of law.⁴¹ The State's failure to ensure accountability for atrocious crimes – despite repeated documentation by international bodies including the AU, the UN and the ICC – has perpetuated cycles of impunity and structural violence.⁴² In the absence of transitional justice mechanisms to address atrocities committed during prior conflicts particularly in Darfur, South Kordofan, and Blue Nile, the Sudan became a breeding ground for impunity.⁴³

The current conflict: War between rival armies involving systematic breaches of the rules of war accompanied by ethnic violence and violations of human rights

35. The conflict between the SAF and the RSF is characterised by the total lack of regard to the rules of war and human rights standards under the African Charter. Apart from the prevalence of indiscriminate use of force in breach of the IHL principles of distinction and proportionality, the conflict has in some of the major fighting settings, particularly in Darfur, deployed ethnically motivated violence. While both parties to the conflict are involved in such acts, in particular, the RSF and its allied militias' attacks against non-Arab groups, such as the Massalit, the Nuba and the Zaghawa, reached alarming levels in the past two years.⁴⁴ Sudanese civilians, including ethnic

⁴⁰ See: UN Fact-Finding Mission on Sudan A/HRC/57/23 (2024), paras. 19–56, 57–112; International Crisis Group (2023); ACHPR, Report on the Right to Development (2019); See also: United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), *Sudan: The World's Worst Humanitarian Crisis*, Situation Update, April 2025.

⁴¹ AU High-Level Panel on Darfur, *Darfur: The Quest for Peace, Justice and Reconciliation*, PSC/AHG/2(CCVII), 29 October 2009, pp. 46–54, 77–79.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Zeinab Mohammed Salah. (29 February 2024). Sudan's war leaves deep scars in Geneina, a city of two massacres, The Guardian, <https://www.theguardian.com/global-development/2024/feb/29/sudans-war-leaves-deep-scars-in-geneina-a-city-of-two-massacres>

Human Rights Watch and Amnesty International have similarly reported ethnically targeted attacks in El Geneina and Ardamata in 2023–2024, confirming systematic RSF involvement; See: Human Rights Watch, *Sudan: RSF and Allied Militias Target Civilians in West Darfur*, 14 December 2023, <https://www.hrw.org/news/2023/12/14/sudan-rsf-and-allied-militias-target-civilians-west-darfur>;

minorities such as the Massalit, have remained the primary victims of retaliatory attacks between the warring factions.⁴⁵ They have endured all forms of atrocities and the worst humanitarian conditions.⁴⁶

Section II: Legal Framework

36. The FFM in its analysis of the violations that have occurred in the Republic of Sudan, relied on the following Regional and International Legal Frameworks: -

1. The Constitutive Act of the African Union.
2. The African Charter on Human and Peoples' Rights.
3. The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol).
4. The African Charter on the Rights and Welfare of the Child (ACRWC).
5. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).
6. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention).
7. The jurisprudence emanating from the African Commission on Human and Peoples' Rights regarding human rights violations in Africa.
8. The Universal Declaration for Human Rights.
9. The International Covenant on Civil and Political Rights.
10. The International Covenant on Economic, Social and Cultural Rights.
11. The Convention Against Torture, Cruel, Inhuman and Degrading Treatment.
12. The Convention on the Rights of the Child.

Amnesty International, *Sudan: Civilians Trapped as West Darfur Descends into Ethnic Violence*, 5 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/sudan-civilians-trapped-as-west-darfur-descends-into-ethnic-violence>.

⁴⁵ UN Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Sudan*, A/HRC/57/CRP.6, paras. 84–112;

For the history of attacks in Darfur in ACHPR, *Fact-Finding Mission to the Republic of Sudan in the Darfur Region*, EX.CL/364 (XI), paras. 23–27; See also UN Doc. S/2005/60, paras. 360–370, 472–484.

⁴⁶ Ibid.

13. The Convention on Elimination of all forms of Discrimination against women.
14. The Convention on Elimination of all forms of Racial Discrimination.
15. The International Convention for the Protection of All Persons from Enforced Disappearance.
16. The Geneva Protocols of 1949.
17. The Additional Protocol II of 1977.
18. The rules and customs of war.
19. The Rome Statute of the International Criminal Court.
20. United Nations Security Council Resolution 1325 on Women Peace and Security.
21. The Constitutional Charter for the transitional period of 2019.

PART II – THEMATIC FINDINGS ON VIOLATIONS

1. Violations of the Right to Life (Extrajudicial killings, enforced disappearances, and attacks on civilians)

37. The African Charter provides that human beings are entitled to respect of their life and integrity of their person.⁴⁷The non- derogation of the right to life is underscored and expounded in General Comment No. 3 to the African Charter on the right to life which stipulates that states are obligated to put in place measures to ensure protection against any loss of life through the actions of both state and non-state actors.⁴⁸In the context of conflict, the General Comment No. 3 stipulates that the right to life should be interpreted with reference to the rules of International Humanitarian Law(IHL).⁴⁹IHL prohibits attacks on civilians and objects necessary for sustaining civilian life in times of conflict.⁵⁰The parties to the conflict, through the Jeddah

⁴⁷ Article 4 of African Charter on human and peoples' Rights.

⁴⁸ General Comment No 3 of the African Charter on the Right to Life. Ibid.

⁴⁹ Ibid para 13.

⁵⁰ The Geneva conventions of 1949 and additional protocol II of 1977 as well as rules and customs of war <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

declaration, have also made a commitment to prevent loss of life through combat and extra judicial killings and to ensure humanitarian aid reaches civilians in need.⁵¹

38. Despite the above, the FFM observed that both the SAF and the RSF indiscriminately targeted and killed civilians during attacks as well as denied them access to humanitarian aid necessary to sustain life. Civilians were also extra judicially killed for being perceived to support the opposing side of the conflict while others, especially in the Darfur region were targeted and killed because of their ethnicity. The FFM documented killings to have occurred in the following patterns: -

Killing of civilians during attacks.

39. The FFM documented that the SAF indiscriminately carried out aerial strikes, bombings and shelling in densely populated residential areas and locations. This resulted in multiple civilian deaths and injuries. Some of the incidences recorded by the FFM regarding these acts include: - On 24 April 2023, the SAF bombed a neighbourhood in South Khartoum killing 40 civilians.⁵² On 2 September 2023, the SAF conducted several bombings and airstrikes in Al-Kalakla and Al Qubba areas of Khartoum, killing at least 20 civilians.⁵³ On 26 October 2023, the SAF bombed the Zalingei Thursday weekly market in Central Darfur State killing two civilians.⁵⁴ On 29 December 2023, the SAF conducted aerial attacks in Nyala, South Darfur State leading to the death of 30 civilians.⁵⁵ On 20 October 2024, the SAF dropped barrel bombs on Sheikh El Jeili Mosque in Wad Madani, Al Gezira State, after the evening prayers, resulting in the death of 15 civilians.⁵⁶ On 20 December 2024, a SAF airstrike hit Al Ezba Baptist church, a nursery school and a residential building in Khartoum killing 11 civilians including children.⁵⁷
40. The FFM further documented that in January 2025, during the recapture of the Wad Madani city of Al Gezira State from the RSF, the SAF launched attacks resulting in the deaths of approximately 300 people.⁵⁸ The SAF, during these attacks targeted Resistance Committee Members, the youth, activists and farmers who they accused of collaborating with the RSF.⁵⁹

⁵¹ The parties to the conflict in the Sudan signed the Jeddah Declaration of Commitment to Protect the Civilians of Sudan on 11 May 2023, found <https://2021-2025.state.gov/jeddah-declaration-of-commitment-to-protect-the-civilians-of-sudan/> which stipulated among other things, a commitment to protect civilians from attacks and killings as well as ensure they access humanitarian aid.

⁵² Written Submission: Redress.

⁵³ Ibid.

⁵⁴ Written Submission: African Centre for Justice and Peace Studies.

⁵⁵ Ibid.

⁵⁶ Written Submission: Christian Solidarity Worldwide.

⁵⁷ Ibid.

⁵⁸ Written Submission: African Centre for Justice and Peace Studies.

⁵⁹ Ibid.

41. Similarly, the FFM found that the RSF systematically targeted civilians in villages, IDP camps and marketplaces, and committed multiple killings with the intent to instil fear. Some of the incidences the FFM documented include: - On 3 June 2023, the RSF and their allied militias attacked Al Kutum town in North Darfur State which is near the Kassab IDP camp and killed 54 civilians.⁶⁰ On 30 and 31 October 2023, the RSF through its 21-infantry division, conducted a siege of the Al Hasa Heesa IDP camp in Central Darfur State.⁶¹ During this siege, as they launched an attack against the SAF, they killed several unarmed civilians.⁶² The RSF further restricted movement of civilians and blocked passage of essential goods and services in the camp, including food and other items necessary to sustain life.⁶³ On 19 February 2024, the RSF attacked a village in Al Gezira State killing 4 civilians.⁶⁴ In September 2024, the RSF launched a series of attacks targeting IDP camps, schools, social clubs and shelters occupied by civilians, at the Kafout neighbourhood in El Fasher, North Darfur State, resulting in the deaths of 7 civilians.⁶⁵ On 11 June 2024, the RSF killed 8 volunteers of a community kitchen in El Fasher, North Darfur State.⁶⁶ On 21 October 2024, the RSF shelled Al-Hasa Heesa IDP camp in Central Darfur State killing two civilians.⁶⁷ On 4 November 2024, the RSF conducted an attack in a village at Al Juzeir city of Al Gezira State resulting in the death of 13 civilians.⁶⁸
42. The FFM further recorded that both the SAF and the RSF engaged in hostilities in densely populated areas and areas with many civilian objects, leading to deaths of civilians and destruction of critical infrastructure. Some incidences recorded include: - between 23 and 25 October 2023, both the SAF and the RSF engaged in combat at Nyala, South Darfur State, exposing civilians to danger and killing 39 civilians.⁶⁹ Both the SAF and the RSF further engaged in gunfights at ZamZam IDP camp, North of Darfur State, resulting in the death of several civilians.⁷⁰ During attacks, water supplies, power lines, schools and hospitals were often destroyed.

Extra Judicial Killings

43. The FFM, through witness testimonies and reports, observed that both the SAF and the RSF carried out extra judicial killings on those they perceived to support the other

⁶⁰ Written Submission: Redress.

⁶¹ Written Submission: Hikayat Project and Matmoorat Adeela.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Oral submission: W-F-SDN-003(19 March 2025).

⁶⁵ Written submission: Redress.

⁶⁶ Written Submission: Shabaka.

⁶⁷ Written Submission: Redress.

⁶⁸ Written submission: SFFM-WS-LNGO-007

⁶⁹ Written Submission: African Centre for Justice and Peace Studies.

⁷⁰ Oral Submission: W-M-SDN-004(17 March 2025).

party to the conflict. In doing so, they targeted and killed unarmed civilians, journalists, medical personnel, first responders, political leaders and state governors. Victims of extra judicial killings lost their lives through gun shots, beatings, torture and summary executions.

44. In the SAF controlled areas, some of the cases the FFM documented include: -the killing of Journalist Khaled Balal by the SAF on 1 March 2024 while at his residence in El Fasher, North Darfur State;⁷¹ and the arrest, torture and execution of 26 men by the SAF- Military Intelligence on 15 December 2023 at Wad Madani, Al Gezira State.⁷² On 25 January 2025, the SAF tortured a civilian to death by electric shocks and pouring of nitric acid on his wounds.⁷³ On 15 November 2024, SAF allied militia attacked a village near Manaqil, in Sennar State and executed about 12 villagers, accusing them of affiliation with the RSF.⁷⁴ When the SAF recaptured Wad Madani in January 2025, it targeted and subjected youths to various violations.⁷⁵ One of the youths was tied with a rope and thrown over a bridge to a river.⁷⁶ This incident was corroborated by many eyewitnesses who submitted video recordings of the incident to the FFM.⁷⁷
45. The FFM documented several killings of journalists by the RSF including journalist Muawiya Abdel Razek, together with his siblings on 4 June 2024 at Al Droshab suburb, North of Khartoum, journalist Hanan Adam on 8 December 2024 at Wad Al-Asha in Al Gezira State and journalist Essam Marjan at Beit Al Mal in Khartoum.⁷⁸
46. The RSF also killed three residents of Kinjuria neighbourhood in Zalingei, Central Darfur State and buried them in one grave.⁷⁹ On 17 August 2023, the RSF and its allied militia killed nine male IDPs and a human rights monitor from the African Centre for Justice and Peace Studies at Kalma IDP camp in Nyala, South Darfur State.⁸⁰ The RSF also killed Mr Ahmed Bargo, a member of the National Congress Party on 22 August 2023 in Nyala, Central Darfur State;⁸¹ a doctor in Wad al Nura, Al Gezira State;⁸² and five young men accused of being members of SPLM/N on 4 November 2023, in Alrasafa neighbourhood of Ardamata, El Geneina, West Darfur State.⁸³

Ethnic Based Killings

⁷¹ Written Submission: International Press Institute.

⁷² Above note 41.

⁷³ Written Submission: Regional Coalition of Women Human Rights Defenders in Southwest Asia and North Africa.

⁷⁴ Oral Submission: W-M-UG-036 (28 March 2025).

⁷⁵ Oral Submission: SFFM-I-WS/V-003.

⁷⁶ Ibid.

⁷⁷ Video Recordings: SFFM-I-WS/V-003, SFFM-I-WS/V-006, and SFFM-I-WS/V-007.

⁷⁸ Written Submission: International Press Institute.

⁷⁹ Written submission: African Centre for Justice and Peace Studies.

⁸⁰ Ibid.

⁸¹ Written Submission: Shabaka.

⁸² Ibid. Written Submission by Shabaka.

⁸³ Video and written submission by the African Centre for Justice and Peace Studies.

47. The FFM received witness reports and testimonies of ethnically motivated killings, especially in the Darfur region. Some of the incidences the FFM recorded include:- On 14 June 2023, the RSF killed Khamis Abdalla Abkar, the governor of West Darfur State and a prominent figure and symbol of the Massalit tribal leadership.⁸⁴ He was killed after accusing the RSF of committing violations in the West Darfur State which is inhabited by Eringa, Gimir, Massalit, Misseriya Jebel, Sinngar, and Zaghawa tribes.⁸⁵ On 15 June 2023, following the killing of the governor, civilians of the Massalit tribe tried to escape El Geneina fearing attacks.⁸⁷ They were instead met with gunfire from the RSF resulting in many fatalities.⁸⁸ The shootings forced people to run towards a nearby river where they drowned as they tried to escape the gun shots.⁸⁹ Between 24 October and 6 November 2023, in Nyala, South Darfur State, the RSF killed ten political activists and businessmen belonging to the Fur, Tama and Zaghawa tribes.⁹⁰ Between April and June 2023, the RSF carried out various attacks in El Geneina, West Darfur State, leading to the killing of the Massalit people.⁹¹ On 4 November 2023, during an RSF attack on a SAF base in Ardamata, West Darfur State, 800 people died.⁹² These were primarily members of the Massalit tribe and some members of the SAF.⁹³ The Massalit had sought refuge at Ardamata after their residential areas had been destroyed by the RSF.⁹⁴ Between April and June 2023, the RSF carried out various attacks in El Geneina, West Darfur State, leading to the killing of the Massalit people.⁹⁵
48. The SAF conducted ethnic motivated killings in Alkuma weekly market located 67 kilometres from El Fasher, North Darfur State on 4 October 2023.⁹⁶ The Alkuma locality is inhabited by the Al-Zaydia, an Arab tribe purported to support the RSF,⁹⁷ and hosts several IDPs.⁹⁸
49. From the foregoing, the FFM concludes that both the SAF and the RSF are responsible for widespread loss of life in the Sudan through indiscriminate killings of civilians while engaging in hostilities, extra judicially killing of civilians due to their work or perceived support of a party to the conflict and targeted killings of civilians based on their ethnicity. The FFM further established that both the SAF and the RSF are

⁸⁴ Written Submission: Hikayat Project and Matmoorat Adeela.

⁸⁵ Ibid

⁸⁶ OCHA Sudan: West Darfur State Profile (March 2023) <https://reliefweb.int/report/sudan/ocha-sudan-west-darfur-state-profile-march-2023>

⁸⁷ Written Submission: Hikayat Project and Matmoorat Adeela and Human Rights Watch.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Written Submission: Shabaka.

⁹¹ Written Submission: Hikayat Project and Matmoorat Adeela.

⁹² Written Submission: Hikayat Project and Matmoorat Adeela and African Centre for Justice and Peace Studies.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Written Submission by Hikayat Project and Matmoorat Adeela.

⁹⁶ Written Submission: African Centre for Justice and Peace Studies.

⁹⁷ Ibid.

⁹⁸ Ibid.

responsible for blocking essential goods and services needed for life sustenance leading to preventable deaths. These acts are contrary to provisions of article 4 of the African Charter and General comment No 3 to the African Charter on the right to life.

2. Violations of the right to Human dignity; (Torture, cruel/inhuman/degrading treatment)

50. The right of every human being to freedom from torture, cruel, inhuman or degrading punishment and treatment is non-derogable, in peace and in war times. The absolute prohibition of torture is enshrined in Article 5 of the African Charter, as well as other relevant regional and international human rights instruments.⁹⁹ The African Commission, through its Guidelines on the Prohibition and Prevention of Torture in Africa,¹⁰⁰ expanded on state obligations key to observing compliance with Article 5 of the Charter. In the context of conflict, in particular, the Commission emphasised states' obligations not to invoke circumstances such as a state of war, threat of war, internal political instability or any other public emergency, and their obligation not to use notions such as "necessity," "national emergency," "public order," or "superior orders" to justify the use of torture, cruel, inhuman or degrading treatment or punishment.¹⁰¹ Thus, in the current conflict in Sudan, the use of torture, cruel, inhuman or degrading treatment or punishment by the parties to the conflict would be unlawful and a violation of Article 5 of the Charter.
51. However, the FFM found that both the SAF and the RSF were responsible for acts amounting to torture, and other cruel, inhuman or degrading treatment. The methods of inflicting harm varied from case to case. They included severe beatings with wooden objects or gunbutts, cuts with sharp objects and other wilful infliction of injuries, denial of medical attention, detention in unhygienic and constricted spaces without natural light, hanging people upside down for long periods to induce serious health risks, electrocution, denial of food and water for extended periods of time, and sexual violence.¹⁰² The FFM observed the violations in the following patterns: -

Physical Violence

52. The FFM documented the use of beatings against civilians by both the SAF and the RSF. These beatings often occurred during arrests, detention and random searches and seizures. The SAF used beatings against civilians from all walks of life including

⁹⁹ Including the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT).

¹⁰⁰ Resolution ACHPR/Res.61 (XXXII) 02 on the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa.

¹⁰¹ Paragraphs 9, 10 and 11 of the Robben Guidelines.

¹⁰² Written Submissions: Africa Center for Justice and Peace Studies, Committee for Justice, Human Rights Watch, and Redress.

a 60-year-old blacksmith beaten with water pipes and wooden sticks, a tuk-tuk driver struck with wooden sticks, a man with a mental disability beaten in the ribs for carrying a Sudan People's Liberation Army (SPLA) membership card on his person, nine tuk-tuk drivers beaten with sticks and gunbutts while restrained on the ground for seven hours with their hands tied behind their backs and their stomachs on the ground, and a human rights defender beaten with gunbutts while in detention at a SAF-MI base in Shamar.¹⁰³ The beatings appeared to be an exertion of power to force civilians to comply with combatants' demands and to punish non-compliance. For instance, in April 2024, members of the RSF beat civilians in Al Gezira state while forcing them to load maize and lentils on the RSF's trucks.¹⁰⁴

53. The beatings also served as an interrogation technique. On 17 June 2023, the RSF detained an employee of the Al Khatim Adlan Center for Enlightenment and Human Development (KACE), a Sudanese civil society organisation which promotes democratic ideals to foster a democratic society and documents human rights violations in the Sudan.¹⁰⁵ For the duration of his 11-day detention, the victim endured interrogation and severe beatings by the RSF on accusations of collaborating with the SAF and documenting human rights violations.¹⁰⁶
54. The beatings often resulted in serious injuries. These injuries included severe bleeding, blood clots, swollen body parts, dislocations, and numbness in parts of the body.¹⁰⁷ The beatings also led to avoidable civilian deaths. For instance, a victim testified that on 31 January 2025 in Central Darfur, seven men, dressed in RSF uniforms invaded her home between 2:30 a.m. and 4:30 a.m.¹⁰⁸ They beat her 17-year-old son, attacked him with a knife, and injured his jaw.¹⁰⁹ They also beat her husband to death after ignoring her pleas to stop and permit her to rush him to a medical facility.¹¹⁰ The perpetrators also threatened the victim and her son with retribution if they reported the incident.¹¹¹ The SAF also beat to death some members of a group of women it had abducted from Kambo Taiba on 9 January 2025.¹¹²
55. In some instances, the beatings appeared specifically designed to humiliate the victims and cause them mental anguish. For example, during an arrest in Sennar State on 1 February 2024, the RSF beat up and shaved off the dreadlocks of a victim,

¹⁰³ Written Submission: African Centre for Justice and Peace Studies.

¹⁰⁴ Oral Submission: W-F-SDN-003 (19 March 2025).

¹⁰⁵ Oral Submission: V-M-SSD-015 (24 March 2025).

¹⁰⁶ Ibid.

¹⁰⁷ Oral Submission: V-F-SS-019 (19 March 2025), Oral Submission: EX-INGO-SDN-040 (28 March 2025), and Written Submissions: OmerMediaa, and REDRESS.

¹⁰⁸ Oral Submission: V-F-SDN-038 (27 March 2025).

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Written Submission: Human Rights Watch.

accused of watching a SAF video, and whose house they already forcibly occupied.¹¹³ In another incident, the RSF beat up a man who had submitted a complaint about facing harassment from RSF members;¹¹⁴ they tied his hands together, put a mask over his head, and beat him in front of his family, and thereafter detained him for 14 days.

Electrocution, disfigurement and other extreme infliction of injuries

56. The FFM received reports in which the RSF used electrocution to torture civilians. For example, on 3 September 2023, members of the RSF abducted a man while he was riding his motorcycle.¹¹⁵ For 10 days, while holding him in detention, they beat him with their guns, hung him upside down, and repeatedly electrocuted him until he fell unconscious. When they eventually released him, he was unable to sit, talk, or move his fingers. On 1 February 2024, state officials arrested a victim from a market in Sennar state and inflicted injuries to his hands to the point of requiring amputation, all for watching an RSF-affiliated video.¹¹⁶ On 25 January 2025, the SAF tortured a victim to death by electrocution and poured nitric acid on his wounds.¹¹⁷

Systematic denial of food, water, and medical attention in detention

57. In its General Comment No. 3, the African Commission reiterated states' "...positive obligation to protect all detained persons from violence or from emergencies that threaten their lives, as well as to provide the necessary conditions of a dignified life, including food, water, and provision of adequate healthcare."¹¹⁸ The FFM however recorded the willful denial of access to medical care for civilians by both the SAF and the RSF.¹¹⁹ Some of the incidences included on 16 June 2023, when the SAF-MI arrested the victim, a member of the Arabic Baath Party, shot him in the stomach and foot, and denied him access to medical attention.¹²⁰ In December 2024, the SAF denied medical treatment for diabetes to a journalist in their custody whom they had arbitrarily detained, and tortured.¹²¹ A witness' husband bled to death from injuries sustained from enduring severe beatings by RSF members who had invaded their home in the middle of the night, and denied him access to medical attention.¹²² The FFM also recorded the systematic denial of food and water to detainees in centers run

¹¹³ Written Submission: Africa Center for Justice and Peace Studies.

¹¹⁴ Ibid.

¹¹⁵ Written Submission: Africa Center for Justice and Peace Studies.

¹¹⁶ Written Submission: African Centre for Justice and Peace Studies.

¹¹⁷ Written Submission: Regional Coalition of Women Human Rights Defenders of Southwest Asia and North Africa.

¹¹⁸ Para 36, p. 12-13, General Comment No. 3 on the African Charter on Human and Peoples' Rights: the Right to Life (Article 4), Adopted during the 57th Ordinary Session of the African Commission on Human and Peoples' Rights, held from 4 to 18 November 2015 in Banjul, the Gambia.

¹¹⁹ Written Submissions: African Centre for Justice and Peace Studies, Human Rights Watch, International Press Institute.

¹²⁰ Written Submission: African Centre for Justice and Peace Studies.

¹²¹ Written Submission: International Press Institute.

¹²² Oral Submission: V-F-SDN-038 (27 March 2025).

by both the RSF and the SAF. The victims were civilians from all walks of life including: a businessman arrested at a market by the RSF and detained for three days without food or water,¹²³ a citizen subjected to other forms of torture by the RSF in a detention camp on accusations of supporting the SAF,¹²⁴ a 60-year-old blacksmith arrested from his front-yard and detained for 13 days by the SAF in which he received drinking water infrequently,¹²⁵ a health volunteer detained by the RSF for two weeks in which she was denied food and subjected to threats of sexual violence,¹²⁶ and young women subjected to gang rape and detained in pen-like enclosures, denied food while being forced to cook for RSF combatants.¹²⁷

Strangulation

58. The FFM received oral testimony¹²⁸ from a victim who was arrested by the SAF and taken into police custody after the SAF discovered a photo of the RSF on his phone. In the process of arresting him, the SAF tied the victim's hands behind his back with ropes, dragged him along the ground, and beat him while simultaneously interrogating him on why he had an RSF photo on his phone.¹²⁹ In custody, the victim was assaulted by a police officer who also stripped him naked, strangled him and tortured him using wire. When the officers recognised the extent of the victim's injuries from the torture they inflicted on him, they transferred him to a hospital, where he remained for a week. While hospitalised, he pleaded with a doctor to help him flee. The doctor arranged for his safe passage, and he was eventually smuggled to Ethiopia, from where he gave his testimony.¹³⁰

Use of sexual violence as a form of torture

59. The FFM recorded several cases, in which both the SAF and the RSF, and their allied militia groups, used sexual violence to inflict physical and psychological pain on the victims, their families and their communities. The nature of the violence (usually gang rape), the patterns of rape (raping mothers/daughters/wives in front of their children/parents/husbands, respectively) indicated the purpose of the rapes i.e. to not only inflict physical, but also psychological torment on the victims. In *Egyptian*

¹²³ Written Submission: African Centre for Justice and Peace Studies.

¹²⁴ Oral Submission: V-M-SDN-032, (24 March 2025).

¹²⁵ Written Submission: African Centre for Justice and Peace Studies.

¹²⁶ Written Submission: Shabaka.

¹²⁷ Written Submission: Human Rights Watch

¹²⁸ Oral Submission: V-M-ETH-023 (28 March 2025).

¹²⁹ Ibid.

¹³⁰ Ibid.

Initiative for Personal Rights vs Egypt,¹³¹ the African Commission established that rape constituted torture and an affront to the dignity of the person.¹³²

60. In most instances, the victims or their relatives stood accused of collusion with the opposite side to the conflict. On 9 January 2025, armed forces affiliated with the SAF abducted 13 women in the Kambo Taiba area of Al Gezira State in East-Central Sudan, a state generally associated with support for the RSF;¹³³ four of the women were subjected to horrific acts of sexual violence on 25 January 2025, by SAF members in El-Manaqil, a city in Al Gezira State.¹³⁴
61. The FFM recorded cases in which the RSF subjected young women and girls, aged between 13 and 28 years, to sexual slavery. The RSF forcefully and unlawfully detained the women and girls at its Dibeibat military base,¹³⁵ kept the women and girls tied up in chains in groups of 10, and subjected them to gang rape, and other forms of sexual violence.¹³⁶ The makeshift camps were constructed with wire and tree branches resembling animal pens.¹³⁷
62. These acts of sexual violence were not only affronts to the dignity, personal safety and integrity of the women and girls as individuals but also increased their vulnerability in the communities in which they come from where the burden of being sexually violated across different ethnic, cultural and religious groups unfairly rest on the victims.

Secondary trauma for relatives of victims of torture

63. The use of torture by the parties to the conflict not only affected the primary victims but also their families and their communities. For instance,¹³⁸ the FFM recorded the testimony of a witness who moved his family to Zamzam Camp, a large internally displaced camp that houses nearly 400, 000 internally displaced Sudanese in El Fasher in North Darfur. The victim was traumatised after he returned home after a brief absence to find that his family had been subjected to severe beatings by the

¹³¹ Communication 334/06: *Egyptian Initiative for Personal Rights and Interights v Arab Republic of Egypt*.

¹³² Further, according to the 2025 report of the Office of the High Commissioner for Human Rights on Torture and Hostage Taking, abductions, kidnappings, hostage taking and the subsequent psychological and physical harm suffered by hostages constitute torture and inhuman treatment under international law. See A/HRC/58/55, Report spearheaded by Dr. Alice Jill Edwards, in her capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

¹³³ Written Submission -Human Rights Watch.

¹³⁴ Ibid.

¹³⁵ Dibeibat military base is located approximately 85 kilometres north of Fayu in Southern Kordofan.

¹³⁶ Written Submission: Human Rights Watch.

¹³⁷ Ibid.

¹³⁸ Oral Submission: W-M-SDN-031 (24 March 2025).

RSF.¹³⁹ Moving to the IDP camp seemed like the better alternative to protect his family despite the concerns recorded about the overcrowding and limited humanitarian assistance available to the IDPs in the camp.¹⁴⁰ Another witness fled with his family and became refugees in Libya to protect his young children who were traumatised by his detention, subjection to physical violence and torture by the SAF.¹⁴¹ Another victim experienced secondary trauma from the abduction, detention, beating and torture of his brother and father in Wad Madani City, Al Gezira state in February 2024 by the RSF on accusations of supporting the SAF.¹⁴²

64. Based on the foregoing, the FFM finds that both the SAF and RSF intentionally inflicted severe physical and psychological pain and suffering on their victims. These acts amount to violations of Article 5 of the African Charter and other provisions of international human rights law. They also constitute violations of international humanitarian law, in particular, the prohibition of cruel and inhuman treatment and torture, and outrages upon personal dignity, in particular humiliating and degrading treatment.

3. Conflict Related Sexual Violence

65. The African Commission observes that the use of rape and other forms of sexual violence against women and girls continue to persist and to be widespread in many conflicts within Africa.¹⁴³ The Commission has thus urged parties to any conflict to ensure sexual violence is not used as a weapon of war and that perpetrators are prosecuted.¹⁴⁴ Further, the Maputo Protocol obligates states to protect women and girls in times of conflict, including against any form of sexual violence.¹⁴⁵
66. The FFM observed that sexual violence in the Sudan conflict was widespread, with women and girls suffering from severe physical and mental effects as well as encountering stigma because of these violations. Through witness and survivor testimonies as well as submissions received, the FFM established that girls as young as 13 years old and women as old as 60 years old were subjected to rape, gang rapes and sexual slavery. The FFM further recorded instances of sexual exploitation, whereby the SAF demanded sexual favours from women in IDP camps in exchange for humanitarian aid.¹⁴⁶ The FFM also recorded the use of forced marriage as a form of sexual violence.¹⁴⁷ In one instance, RSF soldiers forced the parents of two underage

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Written Submission: SFFM-I-WS/V-001.

¹⁴² Oral Submission: V-F-SDN-027 (25 March 2025).

¹⁴³ Resolution on Violence against Women in Armed Conflicts in Africa - ACHPR/Res. 492 (LXIX) 2021.

¹⁴⁴ Ibid.

¹⁴⁵ Article 4 and 11 of the Maputo Protocol.

¹⁴⁶ Written Submission: Christian Solidarity Worldwide and Oral submission: SIHA.

¹⁴⁷ The existing jurisprudence in International Criminal Law emanating from the International Criminal Court in the case of *Prosecutor vs Dominic Ongwen* No. ICC-02/04-01/15 defines forced marriage in the context of war to constitute other inhumane acts (Article 7(1)(k) of the Rome Statute) and has an element of imposing a conjugal union resulting to spousal

girls to accept a trivial dowry of dates and hibiscus as a way of formalising marriages between the soldiers and their daughters.¹⁴⁸The soldiers then proceeded to subject the two girls to torture and sexual violence.¹⁴⁹While the girls eventually escaped, the trauma and injuries from their experiences remains with them.¹⁵⁰Sexual violence, the FFM documented occurred in the following patterns: -

Rape

67. The SAF, the RSF and their allied militias systematically targeted and raped women and girls. Most of the victims, were able to identify their perpetrators through their uniforms, clothing and the arms they carried. The rapes were committed at home, often in the presence of family members as was the case of a woman from Habila, South Kordofan, who on 31 December 2023, was raped by the RSF in the presence of her mother and father-in-law.¹⁵¹Women and girls were also raped in public spaces as was the case of a 13 year old girl who on 16 June 2024 was raped by the RSF in public near the Turkish hospital in Khartoum.¹⁵²The FFM further recorded instances where the RSF attacked and raped women in IDP camps as was the case in Kassab IDP camp in North Darfur State where several women and girls were raped on 3 June 2023.¹⁵³Women in IDP camps were also vulnerable to rape when they ventured out of the camp to look for work or firewood as the case of two women from IDP camp¹⁵⁴ in Nyala South Darfur who on 3 December 2023 were raped on their way to look for work at a tobacco farm.¹⁵⁵
68. The FFM documented that women were raped during attacks as was the case on 14 May 2023 where women were raped during an attack by the RSF at East Sahafa in Khartoum.¹⁵⁶The FFM further documented that women belonging to the Massalit community were targeted and raped by the RSF and their allied militias due to their ethnicity.¹⁵⁷Slurs used against the Massalit women included *“if you are Nuba, we shall rape you to death”* and *“Nuba women should be raped until they give us babies.”*¹⁵⁸The FFM also recorded the rape of four women in January 2025 by the SAF at El-Manaqil in Al Gezira State after being accused of affiliation with the RSF.¹⁵⁹

status of the victim. Article 6(a) and (b) of the Maputo Protocol provides that marriage should be consented to by all parties and the minimum age of marriage for women shall be 18 years.

¹⁴⁸ Expert Oral Submission: EX-F-SDN-026(25 March 2025).

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Written Submission: Human Rights Watch.

¹⁵² Oral Submission: V-W-F-SDN-013 (18 March 2025).

¹⁵³ Written Submission: REDRESS.

¹⁵⁴ Marching IDP camp is located 65 kilometres from Nyala, South Darfur State.

¹⁵⁵ Written Submission: African Centre for Justice and Peace.

¹⁵⁶ Written Submission: REDRESS.

¹⁵⁷ Written Submission: Human Rights Watch

¹⁵⁸ Ibid.

¹⁵⁹ Written Submission: Regional Coalition of Women Human Rights Defenders in Southwest Asia and North Africa.

69. The FFM received testimony from an expert witness who was involved in the treatment of at least 10 women and girls' victims of rape every single day between April 2023 and June 2024.¹⁶⁰ Another expert witness confirmed receiving over 12 cases per day of rapes committed by the RSF.¹⁶¹ Both experts confirmed that the use of rape during the conflict in the Sudan was widespread.

Gang Rape

70. The FFM documented several cases of gang rape against women and girls in the Sudan. The occurrences of gang rape often left victims with severe mental and physical injuries including severe bleeding, infections and unwanted pregnancies. Incidents of gang rape happened at homes and neighbourhoods, as was the case in South Kordofan, who on 8 January 2024, a woman was gang raped by six armed RSF soldiers in her home and in the presence of her husband.¹⁶² On 31 December 2023, a woman and her daughter were gang raped in their home by 10 men in RSF uniforms.¹⁶³ In February 2024, a woman was gang raped by seven RSF officers at Wad Madani in Al Gezira State.¹⁶⁴ Her two siblings aged 13 and 15 were also gang raped by three RSF officers in the same incident.¹⁶⁵
71. Women were raped in public spaces as was the case of a 21-year-old woman who on 6 December 2024 was accosted while walking on the road and gang raped by three RSF soldiers.¹⁶⁶ After the rape, she reported constantly experiencing severe headaches, joint pains and excruciating pain in her genital area.¹⁶⁷
72. Other instances of gang rape perpetrated by the RSF include:- In February 2024, an 18 year old woman who was three months pregnant was gang raped by RSF members in Fayu, South Kordofan.¹⁶⁸ While raping her, one of the RSF officers remarked “ *we have lost many of our children, we need to replace them.*”¹⁶⁹ On 13 June 2023, a human rights activist and journalist was targeted and gang raped by the RSF for posting videos of abuses against the Massalit population in El Geneina, West Darfur State.¹⁷⁰ She lost consciousness until the next day at 5.00 am.¹⁷¹ In August 2023, a 20 year old

¹⁶⁰ Oral submission: Expert Witness V-W-F-UG-013 (18 March 2025).

¹⁶¹ Oral Submission: Expert Witness W-M-SDN-010(17 March 2025)

¹⁶² Written submission: Human Rights Watch.

¹⁶³ Ibid.

¹⁶⁴ Oral Submission: V-F-SDN-027(25 March 2025).

¹⁶⁵ Ibid.

¹⁶⁶ Written submission: SIHA.

¹⁶⁷ Ibid.

¹⁶⁸ Written submission: Human Rights Watch.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

student was gang raped by the RSF while at her dormitory in Khartoum.¹⁷² On 2nd August 2024, two sisters aged 30 years were gang raped by four RSF men.¹⁷³

73. The parties to the conflict also targeted women and girls for gang rape because of their perceived support of, or their relationship with individuals perceived to support the other party to the conflict. For example, on 27 October 2023, in Nyala South Darfur, the RSF raped two young daughters of a man they were looking for after they came to his residence and failed to confirm his whereabouts.¹⁷⁴ On 29 October 2023, a 28-year-old woman was accosted by two men, one in an RSF uniform and the other in plain clothes, as she was on her way to Nyala from Al Hasa Heesa IDP camp.¹⁷⁵ They gang raped her and called her a prostitute of the SAF.¹⁷⁶

Sexual Slavery

74. The FFM established that sexual slavery was prevalent during the conflict in the Sudan. Women and girls were abducted from various locations including North Darfur, South Darfur, West Darfur, Central Darfur, South Kordofan and Khartoum States. They were subsequently held for several days and sometimes for months and subjected to sexual violence and forced labour. They were released when they became pregnant. In some instances, they managed to escape. The FFM recorded some occurrences of sexual slavery as follows: -
75. On 25 May 2023, the Sudanese Alliance Forces¹⁷⁷ abducted 17 girls who were stranded at the El Geneina University, West Darfur State due to the conflict.¹⁷⁸ The girls were subjected to sexual violations including rape and recording of their nude pictures, which the attackers threatened to expose.¹⁷⁹ They were also forced to do chores such as cooking and washing.¹⁸⁰ They were held until 9 June 2023, when they managed to escape after the RSF launched heavy attacks forcing the Sudanese Alliance Forces to withdraw from El Geneina.¹⁸¹ In May 2023, a 16-year-old girl who was fleeing the conflict in Omdurman, Khartoum was abducted by the RSF, held and subjected to sexual violence.¹⁸² On 26 October 2023, seven RSF officers abducted a woman from the Fur tribe while she was going to Kalma IDP Camp located in South Darfur State.¹⁸³ They held her for two days and subjected her to rape.¹⁸⁴ In February

¹⁷² Ibid.

¹⁷³ Ibid

¹⁷⁴ Oral Submission: W-M-SDN-014(21 March 2025).

¹⁷⁵ Written submission: African Centre for Justice and Peace Studies.

¹⁷⁶ Ibid.

¹⁷⁷ The Sudanese Alliance Forces are a militia group who at the time of the recorded incidence were allied to the SAF.

¹⁷⁸ Written Submission: African Centre for Justice and Peace Studies.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Written Submission: Human Rights Watch.

¹⁸³ Written Submission: REDRESS.

¹⁸⁴ Ibid.

2024, the RSF abducted 17 girls from Fayu, South Kordofan and took them to an RSF Military base in Dibeibat.¹⁸⁵ At Dibeibat there were already 33 other girls who were kept in animal-like conditions, in a pen like set up with wires and branches and tied with chains.¹⁸⁶ They were held for over three months and each day, they were subjected to rape.¹⁸⁷ On 20 February 2025, twin sisters aged 20 years old were abducted by the RSF, held for 21 days in a building located on the East of El Fasher in North Darfur State and subjected to rape.¹⁸⁸

76. From the foregoing, the FFM concludes that sexual violence in the Sudan is widespread and has been carried out systematically by both the SAF and the RSF, with the RSF being responsible for most of the cases. The FFM further observes that sexual violence was perpetuated in form of rape, gang rape and sexual slavery leaving victims with severe physical and mental injuries. The FFM further recorded cases of sexual exploitation and forced marriage within the context of conflict. These violations are contrary to the provisions of Article 4 and 11 of the Maputo protocol and article 18(3) of the African Charter. Further, sexual violence in conflict is condemned in the ACHPR Resolution 492(LXIX) of 2021 on Violence against Women in Armed Conflicts in Africa.

3. Violations of Liberty and Security of Person (Arbitrary arrests, unlawful detentions, and enforced disappearances)

77. The right to liberty and security of the person, provided for under Article 6 of the African Charter, seeks to guarantee civilians' protection from the excesses of state and non-state power through illegal actions that could deprive them of their personal safety, sense of security and personal liberty. Actions such as kidnappings, abductions, enforced disappearances, and arbitrary arrests and detentions, directly contravene Article 6 of the Charter. Arbitrary arrests and detentions, would include those conducted without any proper and prior determination of reasonable suspicion that the concerned individuals committed a crime, recognised under Sudanese laws, at the time of the commission of the acts.¹⁸⁹
78. The FFM recorded that the SAF and the RSF were responsible for the perpetration of several cases of arbitrary arrest, unlawful detention and enforced disappearances that harmed the liberty and security of civilians.¹⁹⁰ The violations occurred across several states including Al Gezira, Al Qadarif, Blue Nile, Darfur, Kassala, Khartoum,

¹⁸⁵ Written Submission: Human Rights Watch.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Oral submission: EX-F-UG-037(26 March 2025).

¹⁸⁹ Guidelines on the Conditions of Arrest, Police Custody and Pre Trial Detention in Africa (Luanda Guidelines), adopted by the African Commission during its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014.

¹⁹⁰ Written Submissions: African Center for Justice and Peace Studies, Adeela, and Shabaka.

Kordofan, Northern State and Sennar.¹⁹¹The FFM observed the following patterns in the commission of violations against the liberty and security of civilians:-

Use of arbitrary arrest and detention against individuals suspected of supporting the opposing side to the conflict

79. In several cases individuals were arrested and detained on suspicion that they sided with either party to the conflict i.e. that they supported either the SAF or the RSF or other parties seen as rivals.¹⁹² This suspicion of support of, or affiliation with, the opposing party to the conflict was neither reasonable nor substantiated. For example, some civilians were arrested and detained for merely being in an area known to be a stronghold of the RSF or the SAF.¹⁹³In August 2023, SAF Military Intelligence (SAF MI) officers arrested 30 people in South Kordofan, accusing them of being associated with the Faction of the Sudan People's Liberation Movement-North(SPLM-N).¹⁹⁴ ¹⁹⁵At least eight of those individuals were killed by the SAF MI in the detention centre, five of whom died from injuries sustained from torture.¹⁹⁶ The whereabouts and status of the other 22 individuals are unknown.¹⁹⁷Others were detained for having videos or pictures of the RSF or the SAF on their phones, without any further context.¹⁹⁸ Arrests and detention in these cases served as pre-emptive punishment for perceived political choices, against the spirit of Article 6 of the African Charter.

Use of arbitrary arrest and detention to curtail fundamental freedoms

80. During its inquiry, the FFM recorded the use of arbitrary arrest and detention, as well as enforced disappearances as means to curtail the exercise of fundamental freedoms of expression, association, the media and access to information. These violations were perpetrated against university professors and students for exercising their academic freedom and expressing their opinions on the political situation in the country. ¹⁹⁹ For example,²⁰⁰ the FFM recorded how a politically active student who published posts against the government on her social media was arrested and detained thrice by the SAF, the first time for three days, the second time in Wad Madani for one day, and the third time, on 29 June 2024, when she was stopped by SAF-MI in a residential

¹⁹¹ Written Submission: REDRESS.

¹⁹² Written Submissions: African Center for Justice and Peace Studies, Adeela, Human Rights Watch, and Shabaka.

¹⁹³ Ibid.

¹⁹⁴ The SPLM-N is "an armed movement, headed by Abdel Aziz al-Hilu, which has been fighting Sudan's army for decades and controls swaths of the states of South Kordofan and Blue Nile, both on the border with South Sudan." See: Mat Nashed (29 Mar 2025). Is Sudan's war merging with South Sudanese conflicts? (Al Jazeera) <https://www.aljazeera.com/features/2025/3/29/sudans-war-risks-merging-with-conflict-in-south-sudan-say-analysts>.

¹⁹⁵ Written Submission: REDRESS.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Written Submission: African Center for Justice and Peace Studies.

¹⁹⁹ Written Submission: International Press Institute.

²⁰⁰ Oral Submission: V-F-SS-019 (19 March 2025).

area in Blue Nile State, interrogated at their headquarters, and accused of being affiliated with the Sudan People's Liberation Movement-North (SPLM-N).²⁰¹

81. The FFM recorded several cases in which both the SAF and the RSF used arbitrary arrest and detention to quell criticism. In particular, the SAF used state detention apparatus as retribution for forms of expression perceived to constitute criticism of the state or the conduct of members of the SAF, even when such criticism was warranted and based on fact. In received testimony,²⁰² a victim of a knife attack and robbery who positively identified her attackers as members of the SAF because of the black and white uniforms they were wearing at the time of the attack, faced dire consequences for her decision to share her experience on social media.²⁰³ The SAF arrested her on 26 June 2024 for her social media post, detained her, questioned her about the RSF, imputing that her expression of criticism of the SAF meant she had some connection to the RSF or that she supported the RSF.²⁰⁴ She sustained acute injuries to her hands from the beatings inflicted on her by the SAF in detention.²⁰⁵

Use of arbitrary arrest and detention as retribution against professionals whose work constituted a 'threat' to warring parties' interests

82. The FFM recorded the use of arbitrary arrest and detention by both the RSF and the SAF against professionals in the course of their duties, if the performance of those duties was perceived as a threat to the interests of the warring parties. The victims included lawyers whose clients happened to be individuals targeted by either party to the conflict,²⁰⁶ journalists reporting on the war,²⁰⁷ emergency responders and NGO workers delivering lifesaving humanitarian aid,²⁰⁸ internet café owners providing connectivity to the public,²⁰⁹ and bakery owners refusing to serve fighters.²¹⁰
83. In April 2023, the SAF detained and tortured a victim – a lawyer – in Al Gezira state for defending his clients.²¹¹ He sustained fatal injuries from the torture. In the same month, the SAF detained a health volunteer in the city of Omdurman, in Khartoum State for two weeks, deprived her of food and threatened her with sexual violence and forced disappearance.²¹² In May 2024, the RSF arrested and detained 17 community kitchen volunteers in Khartoum and several Emergency Response Rooms (EERs) members in Omdurman in the course of distributing humanitarian aid

²⁰¹ Ibid.

²⁰² Oral Submission: V-M-SDN-011 (18 March 2025).

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Written Submission: Shabaka.

²⁰⁷ Written Submissions: Human Rights Watch.

²⁰⁸ Written Submission: Shabaka.

²⁰⁹ Written Submission: African Centre for Justice and Peace Studies.

²¹⁰ Ibid.

²¹¹ Written Submission: Shabaka.

²¹² Ibid.

to civilians.²¹³ On 27 May 2023, ten armed men believed to be from the SAF-MI violently abducted a medical doctor for treating RSF fighters.²¹⁴ He remained in detention for 12 days during which he was accused of being a traitor for treating the RSF fighters.²¹⁵ These actions impeded civilians' access to humanitarian aid, to adequate healthcare, representation and access to justice.

Arrests and detention targeting human rights defenders and individuals exposing human rights violations

84. Additionally, the FFM found that some victims of arrests and detention were targeted on suspicion that they had evidence of human rights violations by the parties to the conflict i.e. the SAF or the RSF.²¹⁶

Extortionist arrests and detention

85. The FFM recorded a concerning pattern where the arrests and detentions perpetrated by the RSF had taken on an extortionist character i.e. the RSF released detained individuals only after receiving monetary exchange for their freedom. Witness testimony indicated that the RSF demanded money from victims of arrest and detention and assaulted them if they did not pay.²¹⁷ Further testimony²¹⁸ indicated that a victim arrested and detained by the RSF in El-Fasher on 10 April 2024, was severely tortured and only released after his family paid 10,000 Sudanese pounds (USD17) to the RSF. Further reports indicated that another victim, abducted and detained by the RSF on 7 September 2024, was released after his family paid 80,000 Sudanese pounds (USD133).²¹⁹ The victim died on 10 September 2024 from complications of the torture he endured while in RSF detention.²²⁰ Additionally, reports indicate an RSF soldier named "Mohamed Hamed Jamoun" abducted and demanded ransom from victims in Kalakla, a neighbourhood located in the Jabal al-Awliya locality of Khartoum.²²¹

Inhumane detention conditions

86. The FFM recorded reports of inhumane conditions of detention, especially in facilities run by the RSF. A victim of detention recounted extreme overcrowding in an RSF detention centre in El Fasher, housing between 400 and 500 people, and with poor

²¹³ Ibid.

²¹⁴ Written Submission: Redress.

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Oral Submission: W-F-SDN-003 (19 March 2025).

²¹⁸ Oral Submission: V-M-SDN-032 (24 March 2025).

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Oral Submission: V-W-F-SDN-013 (18 March 2025).

sanitation.²²² According to an eyewitness, the SAF turned an official state building into a detention centre in Khartoum to accommodate the large numbers of civilians placed in detention.²²³ The eyewitness further explained that the buildings were unsanitary, infested with parasites, and had a bad smell. ²²⁴Meanwhile, the thousands of youths, women, children and human rights defenders, detained in the overcrowded facility were held without charge and often without any possibility to contact their families. ²²⁵

87. The SAF and the RSF used excessive force against detainees, resulting in injuries and sometimes even deaths. This included beatings and other forms of inflicting pain such as electrocution.²²⁶ On 15 September 2024, a man employed as a driver for the Sudanese Radio died at an RSF detention center.²²⁷ He had been arrested in the course of his job and detained in harsh conditions for six months. His family only received notification of his death on 25 September 2024, ten days later. The SAF and the RSF also used various restraints against detainees which were incommensurate with the dignified conditions of detention, e.g., that individuals should be presumed innocent until proven guilty by a court of law. This included tying detainees' hands behind their backs while they lay prone on the ground, hanging detainees upside down, and binding them with ropes.²²⁸
88. The Commission's Guidelines on the Conditions of Arrest, Police Custody and Pre Trial Detention in Africa (Luanda Guidelines), ²²⁹ which provide guidance to states on the conditions of lawful detention, encourage states to limit the use of force against detained persons to circumstances where it is strictly necessary to use force and only proportionate to the threat posed.²³⁰ The Guidelines also urge states to limit the use of firearms only to circumstances where such use is for self-defence or the defence of others against imminent threats of death or serious injury.²³¹ Further the Guidelines urge states to limit the permissible use of restraints, and the type of restraints, to guarantee the respect for the inherent dignity of the person.²³²

Kidnappings and Abductions

²²² Oral Submission: V-M-SDN-032 (24 March 2025).

²²³ Oral Submission: W-F- SDN-001 (20 March 2025).

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Written Submissions: African Centre for Justice and Peace Studies, Redress, Human Rights Watch.

²²⁷ Written Submission: International Press Institute.

²²⁸ Written Submissions: African Centre for Justice and Peace Studies, Redress, Human Rights Watch.

²²⁹ Adopted by the African Commission during its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014.

²³⁰ Section 25(b) of the Luanda Guidelines.

²³¹ Section 25(c) of the Luanda Guidelines.

²³² Section 25(d) of the Luanda Guidelines.

89. The FFM received several reports of kidnappings and abductions, by the RSF and the SAF. These kidnappings and abductions occurred since the conflict broke out in 2023, and intensified from the beginning of 2025, especially targeted at women. On 9 January 2025, armed allied militias affiliated with the SAF abducted 13 women in Kambo Taiba in Al Gezira state.²³³ This incident occurred after the SAF regained control of Wad Madani city, Al Gezira state from the RSF. On 19 February 2025, the RSF kidnapped 19 women and girls.²³⁴ Two of the kidnapped individuals were held captive for 64 days in warehouses in East El Fasher, in North Darfur.²³⁵ They were subjected to sexual slavery, forced labour including cooking for the militias and deprivation of food.²³⁶

Enforced disappearances

90. The FFM received reports indicating a pattern of the use of enforced disappearances, both by the SAF and the RSF, of civilians. As of January 2025, the African Center for Justice and Peace Studies had recorded 1,100 cases of enforced disappearances.²³⁷ The vast majority of the disappeared were still missing, while those who were eventually found were likely dead.²³⁸ For instance, three bodies of individuals who had gone missing at the hands of the RSF were discovered in the Abu Adam area in December 2024, with signs of partial consumption by dogs.²³⁹ A victim who went missing on 26 June 2023 in an RSF-controlled area in Al-Jikhes, north of Omdurman remains missing.²⁴⁰
91. An RSF Lieutenant (Mishaal) is on record for causing the disappearance of two brothers from the same family without a trace.²⁴¹ The Lieutenant abused his presumptive powers of arrest to abduct the first brother for holding video evidence of him killing another man in El Fasher, and the second brother for attempting to ascertain his brother's whereabouts after his arrest.²⁴² Community members' attempts to find the missing brothers, including by filing missing persons' reports, led to Lt. Mishaal's arrest, in a rare case of accountability. The Lieutenant confessed

²³³ Written Submission: Shabaka.

²³⁴ Oral Submission: EX-F-UG-037 (26 March 2025).

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Written Submission: African Center for Justice and Peace Studies.

²³⁸ Ibid.

²³⁹ Oral Submission: V-W-F-SDN-013 (18 March 2025).

²⁴⁰ Written Submission: African Center for Justice and Peace Studies.

²⁴¹ Written Submission: African Center for Justice and Peace Studies.

For further reports on the matter See: Sudan Tribune (5 September 2024). Bodies of brothers allegedly killed by Sudan's RSF found in mass grave <https://sudantribune.com/article290405/>

See also: Sudan Events, (6 September 2024). Bodies of Two Brothers Found in Mass Grave in North Darfur <https://sudanevents.com/index.php/2024/09/06/bodies-of-two-brothers-found-in-mass-grave-in-north-darfur/>.

²⁴² Ibid.

that he killed the two brothers and buried them alongside seventeen others in a mass grave with the help of his assistants.

92. Given the foregoing, the FFM finds that the Sudan has acted in violation of its obligations under Article 6 of the African Charter. Further, the state has acted contrary to its obligations under various international instruments including the International Convention for the Protection of All Persons from Enforced Disappearances, to which it is a party.
93. In its jurisprudence, the ACHPR has established that the right to liberty and security of the person has four key components. They include the right to be informed at the time of arrest of the reasons for arrest and to be promptly informed of the charges, the right to be promptly arraigned before a judicial system after detention, the right to a trial without undue delay or in the absence of a prosecutable case the right to release, and the right to make representations before a judicial system on the lawfulness of the detention.²⁴³
94. As such, the elements of arbitrariness of detention are activated when state authorities conduct an arrest without reasonable suspicion that a crime has been committed.²⁴⁴ Arbitrariness also arises where authorities make no immediate effort to bring the detained individual before the proper judicial systems to establish the lawfulness of the arrests and detention or continue to hold the person without a defined criminal charge that would enable a trial to determine their guilt or innocence.²⁴⁵ The actions of the RSF and the SAF in the current conflict in the Sudan satisfy all these elements.

4. Violations of Fundamental Freedoms (Freedom of expression, access to information, and incitement to hatred; Freedom of religion, association, and peaceful assembly)

95. Fundamental freedoms are central to civilians' ability to participate in civic life. The African Charter recognises their importance and thus creates obligations on all States, parties to the Charter to protect these freedoms. These state obligations apply, whether it be in the exercise of freedom of conscience and religion, including the right of every person to profess and practice their beliefs without fear of censure or retribution as provided for under Article 8 of the African Charter. Or with respect to the right to receive and disseminate information and to express and disseminate

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opinions lawfully, including freedom of the press and academic freedom as set out in Article 9 of the Charter. Or be it in the exercise of the freedom to associate with others, including through forming or having membership in societies, unions and political parties, and the freedom to assemble including in protest, contained in Articles 10 and 11 of the Charter, respectively.

96. The FFM however recorded several infringements in the exercise of these rights in the Sudan as perpetrated by the SAF, the RSF and their allied militias. These infringements have narrowed civic space in the Sudan and have further marginalised civilians' voices, at a point in history when they are crucial.

Restrictions on freedom of religion and a conscience

Attacks on places of worship

97. The FFM recorded reports of systematic and widespread targeted attacks on religious places of worship in the conflict in the Sudan. Reports suggest that more than 165 churches closed since the conflict broke out, with the majority of closures a direct result of targeted attacks by both the RSF and the SAF.²⁴⁶ The RSF was responsible for several attacks including:- the attack on the Anglican Cathedral in central Khartoum, on 17 April 2023;²⁴⁷ the bombing and partial burning down of the Evangelical Church in Bahri, Khartoum North;²⁴⁸ the attack on the Coptic Church in Bahri, Khartoum North on 3 May 2023;²⁴⁹ the forcible removal of priests and congregants from St. Mary's Coptic Orthodox Church on Nile Street in Khartoum on 14 May 2023 and its conversion into a military base;²⁵⁰ the attack on a Coptic monastery in Wad Madani, Al Gezira State on 16 December 2023 and its conversion into a military base;²⁵¹ the setting on fire of the Greek Orthodox Church in Wad Madani, Al Gezira State on fire on 23 December 2023;²⁵² and the attack on the Sudanese Church of Christ (SCOC) in Al Hassa Heisa, Al Gezira State, including looting, forcible eviction, threats, assaults and injuries inflicted on Christians.²⁵³

²⁴⁶ Mohaned Elnour. (9 May 2024). "The Forgotten War on Sudan's Christians," The Tahrir Institute for Middle East Policy, <https://timep.org/2024/05/09/the-forgotten-war-on-sudans-christians/>.

See also: East Africa Centre for Law and Justice. (10 May 2024). "Attacks against Christian Communities in Sudan," <https://eacj.com/religion/284-attacks-against-christian-communities-in-sudan.html>.

²⁴⁷ Written Submission: Christian Solidarity Worldwide,

See: El Nour, 2024, above,

See also: East Africa Centre for Law and Justice, 2024, above.

²⁴⁸ Written Submission: Christian Solidarity Worldwide.

²⁴⁹ Ibid.

²⁵⁰ Written Submission: Christian Solidarity Worldwide.

See: El Nour, 2024, supra

See also: East Africa Centre for Law and Justice, 2024, supra.

²⁵¹ Ibid.

See: El Nour, 2024, supra.

²⁵² Written Submission: Christian Solidarity Worldwide.

²⁵³ Ibid.

98. Unidentified gunmen attacked the Mar Girgis Coptic Church (St. George) in Al-Masalam neighborhood in Omdurman on 13 May 2023, shot civilians and looted property.²⁵⁴ Similarly, unidentified assailants bombed the Al Zareeba Mosque in El Geneina, West Darfur on 14 May 2023, killed 280 people and injured more than 160 others.²⁵⁵ On 3 November 2023, unknown assailants bombed Mariam Home, belonging to the Comboni Catholic missionary order in Khartoum El-Shajara, and injured five nuns and several children.²⁵⁶
99. The SAF was also responsible for attacks on places of worship including: - the shelling and destruction of the largest church in Omdurman on 1 November 2023;²⁵⁷ the bombing of the Al Ezba Baptist Church on 20 December 2024;²⁵⁸ the indiscriminate shelling of the area with the Sheikh El Jeili Mosque in Wad Madani, Al Gezira State after evening prayers on 20 October 2024 resulting in at least 15 deaths and more than 30 injuries;²⁵⁹ the airstrike on the Sheikh Elsidig Mosque in Shambat, Khartoum North on 4 December 2024 which killed at least seven people.²⁶⁰ An Islamist militia affiliated with the SAF also vandalised and bombed Sheikh Qarib Allah Mosque in Omdurman on 12 March 2024.²⁶¹

Forced conversion in exchange for humanitarian assistance

100. In RSF controlled areas, such as Al Thora Mobe village, in Wad Madani, Al Gezira State, Christians were forced to convert to Islam, to receive humanitarian assistance and to have guaranteed security.²⁶² Those who refused to convert were detained on accusations of collaboration with the SAF.²⁶³ These attacks on places of worship and forced conversions instigated by inequitable food distribution patterns constitute religious persecution. The government of the Sudan's failure to protect civilians from the violent attacks and the harm caused by its own security apparatus falls short of its obligations under Article 8 of the Charter. The African Commission previously found²⁶⁴ the government of the Sudan to be in violation of Article 8 of the Charter in circumstances where the state, among other things, failed to prevent the oppression of specific religious groups, did not curb unequal food distribution on religious

²⁵⁴ Ibid.

See: El Nour, 2024, *supra*.

²⁵⁵ Written Submission: Christian Solidarity Worldwide.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ Paras 72- 76, Communication 48/90, 50/91, 52/91, 89/93 *Amnesty International and Others v. Sudan*, ACHPR. (1999).

grounds, arbitrarily arrested religious actors and indiscriminately applied religious law as state law.

Restrictions to freedom of expression and access to information

101. The FFM recorded several reports that indicated nationwide restrictions on civilians' ability to express themselves and to receive reliable and credible information in the context of the ongoing conflict.²⁶⁵ These restrictions took many forms: -

Legislative measures

102. The FFM established that the SAF, recognised as the transitional government of the Sudan, promulgated laws and introduced legislative limitations to the exercise of fundamental freedoms including freedom of expression. In February 2024, Lieutenant. Gen. Abdulfattah al-Burhan – the commander-in-chief of the SAF and head of state of the transitional government of the Sudan, endorsed amendments to the General Intelligence Service law.²⁶⁶ The law extended powers to the General Intelligence Services (GIS), the intelligence arm of the Sudanese state security apparatus, to perform law enforcement functions, including arrest, detention, investigation, oversight and monitoring.²⁶⁷ The broad powers of arrest and detention under this law, paired with the granting of immunity to the GIS service members for all acts committed on duty, raised legitimate concerns about the abuse of power and lack of accountability.²⁶⁸ Since its adoption, this law has been used to arrest individuals accused of sharing “sensitive” information and legitimised their prolonged detention without trial.²⁶⁹

Internet shutdowns and disruptions to communication infrastructure

103. The FFM also received reports of widespread disruptions and shutdowns of communication channels in the Sudan. While some disruptions were caused by the destruction of infrastructure because of fighting, others were due to deliberate internet shutdowns and social media blackouts instigated by both the SAF and the

²⁶⁵ Written Submissions: African Centre for Peace and Justice Studies, Adeela, Committee for Justice, Darfur Advocacy Group, International Press Institute, Human Rights Watch, and Shabaka.

²⁶⁶ Sudan Tribune. (10 May 2024). “Sudan strengthens intelligence service powers,” <https://sudantribune.com/article285398/>.

²⁶⁷ Sudan Human Rights Monitor. (7 September 2024). “Amendments to the General Intelligence Law Result in More Killing and Torture,” <https://www.suhrm.org/amendments-to-the-general-intelligence-law-result-in-more-killing-and-torture/>.

²⁶⁸ Ibid.

²⁶⁹ Sudan Tribune, supra, Sudan Human Rights Monitor, supra.

RSF in areas under their control.²⁷⁰ On 16 April 2023, the state communications regulator ordered internet service providers to shut down the internet.²⁷¹

104. Several oral testimonies before the FFM confirmed the destruction of public facilities and infrastructure across the country, including internet, electricity, and water infrastructure, roads, and airports.²⁷² One media report indicated that “at least 90 per cent of media, including TV, radio, and newspaper facilities have been completely destroyed during the hostilities, while looters have stripped any usable equipment and assets in the city of Khartoum.”²⁷³ These shutdowns and disruptions caused acute civilian distress in the volatile context of the conflict where social media and the internet have become increasingly indispensable communication tools for separated families seeking reconnection, media personnel needing to communicate critical information, and humanitarian agencies disseminating vital and lifesaving information.

Censorship through fearmongering

105. The FFM recorded cases of the use of arrests and arbitrary detention by the SAF and the RSF to induce widespread civilian self-censorship on the conflict. The arrests and detentions targeted individuals deemed responsible for sharing or publicising “sensitive” information in all media spaces, be it print, social, broadcasting, radio, or digital media.²⁷⁴ Reprisals for criticising actors involved in, or sharing information on the conflict included the seizure and search of journalists’ phones and laptops, the issuing of death threats against journalists, harassment, intimidation, arbitrary arrests, detention and torture.²⁷⁵ The public and violent nature of the reprisals generated an atmosphere of fear among the general civilian population, and vastly restrained their ability to freely express themselves.

Attacks on the Press

106. The FFM received reports which indicated that attacks on journalists and the press had become commonplace since the conflict broke out. On 18 May 2023, the RSF raided a journalist’s house in Al Gezira state, and stole his work equipment and

²⁷⁰ Written Submission: International Press Institute.

Written Submission: Human Rights Watch.

²⁷¹ Written Submission: International Press Institute.

²⁷² Oral Submission: W-F- SDN-001 (20 March 2025).

Oral Submission: V-W-F-SDN-013 (18 March 2025).

Oral Submission: V-F-SSD-017 (21 March 2025).

Oral Submission: EX-M-SDN-039 (27 March 2025).

²⁷³ Dabanga. (30 March 2025). “Sudan war leaves 90% of media infrastructure in ruins,”

<https://www.dabangasudan.org/en/all-news/article/sudan-war-leaves-media-infrastructure-in-ruins-90-of-facilities-destroyed>.

²⁷⁴ Written Submission: Human Rights Watch.

²⁷⁵ Written Submissions: Committee for Justice, and African Center for Justice and Peace Studies.

property.²⁷⁶On 17 June 2023, the RSF raided the Al Jazeera media office in Khartoum, and bombed the office of Al Sharq News, forcing the journalists to flee the country.²⁷⁷ On 28 August 2023, the SAF detained a journalist for five days, took him to the Attorney General's office, and threatened him with prosecution if he continued writing about the war.²⁷⁸He was forced to sign a document promising to cease his publications.²⁷⁹ Another journalist, accused by the SAF of spying for the RSF and publishing false information, received death threats, was detained and denied drinking water and medication in detention despite making multiple requests.²⁸⁰On 19 January 2024, the Chief Editor of a prominent newspaper in the Sudan and his brother were arrested by the RSF, their phones and laptops searched before being taken to unknown locations.²⁸¹In 2024 alone, at least 47 media houses closed, while others were raided or forcibly occupied by parties to the conflict.²⁸²

107. Violations of freedom of the press also resulted in the loss of life of journalists in the line of duty. Reported cases to the FFM, depicted a press facing dire security threats in violation of international humanitarian law which categorises journalists as civilians protected from wilful attacks. In August 2023, the RSF killed a journalist who worked as a photojournalist for Sudan TV, in his home in Beit Al-Mal.²⁸³On 20 August 2023, a freelance journalist died of injuries sustained from clashes between the RSF and the SAF in Al-Shajarah, Khartoum.²⁸⁴On 10 October 2023, an RSF vehicle ran over, and killed a journalist in the middle of reporting in Omdurman.²⁸⁵ The journalist worked with the online news portal Sudan Bukra.²⁸⁶ On 12 January 2024, a journalist with the Blue Nile TV Channel was killed in his home in the Abbasiya neighbourhood of Omdurman in a targeted attack by the RSF.²⁸⁷On 4 June 2024, another freelance journalist died at the hands of the RSF in his house in the Al-Droshab suburb, north of Khartoum Bahri.²⁸⁸The RSF had previously detained him in December 2023 for his work.²⁸⁹On 8 December 2024, the RSF killed a journalist and her brother in Wad Al-Asha village in the countryside of Al Madina Arab in the south of Al Gezira state. She had who worked for the Ministry of Culture and Information and was a correspondent for the Al-Maidan newspaper.²⁹⁰

²⁷⁶ Written Submission: International Press Institute.

²⁷⁷ Ibid.

²⁷⁸ Written Submission - African Center for Justice and Peace Studies.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

²⁸¹ Ibid.

²⁸² Written Submission: International Press Institute.

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

Turning universities into “unsafe spaces” and restrictions on academic freedom

108. Academics, exercising their academic freedom have also faced reprisals. On 23 February 2024, the RSF arrested an academic at the University of Juba.²⁹¹ The RSF also killed an economics professor at Al Gezira University in his home in the Bannet area during an attack and takeover of Al Gezira State.²⁹² In recorded testimony, a university professor’s expressions of dissent against the war on Facebook resulted in his arrest, summary detention, and torture at the hands of the SAF-MI and his eventual forced displacement together with his family.²⁹³ His young children, now refugees in another country, grapple with the psychological burden of losing a home and the fear of losing their father. As such, violations of fundamental freedoms not only affected the primary victims whose free speech or academic freedom was restricted, but also secondary victims, in most cases immediate family members of the primary victims.
109. University students experienced elevated security risks to violations because of their proximity to the culture of dissent, protest and resistance that characterises institutions of higher learning. On 24 April 2023, a 20-year-old university student was raped in El Geneina, Darfur by five armed Arab men in civilian attire.²⁹⁴ 17 female students at El Geneina university who were unable to return to their homes because of the war were raped, with the violations recorded on camera, and later used to threaten them with publication of these recordings.²⁹⁵ In August 2023, a 20-year-old university student was gang raped in her dormitory in Khartoum by the RSF.²⁹⁶ A politically active student who published posts against the government on her social media was arrested and detained by the SAF-MI three times, first for three days, and the second time in Wad Madani for one day.²⁹⁷ Her third encounter with the SAF-MI occurred on 29 June 2024, in a residential area in Blue Nile State, when she was interrogated at their headquarters, and accused of being affiliated with the SPLM-N.²⁹⁸

Restrictions to freedom of association and assembly

110. The FFM also received reports that civilians’ ability to gather, to protest, and to meet in societies and associations have been severely curtailed by the conflict in the Sudan. In addition to the general insecurity that the war created across the country,

²⁹¹ Written Submission: African Center for Justice and Peace Studies.

²⁹² Ibid.

²⁹³ Written Submission: SFFM-I-WS/V-001.

²⁹⁴ Written Submission: Human Rights Watch.

²⁹⁵ Written Submission: African Center for Justice and Peace Studies.

²⁹⁶ Written Submission: Human Rights Watch.

²⁹⁷ Oral Submission: V-F-SS-019 (19 March 2025).

²⁹⁸ Ibid.

civilians faced further restrictions imposed by the warring parties. In January 2024, the RSF issued a decree that dissolved local committees and volunteer groups after it took over Wad Madani and large parts of Al Gezira state.²⁹⁹ Witness testimony indicated that a witness' wife's membership in a teachers' group, where she advocated for peace, led to direct threats from colleagues affiliated with the Sudanese army.³⁰⁰ The witness and his wife were threatened precisely because of their anti-war stance and public expressions of dissent to the war until they were forced to flee to Libya for their safety.³⁰¹

111. The SAF-MI targeted members of Resistance Committees (RCs), which emerged in 2018 and were instrumental to the protest movements that led to the fall of the Omar Al Bashir-led government in the 2019 Revolution.³⁰² The RCs were solidified in the aftermath of the 2021 fall of Al-Bashir into grassroots, decentralised, and people centred formations through which Sudanese people organise and mobilise protests and coordinate critical social protection and humanitarian relief.³⁰³ A young man from Khartoum, also known to be a former RC member, was arrested by the SAF-MI for sharing social media posts about bombings in the area where he lived.³⁰⁴ The SAF treated the posts as incitement to protest.³⁰⁵ Members of the Emergency Response Rooms (ERR) from Atbara, a city located in the River Nile State in northeastern Sudan were detained by the SAF on suspicion of being RC members and carrying out activities opposing state authority.³⁰⁶
112. Considering the foregoing, the FFM finds that the Sudan has committed actions, and failed to take steps to prevent actions that constitute violations of Articles 8,9, 10 and 11 of the African Charter. The actions of the SAF, the RSF and their allied militias have created an atmosphere of fear and repression and facilitated the disintegration of a cogent civic landscape that facilitates the free exchange of information and ideas and allows civilians to freely associate and assemble.

5. Violations of Freedom of Movement (Restrictions on displacement, returns, and access to humanitarian aid for refugees and IDPs)

113. The FFM, through oral and written evidence, observed that both sides to the Sudanese conflict i.e. the SAF and the RSF engaged in indiscriminate attacks on

²⁹⁹ Written Submission: Shabaka.

³⁰⁰ Oral Submission: V-MF-LBY-002 (17 March 2025).

³⁰¹ Ibid.

³⁰² See: Shabaka Report. (2024). Protecting First Responders: Challenges and Recommendations p.16.

³⁰³ See: The International Crisis Group. (2023). The Future of Sudan's Resistance Committees.

See also: The Peace and Conflict Resolution Evidence Platform. (2023). Resistance Committees and Sudan's Political Future: Policy Brief.

³⁰⁴ Written submission: Shabaka.

³⁰⁵ Ibid.

³⁰⁶ Written submission: Shabaka.

civilians, with the RSF more frequently implicated in targeted attacks on IDPs and obstructing humanitarian aid. These actions restricted population movement, violating the right to freedom of movement and residence as guaranteed by Article 12 of the African Charter, which guarantees every individual's right to move and reside freely within their country and to leave and return to it, subject only to lawful restrictions. The FFM recorded the violations in the following patterns: -

Strategic restrictions on movement as a tool of territorial control

114. The continued escalation of the conflict between the SAF and the RSF, driven by their relentless pursuit of territorial control and dominance in strategic regions such as Khartoum and Darfur, displaced millions and deepened the humanitarian crisis.³⁰⁷The FFM examined submissions indicating that, in cities like Khartoum, Al Qadaref, Kassala, El Obeida, and Darfur – particularly El Geneina and El Fasher – both parties to the conflict systematically imposed severe restrictions on movement, including the deliberate use of military checkpoints to block civilian movement.³⁰⁸At these checkpoints, many civilians, including journalists³⁰⁹and doctors,³¹⁰reportedly faced intimidation, assaults, threats, arbitrary arrest, unlawful detention and torture during identity checks,³¹¹while all their possessions were systematically looted.³¹²
115. The FFM further documented restrictions on civilian movement within IDP camps, where the RSF was accused of enforcing sieges and blockades that effectively confined residents. Reports submitted to the FFM indicated that in October 2023, the RSF allegedly surrounded the camp of AI-Hasa Heesa in Zalingei, Central Darfur, preventing residents from leaving and blocking humanitarian access.³¹³Similarly, in September 2024, the RSF seized control of the town of Dar Essalam, the primary access point to Zamzam camp in North Darfur. This action led to the isolation of Zamzam camp, cutting it off from essential supplies, medical services, and humanitarian aid.³¹⁴Compounding these challenges, in April 2025 the RSF attacked Zamzam and Abou Shouk IDP camps in Northern Darfur State, intentionally obstructed residents' access to vital resources, and hindered their ability to flee the conflict zones, leading to the deterioration of the humanitarian situation.³¹⁵

³⁰⁷ Resolution on the serious deterioration of the human rights situation in the Republic of the Sudan as a result of the continuation of the war that broke out on 15 April 2023 - ACHPR/Res.563 (LXXVI) 2023, <https://achpr.au.int/en/adopted-resolutions/563-resolution-serious-deterioration-human-rights-situation-rep>

³⁰⁸ Ibid.

³⁰⁹ Oral Submission: EX-M-SDN-039 (27 March 2025).

³¹⁰ Oral Submission: V-W-F-UG-013 (18 March 2025).

³¹¹ Oral Submission: W-M-SDN-004 (17 March 2025).

³¹² Oral Submission: V-M-SS-021 (25 March 2025).

³¹³ Written Submission: Hikayat Project & Matmoorat Adeela.

³¹⁴ Oral Submission: W-M-SDN-007 (20 March 2025).

³¹⁵ Press Release: "The ACHPR Condemns in the Strongest Possible Terms the Massacre of Civilians in Zamzam and Abu Shouk Camps by the Rapid Support Forces (RSF), April 16, 2025, <https://achpr.au.int/en/news/press-releases/2025-04-16/achpr-condemns-massacre-civilians-zamzam-and-abu-shouk-camps-rapid>

Barriers to safe return for displaced populations

116. The FFM recorded that the persistent violence and insecurity in the Sudan, particularly in Darfur, created insurmountable barriers to the safe return of displaced civilians, violating key provisions of the African Charter. Victims displaced from regions such as Khartoum, El Geneina, and El Fasher were unable to return to their homes due to the ongoing presence of armed groups, particularly RSF allied groups.³¹⁶
117. On the other hand, cross-border threats from the SAF and the RSF further compounded the challenges faced by displaced populations, preventing safe return to the Sudan from refugee camps in neighbouring countries, such as Berm IDP camp in South Sudan, Adré camp in Chad, and Bweyale camp in Uganda.³¹⁷ The climate of fear generated by these threats, coupled with the persistent violence and restriction of movement in the Sudan, left civilians with no viable pathway to reclaim their homes.³¹⁸

Deliberate deprivation and obstruction of humanitarian aid access

118. The FFM also documented how the relentless retaliatory attacks between the SAF and the RSF in affected areas, particularly Darfur, precipitated a humanitarian catastrophe by deliberately obstructing access to essential aid. For example, the RSF deprived residents of food for days and blocked critical supplies like water and humanitarian aid, exacerbating starvation and suffering in Zamzam and Abou Shouk IDP camps in Darfur.³¹⁹
119. The SAF's decision in February 2024 to halt cross-border aid deliveries from the Adré border crossing with Chad, redirected them to the less accessible and inefficient Tine crossing.³²⁰ This diversion critically restricted aid flows to famine-stricken regions, undermining relief efforts.³²¹ Despite a temporary reopening in August 2024 for three months after negotiations, the initial closure significantly disrupted humanitarian aid efforts and reflected a strategic intent to weaponize aid access, deepening the crisis and leaving vulnerable populations without vital resources.³²²
120. The deliberate targeting of humanitarian workers further compounded these violations, as evidenced by the SAF's assault on an International Committee of the Red Cross (ICRC) convoy in December 2023, which killed two staff members, as well as the violent looting and occupation of medical premises and supported facilities in

³¹⁶ Oral Submission: V-F-SDN-V-F-SDN-V-F-SDN-029 (26 March 2025).

³¹⁷ Ibid.

³¹⁸ Oral Submission: SFFM-I-WS/V-011 (18 March 2025).

³¹⁹ Oral Submission: W-M-SDN-031 (24 March 2025).

³²⁰ Written Submission: Shabaka.

³²¹ Ibid.

³²² Ibid.

Sudan of a Médecins Sans Frontières (MSF) team in Khartoum.³²³ These acts reflect a systematic disregard for the safety of aid workers and the integrity of humanitarian operations, paralysing efforts to deliver life-saving assistance.

6. Violations of Economic, Social, and Cultural Rights (Rights to education, health, work, food, water, Property, and livelihoods)

121. The African Charter makes provision for the rights to property, health and education.³²⁴ Further, in expounding on the right to life, General Comment No.3 to the African Charter stipulates that to secure a dignified life for all, the right to life requires the realisation of all human rights recognised in the Charter including civil, political, economic, social, cultural and people's rights.³²⁵ Similarly, the Maputo Protocol and the ACRWC make provisions for economic, social and cultural rights in respect to women and children.³²⁶

122. The FFM established that due to the conflict in the Sudan, medical care, education, food, water and shelter remained inaccessible for most civilians. This situation, the FFM observed, was due to blockade of humanitarian aid and restriction of movement of goods and services essential to sustain life by both the SAF and the RSF. Both the SAF and the RSF were also responsible for the destruction of critical civilian infrastructure such as schools, hospitals, houses, water supplies as well as looting and destruction of private property. The FFM recorded violations against economic, social and cultural rights in the following pattern: -

Destruction of critical Infrastructure

123. In October 2023, UNICEF reported that over 10,400 schools had closed due to the conflict, leaving 19 million children without access to education.³²⁷ The closure was due to the fact that schools and other educational facilities had become unsafe due to constant attacks on the classrooms, the students and the teachers.³²⁸ In regard to the right to health, as of September 2024, WHO reported that the number of attacks on

³²³ Written Submission: Christian Solidarity Worldwide,

See also Press Release, (23 May 2023), "MSF facilities looted, medical activities impeded by violence in Sudan" <https://www.msf.org/msf-facilities-looted-medical-activities-impeded-violence-sudan>.

³²⁴ Article 14,16,17 of the African Charter.

³²⁵ General Comment 3 to the African Charter on the right to life, Para 6.

³²⁶ Articles 12,13,14,15 of the Maputo Protocol and 11 and 14 of ACRWC.

³²⁷ Press Release: <https://www.unicef.org/sudan/press-releases/19-million-children-sudan-out-school-conflict-rages-unicef-save-children>.

³²⁸ Press release: <https://www.savethechildren.net/news/sudan-violent-attacks-schools-and-education-surge-fourfold-one-year-conflict>

health care facilities had exceeded 100, destabilising the healthcare system in the country.³²⁹

124. SAF airstrikes destroyed homes, hospitals, places of worship and shelters that housed displaced people in El-Fasher, North Darfur.³³⁰ On 18 April 2023, the SAF bombed El Shaab and Ibn Sina hospitals in Khartoum crippling critical health facilities.³³¹ The health care system in El Fasher neared collapse following constant attacks and bombing of hospitals by the RSF.³³² Between 10 May 2024 and 1 August 2024, the RSF indiscriminately bombed El Fasher leading to the destruction of nine hospitals including El Fasher South Hospital, Al Saudi hospital, El-Igra hospital and Tambasi health centre.³³³ The Al Saudi hospital, for instance, had undergone 25 attacks and constant bombardment.³³⁴ This constrained overall access to health services in North Darfur.

Denying accessibility to goods and services essential to sustain life.

125. The SAF attacks at Nertiti in Central Darfur State on 31 October 2023 led to the flight of over 150,000 civilians to locations where they faced dire conditions including lack of food, water and medical supplies.³³⁵ The SAF further restricted humanitarian aid from reaching RSF controlled areas.³³⁶
126. On 30 and 31 October 2023, during the siege at Al Hasa Heesa IDP camp in West Darfur State, the RSF restricted movement of civilians in and out of the camp and blocked access to essential goods and services, including food and other items necessary to sustain life.³³⁷ The RSF further destroyed water pumps at Wad Azam area blocking access to water by civilians in the camp.³³⁸ In Al Gezira State, which is an agricultural State, the RSF kept targeting farmers, forcing them to pay 15,000 Sudanese pounds(USD25) for every harvest or forfeit their harvest.³³⁹
127. In the foregoing, the FFM concludes that both the SAF and the RSF committed violations against economic, social and cultural rights, with the RSF being responsible for more violations. These violations included destruction of critical infrastructure such as schools and hospitals as well as blockade of humanitarian aid and movement of goods and services essential to sustain life. This rendered civilians

³²⁹ Press Release: <https://www.emro.who.int/media/news/in-sudan-there-have-been-more-than-100-attacks-on-health-care-since-the-armed-conflict-began.html>.

³³⁰ Oral Submission: SFFM-I-WS/V-002.

³³¹ Written Submission: REDRESS.

³³² Oral Submission: W-M-SDN-007(20 March 2025).

³³³ Written Submission: Darfur Advocacy Group.

³³⁴ Oral Submission: Expert witness W-M-SDN-010(17 March 2025).

³³⁵ Oral Submission: W-M-SDN-004(17 March 2025).

³³⁶ Oral Submission: EX-NGO-SDN-022(25 March 2025).

³³⁷ Written Submission: Hikayat Project and Matmoorat Adeela.

³³⁸ Ibid.

³³⁹ Oral Submission: Case brief 039(27 March 2025).

vulnerable to hunger, starvation, disease and preventable death and was contrary to obligations established by the jurisprudence of the African Commission and provisions of Article 22 of the African Charter, the General Comment No.3 to the African Charter on the right to life, Articles 12,13,14,15 of the Maputo Protocol and 11 and 14 of ACRWC.

7. Violations against Children (Recruitment and use of child soldiers, exploitation, including sexual exploitation)

128. The ACRWC defines a child as any human being below the age of 18 years.³⁴⁰The ACERWC in its report on “*The impact of Conflict and Crises on Children in Africa*” concludes that conflicts have devastating effects on children such as loss of life, displacement, separation from families, abductions, trafficking, sexual violence and forced conscription to engage in hostilities.³⁴¹ Additionally, children’s rights to education, food, health, shelter and both physical and mental wellbeing are negatively affected.³⁴²

129. The FFM established that since the onset of the conflict in the Sudan, children were exposed to serious violations including displacement, loss of life, sexual violence, malnutrition, starvation and extreme conditions that were not suitable for them. Children were also actively recruited to engage in combat by both the SAF and the RSF. Violations against children, the FFM recorded, occurred in the following patterns: -

Conscription to engage in active combat.

130. The FFM recorded that since the onset of the conflict in the Sudan, the RSF adopted a systematic pattern of recruiting children to engage in active combat. Children were identified at RSF checkpoints and in various places in Central Darfur State where the RSF had control, either wearing RSF uniforms or carrying arms.³⁴³ Children were recruited for the RSF in Zalingei, Aringa Hella Bida, Wad Salih and other places in Central Darfur State and taken to an RSF military site in Zalingei for training.³⁴⁴ They were given a starting fee of 10,000 Sudanese Pounds(USD 17) as a form of payment.³⁴⁵ The FFM further recorded that child recruitments by the RSF were done through

³⁴⁰ Article 2 of the ACRWC.

³⁴¹ African Committee of Experts on Rights and Welfare of the Child:(2016) Continental Study on the Impact of Conflict and Crises on Children in Africa, page 35.

³⁴² Ibid.

³⁴³ Written Submission: African Centre for Peace and Justice Studies.

³⁴⁴ Ibid. See also the newarab.com RSF recruiting children to fight in Sudan’s war published 12 May 2025:

³⁴⁵ Ibid.

coercion, manipulation or promises of financial gain.³⁴⁶ Some instances of child conscription documented by the FFM include:- the recruitment of a 15 year old by the RSF in Nyala, South Darfur in June 2023 who was trained as a military operative and engaged in combat against the SAF in October 2023;³⁴⁷ the recruitment of a 17 year old by RSF forces in Nyala, South Darfur in October 2023;³⁴⁸ and the recorded presence of child soldiers at a SAF military base in Fabarnaqa, South Darfur State in June 2023.³⁴⁹

Killings targeted at children

131. The FFM documented killing of children through aerial bombardments conducted by the SAF at various locations in the Sudan. In March 2024, the SAF bombed a primary school at El Hadra Village, Nuba Mountains in South Kordofan State killing 14 people most of whom were children.³⁵⁰ On 20 December 2024, the SAF bombed Al Ezba nursery school in Khartoum killing 8 children.³⁵¹ The SAF is also responsible for conducting an airstrike in a West Khartoum neighbourhood on 19 of April 2023, resulting in the death of a child.³⁵²

Sexual violence against children

132. As reflected previously in the report, on the thematic part dealing with conflict related sexual violence, the FFM documented several cases of sexual violations against girls in North Darfur, West Darfur, Central Darfur, Khartoum, Al Gezira, South Kordofan and Sennar States.³⁵³ Girls as young as 13 years old were subjected to rape, gang rape, sexual slavery and forced marriage leading to severe physical and mental injuries.³⁵⁴ Most of these violations occurred at homes, in villages during attacks and in IDP camps, often in the presence of relatives and members of the public.³⁵⁵ Most documented cases of sexual violence were perpetrated by the RSF.
133. The FFM recorded a case of a boy who had been subjected to sexual violence by the RSF.³⁵⁶ The violation was discovered by a doctor when the family brought in his

³⁴⁶ Written Submission: Shabaka.

³⁴⁷ Written Submission: African Centre for Justice and Peace Studies.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Written submission: Christian Solidarity Worldwide.

³⁵¹ Ibid.

³⁵² Written Submission: REDRESS.

³⁵³ See cases in the Conflict Related Sexual Violence part of the report.

³⁵⁴ Oral Submission: V-W-F-SDN-013 (18 March 2025) testified of a 13-year-old girl raped outside a hospital in Khartoum,

³⁵⁵ See written Submission: REDRESS-several girls at Kassab IDP camp raped after the camp was attacked by the RSF, Written submission: Human Rights Watch, a daughter and her mother were raped while at home by RSF soldiers on 31 December 2023, abduction of 17 girls in February 2024 by the RSF for purposes of sexual slavery, Oral Submission: V-F-SDN-027(25 March 2025)- two girls aged 13 and 15 years gang raped by RSF in Wad Mandani in Al Gezira State in February 2024. See more cases in the Conflict Related Sexual Violence part of the report.

³⁵⁶ Oral Submission: Expert Witness V-W-F-SDN-013 (18 March 2025).

sister who had also been sexually violated for treatment.³⁵⁷ This signifies that sexual violence against boys is ongoing but remains underreported.

Violations against children's well-being

134. The FFM noted that due to the conflict in the Sudan, children suffered displacement, malnutrition, starvation and lack of medical care. The blockade of humanitarian aid and overpopulation in different IDP camps such as ZamZam IDP camp in North Darfur State and blockade of movement of goods and services in locations under siege such as the Al Hasa Heesa IDP camp in West Darfur State had serious effects on children who suffered malnutrition that sometimes resulted in starvation leading to preventable deaths.³⁵⁸ In Olola IDP camp, the FFM noted that children died due to starvation and lack of water.³⁵⁹
135. Children right to education was critically affected with suspension of schooling for majority of children. UNICEF raised concerns that due to the conflict, the Sudan was on the brink of the worst education crisis in the world.³⁶⁰ School closures exposed children to dangers such as forced conscription to engage in active hostilities.³⁶¹ The FFM recorded that at IDP camps, such as the Kelma IDP camp, in addition to children experiencing malnutrition and starvation, children had not been able to access schooling for 2 years.³⁶²
136. With the foregoing, the FFM concludes that both the SAF and the RSF and their allied militias were responsible for exposing children in the Sudan to numerous violations including loss of life, conscription to engage in active hostilities, displacement, starvation, disease and the right to education. This is contrary to the provisions of the African Charter and various provisions of ACRWC and the Maputo protocol.

8. Violations of collective rights of peoples including the rights of all peoples to equality, to existence, to peace and security and development

137. The right to non-discrimination is the bedrock of all the rights under the African Charter.³⁶³ It not only enables the realisation of all other rights through ensuring

³⁵⁷ Ibid.

³⁵⁸ Submission: Hikayat Project and Matmoorat Adeela- Children in ZamZam IDP camp were not able to access food, water and medical care.

³⁵⁹ Oral submission by V-M-ETH-023 (28 March 2025).

³⁶⁰ Statement by Mandeep O'Brien, UNICEF country representative in the Sudan <https://www.unicef.org/sudan/press-releases/19-million-children-sudan-out-school-conflict-rages-unicef-save-children>.

³⁶¹ Oral Submission: EX-F-UG-037 (26 March 2025).

³⁶² Oral submission: V-F-SDN-008(20 March 2025).

³⁶³ See: African Commission on Human and Peoples' Rights v Kenya, application 006/2012, Judgement, 26 May 2017, paras 137-138.

equal treatment by and before the law,³⁶⁴ but also through extending protections for individuals or groups to enjoy the rights under the Charter without distinction.³⁶⁵ The Charter explicitly prohibits discrimination on racial or ethnic grounds.³⁶⁶ As one of the unique features of the Charter highlighted by its recognition of peoples' rights, it further creates the right of all peoples to equality and the right of all peoples to existence, rights that are directly threatened by targeted attacks seeking to harm a group, or its individual members, including genocide and ethnic cleansing.³⁶⁷ Additionally, the Charter creates a right of individuals and peoples to a cultural identity and practice,³⁶⁸ and reaffirms the equality of all peoples while equally condemning³⁶⁹ the domination of a people by another and guaranteeing the right to peace and security and the right to development. The FFM however observed that the protections extended under these provisions were undermined by the events in the Sudan.

138. The FFM acknowledges that the Sudan has a long and complex history with racial and ethnic tensions. A nuanced understanding of these tensions would recognise their ties to deeper historical political questions of state formation, power, identity and belonging, even predating the colonial period.³⁷⁰ Such an understanding would also acknowledge how ethnic and racial tensions became entangled with pressing socio-economic issues such as access to land and resources, as patterns of access to these resources followed racial and ethnic lines.³⁷¹
139. The former government of the Sudan previously acknowledged these tensions in the context of the war in Darfur, stating that, "although the indigenous peoples of Darfur (the Fur, and several other ethnic groups), and the Arabs have always had relatively distinct identities, they generally got along well until resources became scarce, then ethnicity and race became a factor in the conflict."³⁷² Their perspective was substantiated by other sources which characterised the conflict in Sudan as a fight over resources that had become ethnically driven.³⁷³

³⁶⁴ In line with Article 3 of the African Charter.

³⁶⁵ African Commission vs Kenya (above), para 138.

³⁶⁶ Article 2 of the Charter prohibits discrimination on several grounds including race, ethnic identity, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

³⁶⁷ Article 20 (1) of the Charter provides for the right of peoples to existence including their rights to "unquestionable and inalienable self-determination," to "freely determine their political status," and to "pursue their economic and social development according to the policy they have freely chosen."

³⁶⁸ Article 17(2) of the Charter.

³⁶⁹ Article 19 of the Charter.

³⁷⁰ Mahmood Mamdani. 'Saviors and Survivors: Darfur, Politics, and War on Terror,' New York: Pantheon Books, 2009.

³⁷¹ Mamdani, 2009, above.

See also Mahmood Mamdani. (2020). Neither settler nor native: The making and unmaking of permanent minorities. Cambridge, MA: Harvard University Press.

³⁷² Government of Sudan. Understanding Darfur conflict, 19 January 2005, ReliefWeb, <https://reliefweb.int/report/sudan/understanding-darfur-conflict>.

³⁷³ Minority Rights Group International. World Directory of Minorities and Indigenous Peoples - Sudan: Fur, June 2018, <https://www.refworld.org/reference/countryrep/mrgi/2018/en/121778>.

140. While it is the case that these complex histories of Sudanese politics shape the foundations of the current and ongoing conflict, their manifestations in the current conflict have taken the forms of systemic discrimination, racially or ethnically motivated violence including sexual violence, and hate speech.

Systemic discrimination

141. The FFM observed how the current conflict reflected long-standing patterns of racial, ethnic and gender discrimination in the Sudan. The people of the Sudan have experienced multiple forms of systemic discrimination since the war began. For women and girls, in particular, the insecurity caused by the outbreaks of violence forced them to flee their homes, only to face sexual violence, and deplorable conditions in IDP camps and on their journeys to seek safety.³⁷⁴ This unyielding burden of the conflict is compounded by women's continuing biological roles such as pregnancy and childbirth, coupled with the gender roles of childcare, providing food and nutrition for their families, and taking care of the sick and elderly. As women's rights defenders have noted, the conflict has deepened women's marginalisation, silenced their voices, and entrenched women's disproportionate experiences of legal barriers to equality.³⁷⁵
142. Racial and ethnic targeted discrimination increased since the outbreak of hostilities on 15 April 2023. Preexisting patterns of discrimination, established under the Al Bashir government through legal and policy frameworks that systematically target ethnic non-Arabs for discrimination in all aspects of life, including employment, education, housing, and participation in politics through laws, policies and government action only worsened in the conflict.³⁷⁶ Further, the unequal distribution of resources, and the cultural erasure of non-Arabs intensified in the ongoing conflict.
143. On 26 April 2024, the UN Committee on the Elimination of Racial Discrimination, Acting under its Early Warning and Urgent Action Procedure issued a statement expressing concern over ethnically motivated abuses in the conflict including "attacks on civilian neighbourhoods using heavy artillery, widespread killings of civilians, gang rapes of women and girls and other forms of sexual and gender-based

Mahmood Mamdani. (2020). *Neither settler nor native: The making and unmaking of permanent minorities*. Cambridge, MA: Harvard University Press.

³⁷⁴ Written Submissions: SFFM-I-WS/V-001; Christian Solidarity Worldwide, Regional Coalition of Women Human Rights Defenders in Southwest Asia and North Africa, Human Rights Watch, African Centre for Justice and Peace, and REDRESS. Oral Submissions: V-F-SDN-027 (25 March 2025), V-W-F-SDN-013 (18 March 2025), W-M-SDN-014(21 March 2025), EX-F-UG-037(26 March 2025), Expert Witness V-W-F-UG-013 (18 March 2025), Expert Witness W-M-SDN-010(17 March 2025), and SIHA.

³⁷⁵ See Mumbi Mugo & Esther Waweru. (3 April 2025). *Women in Sudan: Silenced by War, Abandoned by Law, Equality Now*, <https://equalitynow.org/news/news-and-insights/women-in-sudan-silenced-by-war-abandoned-by-law/>.

³⁷⁶ Oral Submission: EX-F-UG-037 (26 March 2025).

violence, the killing of persons fleeing the conflict zones, attacks on camps and sites for internally displaced persons, arbitrary detentions, enforced disappearances, torture, forced displacement, looting, burning and destruction of villages and towns, targeting mostly members of the Masalit, Fur and Zaghawa ethnic groups, and committed principally by members of the RSF and allied militia.”³⁷⁷ The FFM established similar patterns through its inquiry.

Racially and ethnically motivated attacks involving massacre and forced displacement amounting to ethnic cleansing

144. While both conflict parties are implicated, the RSF was singled out as the predominant perpetrator of racially and ethnically motivated attacks on non-Arab communities, precisely because of their race and ethnicity. The FFM received expert testimony to the effect that the Janjaweed, the pre-cursor to the RSF, formed in 2003, with the backing of the Al Bashir government maintained a consistent desire to eliminate the Zalingei groups of the Sudan.³⁷⁸ The RSF, much like the Janjaweed, remained composed of fighters from the Rizeigat, one of the largest Arab tribes in Darfur.³⁷⁹ While the demographics of the Sudan are difficult to ascertain, the Zalingei are generally understood to include the Fur – the most prominent ethnic group in Central Darfur; the Bani Halba, the Bani Hussien, the Berno, the Bergo, the Berti, the Dajo, the Falata, the Habania, the Ja'lol, the Khozam the Massalit, the Masyreiya, the Nawaiba, the Salamat, the Reziegat, the Ta'alba, the Tama, and the Zaghawa.³⁸⁰
145. Received expert testimony also indicated that, as the successor to the Janjaweed, the RSF maintained the political rhetoric of the Janjaweed,³⁸¹ and continued to advance an ideology of Arab Supremacy.³⁸² The Zalingei peoples became subject to the control of the RSF in the current conflict, after the RSF gained control of their territories in August 2023. The RSF systematically targeted non-Arab ethnic groups through large scale military attacks.³⁸³
146. The RSF especially targeted the Massalit, a black African ethnic group, concentrated in the Dar Massalit district of northern Darfur, in the west of the Sudan,³⁸⁴ which has resisted attacks on its people. In May 2024, during clashes

³⁷⁷ Committee on the Elimination of Racial Discrimination, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedure, Decision 1 (2024).

³⁷⁸ Oral Submission: EX-F-UG-037 (26 March 2025).

³⁷⁹ Maggie Michael. (28 December 2023). “The Sudanese commanders waging war on the Massalit” Reuters, <https://www.reuters.com/investigates/special-report/sudan-politics-darfur-violence/>.

³⁸⁰ The Sudan Times. (9 September 2023). “Sudan’s fascinating ethnic diversity,” <https://thesudantimes.com/sudan/sudans-fascinating-ethnic-diversity/>.

³⁸¹ Oral Submission: EX-F-UG-037 (26 March 2025).

³⁸² See: Andrew McGregor. Gold, Arms, and Islam: Understanding the Conflict in Sudan Publication: Terrorism Monitor Volume: 21 Issue: 9.

³⁸³ Written Submission: Shabaka.

³⁸⁴ Written Submission: Adeela.

between the RSF and its allied militia groups on one hand, and armed Massalit groups on the other hand in Al Geneina, West Darfur, the RSF and its allied militia groups carried out large-scale attacks against Massalit civilians, subjecting dozens to torture and inhuman treatment.³⁸⁵ In another non-Massalit village, the RSF and its allied militia groups forced the villagers to choose between singling out and exposing the Massalit from their midst or risk dying with them.³⁸⁶

147. Atrocities committed on the Massalit in El Geneina, the capital of West Darfur State included mass killings, torture, rape, and looting,³⁸⁷ leading to the death of over 15 000 civilians and the displacement of hundreds of thousands.³⁸⁸ Eyewitness testimony revealed that, while both the SAF and the RSF committed acts of violence in El Geneina, the RSF seemed particularly intent on ensuring dominance over the non-Arab tribes.³⁸⁹
148. Identifying as Massalit became so dangerous that members of the group faced extreme violence for simply being Massalit. Consequently, the Massalit faced mass displacement. As one eyewitness recalled, his brother was gunned down by the RSF on suspicion of being Massalit.³⁹⁰ He escaped with his life and an injured leg only because he lied that he was not Massalit. He carried his dead brother's body as he escaped.³⁹¹
149. The RSF also targeted the dark-skinned Zaghawa peoples in Blue Nile State in South-Eastern Sudan as well as in Abu Zerega, close to the North Darfur capital of El Fasher.³⁹² The FFM also received reports that the RSF attacked first responders from the Ja'alin, an ethnic group located in the Nile River basin between Khartoum and Abu Hamad as well as Al Gezira State, for allegedly supporting the SAF.³⁹³ The Ja'alin self-identify as Arab.³⁹⁴ The RSF also reportedly incited Arab tribes to kill the garrison commander of the SAF garrison in Ardamata, after the army base fell into RSF hands as it gained territory.³⁹⁵ This incident alone triggered violence that claimed more than

³⁸⁵ Ibid.

See also: Maggie Michael. (28 December 2023). "The Sudanese commanders waging war on the Massalit" Reuters, <https://www.reuters.com/investigates/special-report/sudan-politics-darfur-violence/>.

³⁸⁶ Ibid.

³⁸⁷ See Human Rights Watch, "The Masalit Will Not Come Home", Ethnic Cleansing and Crimes Against Humanity in El Geneina, West Darfur, Sudan, May 9, 2024, <https://www.hrw.org/report/2024/05/09/massalit-will-not-come-home/ethnic-cleansing-and-crimes-against-humanity-el>.

³⁸⁸ Reuters, "Ethnic killings in one Sudan city left up to 15,000 dead, UN report says", January 20, 2024, <https://www.reuters.com/world/africa/ethnic-killings-one-sudan-city-left-up-15000-dead-un-report-2024-01-19/>.

³⁸⁹ Oral Submission: W-M-SDN-005 (24 March 2025).

³⁹⁰ Ibid.

³⁹¹ Written Submission: ACJPS.

³⁹² Oral Submission: V-M-SDN-011 (18 March 2025).

³⁹³ Written Submission: Shabaka.

³⁹⁴ Ibid.

³⁹⁵ Written Submission: Adeela.

800 lives and displaced thousands.³⁹⁶ Media reports allege that the RSF buried the dead at night in mass graves visible via satellite from outer space.³⁹⁷

150. The SAF was also implicated in the targeted arrests, detention and racial profiling of civilians from ethnic identities allegedly connected to, or in support of the RSF. The SAF reportedly subjected ethnic groups of western Sudan to assault and arrests for their alleged affiliation with the RSF.³⁹⁸ On 15 December 2023 the SAF arrested a group of six Bani Ameer Tribal men, presumed to support the RSF, in the Aldebaga neighbourhood and only released them after the Bani Ameer native authorities intervened.³⁹⁹ The SAF also arranged detainees at the Karri Military base, according to their ethnicities, particularly those from Darfur and Kordofan regions, and subjected them to different treatment.⁴⁰⁰ The SAF-affiliated Kikil militia reportedly carried out ethnically motivated killings against 7 individuals from the Bargo and Tama tribes in Umm Al-Qura, Al Gezira State.⁴⁰¹

Racially or ethnically motivated sexual violence

151. The FFM observed a pattern of the targeted use of rape and sexual violence along ethnic and racial lines. In recorded cases of sexual violence, patterns emerged of Arab men targeting non-Arab women including Nuba, Massalit and Zaghawa women and hurling ethnic and racial slurs before, during and after sexual assaults.⁴⁰² The RSF targeted Nuba women and girls, subjecting them to physical violence and sexual assault.⁴⁰³ It appears the incitement to hatred that underscores both the SAF and the RSF's political rhetoric created a permissive environment for Arab men to sexually assault non-Arab women.
152. In its jurisprudence, the ACHPR previously found that the wilful infliction of violence against individuals or groups of individuals, on account of their ethnic identity is a violation of Article 2 of the Charter on the right to non-discrimination.⁴⁰⁴ Further, the ACHPR explained that '[T]he denial of numerous rights to individuals on account of their . . . membership of a particular ethnic group clearly violates Article

³⁹⁶ Ibid.

³⁹⁷ The Economist. (16 November 2023), "A genocidal militia is winning the war in Sudan" <https://www.economist.com/middle-east-and-africa/2023/11/16/a-genocidal-militia-is-winning-the-war-in-sudan>.

³⁹⁸ Ibid.

³⁹⁹ Written Submission: African Centre for Justice and Peace Studies.

⁴⁰⁰ Written Submission: Omermediaa.

⁴⁰¹ Written Submission: Adeela.

⁴⁰² Written Submissions: Human Rights Watch, Shabaka, and Adeela.

⁴⁰³ Written Submission: Human Rights Watch.

⁴⁰⁴ *Organisation Mondiale Contre La Torture and Association Internationale des Juristes Democrates, Commission Internationale des Juristes (CIJ) and Union Interafricaine des Droits de l'Homme v Rwanda*, 10th Annual Activity Report of ACHPR (1996–7),

2.' In the various instances in which the parties to the conflict in the Sudan inflicted various types of violations against civilians on account of their group membership as documented widely, and by the FFM, the FFM considers that such acts of violence constitute violations of Article 2 of the African Charter.

153. Considering the foregoing accounts on racially and ethnically motivated attacks involving massacre and forced displacement that may amount to ethnic cleansing and use of sexual violence against women on account of their ethnic or racial identity, the FFM believes that both parties to the conflict i.e. the SAF and the RSF were engaged in ethnic based targeted violence against civilians, with the RSF being responsible for more such cases. These attacks constitute violations of Articles 2, 17, 19 and 20(1) of the African Charter.
154. The resources that the war diverts away from meeting the development needs of the Sudanese people for financing the war and the attacks on schools, health care centres and the destruction of infrastructure as documented in the foregoing sections all go against the right of the peoples of the Sudan to development.
155. Additionally, the conduct of hostilities by the parties to the conflict in heavily populated areas such as urban centres and areas hosting IDP camps as well as the indiscriminate use of force by the parties during the war constitute violations of the right to peace and security under Article 23 of the African Charter. The lack of cooperation of the parties to efforts for making peace in Sudan thereby perpetuating the insecurity and violence accompanying the war constitutes further breach of Article 23 of the African Charter.

9. Targeting of Vulnerable Groups (Specific risks faced by IDPs, refugees, women, children, minorities, older persons and persons with disabilities)

156. Following the analysis of the findings above, the FFM concludes that it is evident that the rights of vulnerable groups have been violated across all thematic areas identified. Many civilians have become susceptible to hunger, disease, torture, sexual violence and even preventable death. The conflict has exacerbated vulnerabilities of certain groups of persons notably women, children, older persons and persons with disabilities. The FFM observed that this was the case in the Sudan, where women and children suffered disproportionately due to the ongoing conflict while the experiences of older persons and persons with disabilities remained unreported indicating that their experiences are likely to have been overlooked further aggravating their vulnerabilities. The FFM recorded cases of vulnerabilities in the following patterns.

Sexual violence and exploitation of women and girls

157. Women were prone to rape while in their homes and neighbourhoods.⁴⁰⁵ Women in IDP camps such as the Kelma IDP camp, the Olola IDP camp, the ZamZam IDP camp and, Abou Shuk IDP camp were vulnerable to sexual exploitation when they sought humanitarian aid and sexual violence when they ventured outside the camps to look for work or firewood.⁴⁰⁶ The constant attacks on hospitals made it challenging for women to access immediate and proper medical care after experiencing sexual violence.⁴⁰⁷ Women human rights defenders and women first responders were also targeted, threatened with sexual violence and sometimes killed due to their work.⁴⁰⁸

Dire conditions in the IDP camps.

158. The FFM observed that overpopulation in the IDP camps made conditions dire due to lack of sufficient food, medical services and water owing to constant blockade of humanitarian aid.⁴⁰⁹ This resulted in malnutrition, and sometimes starvation among children and pregnant women.⁴¹⁰ Various sieges of camps such as the Al Hasa Heesa camp and ZamZam camp resulted in destruction of water supplies and blockade of passage of goods and services essential to sustain human life resulting in the suffering of civilians.⁴¹¹ Further, as mentioned on the thematic part of the report dealing with violations against children, destruction of schools has left children with lack of access to education and exposure to circumstances that affect their wellbeing. Destruction of hospitals has meant that maternal health services are also critically affected exposing pregnant women to grave danger.⁴¹²

Suffering and death of civilians

159. The FFM, as outlined in this report, established that since the beginning of the conflict, both the SAF and the RSF together with their allied militias were responsible for causing massive suffering for civilians including death. Civilians have been targeted for torture, sexual violence, discrimination and exploitation. Displacement has often led to lack of access to essential goods and services such as food, water and medical care. Many have also been targeted for opposing the conflict and their

⁴⁰⁵ Oral Submission: V-F-SDN-027(25 March 2025), and Written Submissions: African Centre for Justice and Peace Studies, SIHA and Human Rights Watch.

⁴⁰⁶ Oral Submissions: V-F-SDN-008(20 March 2025), V-M-ETH-023, (28 March 2025), and W-M-SDN-031(24 March 2025).

⁴⁰⁷ Oral Submission: Expert witness W-M-SDN-010(17 March 2025).

⁴⁰⁸ Written Submission: REDRESS, Written Submission: Shabaka.

⁴⁰⁹ Oral testimonies from V-F-SDN-008(20 March 2025), V-M-ETH-023,(28 March 2025)W-M-SDN-031(24 March 2025).

⁴¹⁰ Ibid

⁴¹¹ Written Submission: Hikayat Project and MatMoorat Adeela

⁴¹² Press Release: <https://www.emro.who.int/media/news/in-sudan-there-have-been-more-than-100-attacks-on-health-care-since-the-armed-conflict-began.html>.

freedom of expression and association curtailed often through torture, degrading and inhumane treatment and threats. Indiscriminate killings during attacks have resulted to massive loss of life.

160. With the foregoing, the FFM concludes that the actions of both the SAF and the RSF have exacerbated the vulnerabilities of civilians, especially women and children, leading to compounded suffering and preventable deaths. The FFM further observes that the underreporting of the experiences of older persons and persons with disabilities have further worsened their vulnerability because issues affecting them remain unknown and thus not addressed adequately.

PART III - LEGAL QUALIFICATION OF VIOLATIONS

Section I: The Normative Framework

161. The FFM inquiry was anchored in the African Charter, its Protocols and other African human rights instruments, which are foundational to the normative framework on the promotion and protection of human rights in Africa. The Charter, as the primary human rights instrument of the African human rights system, has wide acceptance as evidenced by its near universal ratification on the African continent, including by the Sudan.⁴¹³ The reference in this report to the norms and standards under international law other than the African Charter and its subsidiary instruments is inspired by the letter and spirit enunciated under article 60 and 61 of the African Charter.⁴¹⁴
162. Following a review of the documented facts and incidents, whether individual or collective, and in accordance with Article 58 of the African Charter, which mandates the African Commission to investigate “the existence of serious or massive violations of human and peoples’ rights,” as well as Article 60, which allows the Commission to draw on international standards to interpret the rights guaranteed by the Charter, the MEF confirms the existence of serious and massive human rights violations, as specifically contemplated under Article 58. Consequently, these acts could be classified as genocide (Article 28B), crimes against humanity (Article 28C), or war crimes (Article 28D) within the meaning of the Malabo Protocol on the Statute of the African Court of Justice and Human Rights.
163. Notwithstanding the fact that the Malabo Protocol has not yet entered into force, rendering it inapplicable as a legal basis for the conclusions of this report, it is

⁴¹³ Ratified on 18 February 1986, deposit 11 March 1986. The African Charter is ratified by, 54 African states except Morocco.

⁴¹⁴ “The Commission shall draw inspiration from international law on human and people’s rights [...]”.

nonetheless referenced to underscore the gravity of the documented facts and incidents. The violations identified by the MEF clearly engage legal responsibility under applicable international standards, particularly those established by international humanitarian law and human rights conventions.

164. Considering the escalating conflict in Sudan, particular attention should be given to Article 4(h) of the AU Constitutive Act, which provides for collective intervention in cases of war crimes, genocide, or crimes against humanity, and highlights the need for robust legal mechanisms to protect the rights of populations affected by the conflict. Such intervention, supported by the principles of the African Charter and international standards, is essential to restore justice and prevent further atrocities in Sudan.

National Level

Constitutional Charter, Declaration and Peace Agreements

Constitutional Charter

165. Article 1 of the Charter, enjoins State parties to the Charter, to “recognise the rights, duties and freedoms enshrined in the Charter and undertake to adopt legislative and other measures to give effect to them.”⁴¹⁵ This means, any finding of a violation will be a finding that also violates this provision.⁴¹⁶
166. The Constitutional Charter for the Transitional Period of 2019 (Constitutional Charter) is the supreme law in Sudan.⁴¹⁷ Consistent with its obligations under the African Charter, it recognises a set of human and peoples’ rights, namely, the right to life and human dignity; citizenship and nationality; personal freedom; prohibition of slavery and forced labour; equality before the law; women’s rights (state protects women’s rights provided under regional and international agreements);⁴¹⁸ children’s rights; protection from torture; fair trial; right to litigate; restrictions on the death penalty; right to privacy; freedom of expression, freedom of believe and worship; freedom of expression and the press, right to political participation; right of ownership; rights of handicapped persons and elderly; right to education; right health, ethnic and cultural groups and protection of rights and freedoms.⁴¹⁹
167. The Sudan also has as part of their legislative framework a set of laws⁴²⁰ which are mentioned in this report, for note taking, although they will not be considered. As

⁴¹⁵ R Murray 2019. ‘The African Charter on Human and Peoples’ Rights: A Commentary, 16-29, see full discussion.

⁴¹⁶ Ibid. ‘Violation of Other Rights Results in Violations of Article 1’, 21. Also See Jawara in Heyns and Killander, 297, para 46.

⁴¹⁷ See Article 3.

⁴¹⁸ Article 49(1).

⁴¹⁹ Chapter 14. The Bill of Rights and Freedoms, Articles 42-67 of Constitutional Charter.

⁴²⁰ See Most relevant National Laws Listed in Second Interim Report on the work of the National Committee to Investigate War Crimes,,(National Committee Investigation Report) namely: The Criminal Law of 1991, as amended in 2009, The

the continuation of the current conflict, is a threat to the protection of human and people's rights in the Sudan the Jeddah Declaration and the Juba Agreement of Peace, were efforts to bring an end to the conflict, to ensure, the Sudan, meets its obligation under the African Charter.

*The Jeddah Declaration*⁴²¹

168. This commitment was entered into as a direct result of the ongoing conflict and was intended to mitigate the impact of the conflict on the people of the Sudan.⁴²² Importantly, this agreement is considered an 'over and above commitment', consistent with the legally binding rules of international humanitarian law and does not replace the obligations under it, and by implication includes IHRL.⁴²³ The salient feature of the declaration was the focus on civilian protection and access to humanitarian aid. It also provided 'not to use checkpoints to infringe on movement, vacate and refrain from occupying public and private facilities and treat people deprived of liberty humanely. This declaration was preceded by another significant instrument, namely, the Juba Peace Agreement (JPA), that was signed on 3 October 2020.

The Juba Peace Agreement

169. This agreement is considered complex but important for future constitution making and development of Sudan's governance architecture. Its significance lies in (a) being a peace accord between warring parties, which is immediate and (b) to facilitate a democratic transition, which is futuristic and perhaps more significantly (c) to be used as a tool, to address issues of marginalisation and what are considered entrenched historical injustices.⁴²⁴ Following the signing of the JPA, the Constitutional Charter was amended to incorporate that agreement.⁴²⁵ The inclusion of the JPA signalled the importance of peace, at least at the time, for the parties to the agreement. The constitutional implications are beyond the scope of this report save

Armed Forces Law of 2007, The Rapid Support Forces Law of 2017, as amended in 2019, Weapons, Ammunition and Explosives Act, 1986, National Council of Child Welfare Law of 2008, Anti-Human Trafficking Act, 2014, Child Law of 2010, National Human Rights Commission Act, 2009; Public Prosecution Law, 2017.

⁴²¹ Available at <https://2021-2025.state.gov/jeddah-declaration-of-commitment-to-protect-the-civilians-of-sudan/> accessed 7/6/25. Also see ACHPR/Res.563(LXXVI)2023 'Resolution on the serious deterioration of the human rights situation in the Republic of the Sudan because of the continuation of the war that broke out on 15 April 2023, para 4.

⁴²² Preamble, para 1.

⁴²³ Preamble, para 7.

⁴²⁴ See full discussion on this aspect in para 26,32 of the context and para 135-137 of thematic violations on ethnic and racial discrimination, parts of the FFM report.

⁴²⁵ See available at http://www.constituteproject.org/constitution/Sudan_2019, accessed on 26 April 2025. Nasredeen Abdulbari 'The Case for Amending the Transitional Constitutional Charter to Incorporate the Juba Agreement for Peace in Sudan', JURIST- Professional Commentary, 21 December 2020, available at <https://www.jurist.org/commentary/2020/12/nasredeen-abdulbari-juba-constitution-sudan/> and also see Zaid Al-Ali 'The Juba Agreement for Peace in Sudan: Summary and Analysis' 2021, available at <https://www.idea.int/sites/default/files/publications/the-juba-agreement-for-peace-in-sudan-en.pdf> accessed 13/6/25.

to state that on face value it does not carry negative consequences for the human rights imperatives provided for in the Constitutional Charter, which are also carried through in the JPA. In its preambular provisions it affirms the letter and spirit of the States' responsibility to protect the rights of their citizens.⁴²⁶

Regional Level

170. In carrying out its mandate, the FFM, located its investigation within the spirit of the Constitutive Act of the AU, under which member states committed to promote peace, security and stability on the continent, promote and protect human and peoples' rights in accordance with the African Charter and other relevant human rights instruments, and collectively intervene in a member state in cases of grave circumstances, namely war crimes, genocide, and crimes against humanity.⁴²⁷
171. The Republic of the Sudan has also ratified the following African human rights instruments: the African Charter on the Rights and Welfare of the Child (ACRWC);⁴²⁸ and the attendant Optional Protocol on the involvement of Children in Armed Conflict;⁴²⁹ the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (Refugee Convention);⁴³⁰ the African Charter on Democracy, Elections and Governance,⁴³¹ and the African Youth Charter.⁴³²
172. The Sudan has neither signed nor ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol); the Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Rights to a Nationality and the Eradication of Statelessness in Africa (African Nationality and Statelessness Protocol).
173. The Sudan has signed but not ratified, the Protocol to the African Charter on the Rights of Women (Maputo Protocol).⁴³³ However, it must refrain from acts which would defeat the objects and purpose of the treaty.⁴³⁴ Further, Article 18(3) of the African Charter places an obligation on state parties to "ensure the elimination of

⁴²⁶ <https://peacemaker.un.org/sites/default/files/document/files/2024/05/juba20agreement20for20peace20insuda.pdf> accessed 26 April 2025.

⁴²⁷ See Constitutive Act Arts 3(f), 3(h) & 4(h), and ACHPR/Res.117/XXXII)07 'Resolution on Strengthening the Responsibility to Protect in Africa' Africa, paras 2 and 5.

⁴²⁸ Ratified 3 August 1990.

⁴²⁹ Ratified 30 July 2005.

⁴³⁰ Ratified 24 December 1972.

⁴³¹ Ratified 19 June 2013.

⁴³² Ratified 30 June 2008. Also see Preamble, arts Arts 2, 17.

⁴³³ Signed 30 June 2008.

⁴³⁴ See SV Scott *International Law & Politics* (2006) 63, Vienna Convention on the Law of Treaties (1969), Art 18.

every discrimination against women and also ensure the protection of the rights of women and child as stipulated in international declarations and conventions.”⁴³⁵ As such, even though the Maputo Protocol is the first standalone instrument on the rights of women in Africa, it is not the first to extend protections of women’s rights or prohibit non-discrimination. Accordingly, it should be seen as expanding the rights already recognised under the African Charter.⁴³⁶

174. The FFM notes that, although the Sudan has neither signed nor ratified the Kampala Convention, it remains bound by the legal duties enshrined in the instruments referenced under Article 20 of the Convention. This provision underscores that internally displaced persons, irrespective of their legal status, are entitled to the protections afforded by the African Charter on Human and Peoples’ Rights, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, international human rights law, and international humanitarian law. Consequently, while Sudan is not directly bound by the Kampala Convention itself, it is nonetheless subject to the binding obligations of the regional and international legal instruments to which it is a party, which apply in their entirety to internally displaced persons within its territory.⁴³⁷

175. Additionally, the Commission also relies on the following soft law to discharge its mandate, namely, the Communications procedure,⁴³⁸ protection and promotion missions, urgent appeals, Resolutions,⁴³⁹ General Comments, Recommendations to States, statements, Special mechanisms and country rapporteurs, and decisions from the African Court, where applicable.⁴⁴⁰

176. The task of interpreting these norms lies with the African Commission,⁴⁴¹ the African Court on Human and Peoples’ Rights,⁴⁴² and the ACERWC.⁴⁴³

International level

⁴³⁵ DM Chirwa ‘*Reclaiming (Wo)manity: The Merits and Demerits of the African Protocol on Women’s Rights*’ (2006) *Netherlands International Law Review*, LIII: 63, 70.

⁴³⁶ *Ibid.*

⁴³⁷ See full set of Article on Saving Clause, specifically Article 20(2). The spirit of these provisions are also reflected in the Jeddah Declaration and Juba Agreement of Peace.

⁴³⁸ Art 55 of African Charter.

⁴³⁹ Resolution on the serious deterioration of the human rights situation in the Republic of the Sudan as a result of the war, available at <https://achpr.au.int/en/adopted-resolutions/563-resolution-serious-deterioration-human-rights-situation-rep> accessed 7/6/25. <https://achpr.au.int/en/adopted-resolutions/563-resolution-serious-deterioration-human-rights-situation-rep> accessed 7/6/25. Also see ACHPR /Res 93(LXXXVIII)05 ‘Resolution on the situation of HR in the Darfur Region, Sudan.

⁴⁴⁰ African Commission Report (2019): ‘Addressing Human Rights Issues in Conflict Situations: Towards a More Effective Role for the African Commission on Human and People’s Rights’ (ACHPR Human Rights in Conflicts Report), para 95.

⁴⁴¹ Article 45, ACHPR African Charter.

⁴⁴² Protocol to the African Charter on Human and People’s Rights on the Establishment of an African Court on Human and People’s Rights (1998/2004), art 1 & 2.

⁴⁴³ See Articles 32 & 42 of the AfricanACRWC.

International Human Rights Law

177. As mentioned above, the FFM references norms and standards under international law in line with article 60 and 61 of the African Charter.⁴⁴⁴ The Sudan has ratified the following international human rights instruments: the International Covenant on Civil and Political Rights (CCPR),⁴⁴⁵ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),⁴⁴⁶ the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),⁴⁴⁷ Convention Relating to the Status of Refugees, 1951, and its attendant Protocol Relating to the Status of Refugees, 1967,⁴⁴⁸ the International Convention for the Protection of All Persons from Enforced Disappearance (CPPED),⁴⁴⁹ Convention on the Rights of the Child (CRC),⁴⁵⁰ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC),⁴⁵¹ and the Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography,⁴⁵² United Nations Convention on the Rights of Persons with Disabilities (CRPD).⁴⁵³

International Humanitarian Law (IHL)

178. The jurisprudence of the African Commission and the Commission's Study prepared within the framework of the ACHPR Resolution 332 indicate that for 'conflict situations in which IHL applies, the African Commission resorts to the applicable IHL rules on the basis of Articles 60 and 61 of the African Charter. Consequently, instead of making a finding on the existence of a violation of IHL, the Commission uses, as it did in the *Thomas Kwoyelo v Uganda*,⁴⁵⁴ the IHL standards, rather than the normal human rights standards, for assessing existence of violations, to determine violations of the African Charter rights.⁴⁵⁵ Additionally, provisions in several African Human Rights instruments, extend the application of the customs and rules of IHL in situations of armed conflict.⁴⁵⁶ The Sudan has ratified the following IHL instruments: the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field (First Geneva Convention, 1949);⁴⁵⁷ the Convention for the Amelioration of the Condition of Wounded, Sick and

⁴⁴⁴ 'The Commission shall draw inspiration from international law on human and people's rights [...]'.

⁴⁴⁵ Ratified 18 March 1986.

⁴⁴⁶ Ratified 10 August 2021. The Sudan has accepted the Inquiry procedure under the CAT, Art 20.

⁴⁴⁷ Ratified 21 March 1977.

⁴⁴⁸ Ratified 22 February 1974.

⁴⁴⁹ Ratified 10 August 2021.

⁴⁵⁰ Ratified 3 August 1990.

⁴⁵¹ Ratified 26 July 2005.

⁴⁵² Ratified 2 November 2004.

⁴⁵³ Ratified 24 April 2009.

⁴⁵⁴ Communication 431/12, paras 149-155.

⁴⁵⁵ See ACHPR Human Rights in Conflicts Report), (n.416) above, 28.

⁴⁵⁶ See Articles 22 ACRWC, 11 Maputo Protocol, para 13 of the General Comment No.3 of the African Charter. Also see Resolution 1325(2000) adopted by SC at its 4213th meeting on 31 October 2000, para 9.

⁴⁵⁷ Ratified 23 September 1957.

Shipwrecked Members of Armed Forces at Sea (Second Convention, 1949);⁴⁵⁸ the Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention, 1949); the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (Fourth Geneva Convention of 1949);⁴⁵⁹ and the Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflict (Protocol II, 1977)⁴⁶⁰ and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction (Ottawa or Landmines Convention, 1997).⁴⁶¹

179. The FFM considers the conflict in the Sudan to be a non-international armed conflict (NIAC). This is because it meets the core elements of NIAC, (a) it's taking place in the territory of Sudan; (b) the violence is intense (c); it involves two parties, one which is a state actor (SAF) and the other a non-state actor, RSF⁴⁶² who is well organised.⁴⁶³ In times of armed conflict, IHL is the primary normative law regulating engagement among combatants which includes protection of civilians and civilian objects.⁴⁶⁴

Section II: Legal Findings

Assessment of facts based on applicable principles, rules and norms

180. The FFM based its factual findings on the following legal qualifications: -

Violations of the Right to Life (Killing of civilians during attacks, extrajudicial killings & ethnic based killings.)

181. The right to life is inviolable and firmly established in Article 4 of the African Charter.⁴⁶⁵ In its General Comment No.3 the Commission reaffirmed that the right to life cannot be suspended or limited under any circumstances, and placed both positive and negative obligations on states to guarantee this right.⁴⁶⁶ These

⁴⁵⁸ Ibid.

⁴⁵⁹ Ratified 23 September 1957.

⁴⁶⁰ Ratified 13 July 2006.

⁴⁶¹ Ratified 13 October 2003.

⁴⁶² RSF is considered a rebel group- see para 1 of National Committee Investigation Second Interim Report', also see para 27 at factual findings. Also see Rapid Support Services Act 2017?

⁴⁶³ See Communication 431/12- Thomas Kwoyelo v Uganda, (n.431) above para 143-144. Also see ACHPR Human Rights in Conflicts Report, (n.416) above, 23 para 48-51.

⁴⁶⁴ Ibid, ACHPR Human Rights Report, 23 para 46-47.

⁴⁶⁵ Also see Article 6 ICCPR.

⁴⁶⁶ ACHPR General Comment No. 3: Right to Life. Also see HRC, General Comment No.36: Article 6 right to life, paras 7, 10, 12, available at <http://documents.un.org/doc/undoc/gen/g19/261/15/pdf/g1926115.pdf> accessed 16/6/25.

obligations include the obligation to prevent arbitrary killings by both state and non-state actors; to exercise reasonable care and diligence in preventing such violence; and to investigate and hold liable those responsible for unlawful killing.⁴⁶⁷

182. It is evident from the FFM's documentation that both the SAF and the RSF, are responsible through their actions for violations of the right to life. Additionally, as the de facto state, the SAF carries additional responsibility to ensure, the preservation and protection of life.⁴⁶⁸ The FFM, documented incidents of, civilian killings, ethnic based killings, extrajudicial killings and torture, committed in complete disregard of sanctity for human life.⁴⁶⁹

Killing of civilians during attacks.

183. The attacks, attributed to ongoing clashes between the SAF, the RSF, and affiliated militias, have increasingly permeated civilian areas, leading to significant loss of life and property. The FFM has also recorded instances of bombardments targeting hospitals, schools, internally displaced persons shelters, and residential homes.⁴⁷⁰ The FFM considers these attacks to be indiscriminate⁴⁷¹ because they typically, (a) were not directed at specific military objectives; (b) often employed a method or means of warfare which cannot be directed at a specific military objective or person and (c) employed a method or means of combat which cannot be limited as required under IHL.⁴⁷²
184. The deliberate targeting of civilians and civilian infrastructure violates several provisions of the African Charter specifically Article 4 (right to life), Article 5 (prohibition of torture and cruel, inhuman, or degrading treatment), and Article 6 (right to liberty and security of person).⁴⁷³

Extra Judicial Killings

⁴⁶⁷ Ibid.

⁴⁶⁸ See R Murray, above (n 430), at 91.

⁴⁶⁹ See General Comment No.3: On the Right to Life, 13.

⁴⁷⁰ This is a flagrant disregard of IHL rules under Protocol I, Art 51(5)(a), referenced here as a custom, considering the absence of a similar provision in Protocol II, save for what is provided for in Article 4 of the Protocol.

⁴⁷¹ See Rule 12 Definition of Indiscriminate Attacks, and that despite not having a specific provision on this aspect in Protocol II, this definition is inferred. Also see Protocol I, Article 51 (4), which prohibits indiscriminate attacks against civilians (as a customary rule), to provide content and/or fill the gaps under IHL Protocol II and applicable African Charter rights.

⁴⁷² Indiscriminate attacks: How does law protect in war?-Online casebook available at https://casebook.icrc.org/a_to_z/glossary/indiscriminate-attacks accessed 15/6/25.

⁴⁷³ See Protocol II, Art 4(2)(a), prohibits 'any form of corporal punishment, torture, mutilation, or other acts that endanger the life, health, or physical or mental well-being of person.

185. Extrajudicial killings are among the most serious human rights abuses.⁴⁷⁴ It involves extrajudicial murders, which are intentional unlawful killings committed by state or non-state actors without following the proper legal procedures.
186. The FFM has gathered credible evidence that both the SAF and the RSF have engaged in extrajudicial killings. These incidents, affects several provisions of the African Charter, namely, Article 4 on the inviolability of life and that no one may arbitrarily take it, Article 5, on protection of dignity and prohibition of cruel, inhuman and degrading treatment. In *Zimbabwe Human Rights NGO Forum v Zimbabwe* (2006),⁴⁷⁵ the Commission found that state authorities had violated their obligation to protect the right to life by failing to stop or investigate political killings that followed election - related violence. The Commission's General Comment No.3 on the right to life (2015), affirms that states must prevent arbitrary killings and investigate deaths, including in conflict and counter-terrorism operations.⁴⁷⁶

Ethnic Based Killings

187. The FFM has documented incidents of ethnically targeted violence committed by both the SAF and the RSF. Witness accounts and credible reports indicate that the RSF targeted individuals on the face of because of their ethnic identity.⁴⁷⁷ These attacks included both killings and massacres.
188. Ethnically motivated violence constitutes a serious violation of several rights of the African Charter. The affected rights are the inviolability of life (Article 4); non-discrimination (Article 2); equality before the law (Article 3), the right to dignity and freedom from torture, cruel, inhuman or degrading treatment or punishment (Article 5) and importantly, Article 19, which dictates against domination of a people by another and affirms equality of all peoples as well as the right of a peoples to existence under Article 20(1) of the African Charter.
189. In the case of *Democratic Republic of the Congo v Burundi, Rwanda and Uganda*,⁴⁷⁸ the Commission found that the killings, massacres, rapes, mutilations and other grave human rights violations constituted a flagrant violation of Article 2 of the African Charter when deliberately targeting individuals of a particular ethnic group resulting

⁴⁷⁴ ACHPR/Res.519 (LXXI)2022 'Resolution on the Need to Conduct a Study on Extrajudicial Killings in Africa', adopted at 71st Ordinary session, held virtually, from 21 April-13 May 2022, paras 9-10.

⁴⁷⁵ Heyns and Killander(2013) 'Compendium of Key Human Rights Documents of the AU, 351, Communication 245/02, para 143.

⁴⁷⁶ See General Comment No. 3, para 7.

⁴⁷⁷ Ibid, para 9: the state can be held liable for actions of non-state actors.

⁴⁷⁸ Heyns & Killander, 263, paras 79-80..

in deaths, or any other violations of the Charter constituted serious violations of the African Charter.

190. The FFM emphasizes that targeting individuals based on their ethnic identity is a grave breach of international law and calls for immediate and independent investigations to ensure accountability for these violations.

Violation of the Right to Human Dignity (Torture, cruel, inhuman, degrading treatment)

191. The right to human dignity, is inherent respect owed to every individual simply because they are human. Actions of exploitation and degradation, as seen happen in the conflict in the Sudan are elements of the violation of this right and are consequently prohibited under the African Charter, and no restrictions are allowed. The FFM has recorded incidents that constitute a violation as set out below:-

Prohibition of Torture

192. Torture, prohibited under Article 5 of the African Charter., It is the infliction of severe pain or suffering, intentionally, for a 'specific purpose' such as to punish, coerce, intimidate or 'for any reason based on discrimination', or to obtain information typically with the involvement, consent or knowledge of or condoned by state authorities.⁴⁷⁹
193. The FFM documented, the following acts, which are consistent with the jurisprudence of the African Commission, to be a violation, of Article 5 namely, but not limited to, practices such as electrocution;⁴⁸⁰ sexual violence, severe beatings;⁴⁸¹ strangulations; denial of access to medical services following assaults,⁴⁸² harsh interrogation techniques, and acts causing prolonged suffering.⁴⁸³ The African

⁴⁷⁹ See Report on Article 5 of the African Charter's Jurisprudence by Committee for the Prevention of Torture (Africa Torture Report), 5, para 8. Also see Communication 288/2004 *Gabriel Shumba v Republic of Zimbabwe*, paras 142-145,164,167. Also see in the context of conflict, in particular, the Commission emphasised states' obligations not to invoke circumstances such as a state of war, threat of war, internal political instability or any other public emergency, and their obligation not to use notions such as "necessity," "national emergency," "public order," or "superior orders" to justify the use of torture, cruel, inhuman or degrading treatment or punishment, see Commission Nationale de Droit de L'Homme des Libertes v Chad (2000) AHRLR 66 (ACHPR 1995), in Heyns and Killander, 257, para 21-22.

⁴⁸⁰ Ibid.

⁴⁸¹ See *International Pen and Others (on behalf of Saro-Wiwa) v Nigeria* (2000) AHRLR 212(ACHPR 1998), 291-293, in Heyns & Killander.

⁴⁸² See Communication 292/2004(2008)-*Institute for Human Rights and Development in Africa v Angola* in Heyns and Killander, 284 at para 51.

⁴⁸³ See (n.418) above, para 13-14 on 'Specific acts falling under Art 5 in Africa Torture Report, 6-7.

Charter and the CAT, both establishes a binding obligation⁴⁸⁴ on states to prevent, investigate, punish and redress for all acts of torture within its jurisdiction.⁴⁸⁵

Protection against cruel, inhuman and degrading treatment

194. The corollary protections of cruel, inhuman and degrading treatment are also provided for under Article 5 of the African Charter. The Commission, has also affirmed that acts that constitute these prohibitions is to be “interpreted as widely as possible, to encompass the widest possible array of physical and mental abuses.”⁴⁸⁶ In this instance, the Commission also affirmed that ‘the acts do not need to cause serious physical and psychological suffering, as acts which humiliate and individual or force them to act against their will or conscience can suffice.’⁴⁸⁷ For example, in *Huri-Laws v Nigeria*,⁴⁸⁸ the Commission held that denial of adequate conditions of detention including prolonged isolation, unhygienic environments and denial of medical care, may constitute inhuman treatment and therefore a violation of Article 5 of the African Charter. Degrading treatment, on the other hand, is often associated with humiliation or debasement and impacts on dignity, or self -worth and involved incidents recorded by the FFM of forced nudity, threats, verbal abuse or social exclusion.⁴⁸⁹

195. The FFM has documented, several incidents, some of which has been highlighted in the thematic part of the report, that meet these requirements and therefore amount to violations of the African Charter, consistent with the jurisprudence of the African Commission.

Enforced Disappearances

196. Enforced disappearance is considered a ‘grave human rights violation’ of several rights enshrined in the African Charter, notable of which are life (Article 4), the prohibition of torture and cruel, inhuman, or degrading treatment (Article 5); the right to liberty and security of person (article 6) and right to a fair trial (Article 7) and protection of family, under Article 18(1).⁴⁹⁰

⁴⁸⁴ The prohibition of torture is an *erga omnes* obligation- absolute norm under international law, recognized as a rule of customary international law with the status of *jus cogens* norm. This means that it is binding on all states, without exception, even in times of conflict. See full discussion and the cases referred to therein in K. Mwenda (2021) ‘Contemporary Issues in International Law’, 25-26.

⁴⁸⁵ ACHPR General Comment No. 4 on Article 5: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment, adopted 4 March 201, paras 21-28.

⁴⁸⁶ See *Doebler v Sudan* (2003) AHRLR 153(ACHPR 2003), Heyns & Killander, 271., paras 36-37. Also see Communication 225/98[*Huri-Laws v Nigeria* (2000) AHRLR 273(ACHPR 2000)]], Heyns and Killander, 281, paras 40-41. Also see ACHPR Report on Art 5, para 9 on page 6(numbering error shows para 9 repeated twice, first on pages 5 and on 6 of report) .

⁴⁸⁷ Ibid. Also see full discussion as cited in fn 10, of ACHPR Africa Torture Report, para 9 on page 6.

⁴⁸⁸ See Communication 225/98[*Huri-Laws v Nigeria* (2000) AHRLR 273(ACHPR 2000)], Heyns and Killander, 281, paras 40-41.

⁴⁸⁹ See (n 466) above.

⁴⁹⁰ In *Zegveld v Eritrea*, the Commission held, that the state’s refusal to confirm the fate of the detained persons amounted to multiple violations under these Articles, (2003) AHRLR 84(ACHPR 2003,above, 350.

197. Consistent with existing human rights standards, the Commission developed 'Guidelines on the Protection of All Persons from Enforced Disappearances in Africa, to provide further clarity of this right.'⁴⁹¹ Given the range of rights it affects, it consists of five fundamental components under both the African Charter and international law.⁴⁹² Consequently, a finding of a violation should more or less consist of acts, that cover the core elements as set out in the definition of enforced disappearance, namely, (a) deprivation of liberty; (b) involvement of state officials; (c) refusal to acknowledge the deprivation; (d) concealment of the fate or whereabouts and (e) the prolonged and ongoing nature of the violation.⁴⁹³
198. In *Zegveld and Ano v Eritrea*, the Commission found that 'the disappearance and secret detention of political opponents constituted a continuous and ongoing violation of these rights'.⁴⁹⁴ Under CPPED, the protection does not even allow for exceptions, even in times of war or emergencies.⁴⁹⁵ Instead, states are under an obligation to criminalise enforced disappearances, make it a punishable offence, search for the disappeared, investigate and provide victims with access to justice and reparations.⁴⁹⁶
199. The FFM recorded, incidents that meet these requirements and that are consistent with the jurisprudence of the Commission and relevant African Charter and other international human rights norms.

Conflict Related Sexual Violence (CRSV)

200. It is evident, that repeatedly, and with every conflict, 'violence against women and girls including rape and other forms of sexual violence continue to remain persistent and widespread in conflicts in Africa and the perpetrators enjoy impunity.'⁴⁹⁷ The FFM has recorded several incidents, that qualify as CRSV and for which the Sudan, must be held liable, including non-state actors, that have been found violating multiple rights, more generally, under the African Charter and specifically the Maputo Protocol.⁴⁹⁸

⁴⁹¹ Adopted at the 71st Ordinary Session, held virtually from 21 April to 13 May 2022.

⁴⁹² HRC: General Comment No.36, Article 6: Right to Life, para 58, available at <https://documents.un.org/doc/undoc/gen/g19/261/15/pdf/g1926115.pdf> accessed 16/6/25.

⁴⁹³ See Art 2 CPPED. Also see R Murray (2019) 'The African Charter on Human and People's Rights: A Commentary, 258-260.

⁴⁹⁴ Para 55, Communication 250/2002, available at <https://africanlii.org/akn/aa-au/judgment/achpr/2003/52/eng@2003-11-2> accessed 15/6/25.

⁴⁹⁵ Art 1(2) CPPED.

⁴⁹⁶ See General Comment No.3 para 15.

⁴⁹⁷ ACHPR Res.492(LXIX)2021 'Resolution on Violence against Women in armed conflicts in Africa', para 7.

⁴⁹⁸ See Res 1325 above, para 10.

Rape

201. Rape is a violation of several rights under the Maputo Protocol, notably, right to dignity (Article 3) and the right to life, integrity and security of the person (Article 4). In terms of Article 11, special protections are extended for women in armed conflict, and states are enjoined to ensure, protections against, 'rape'.⁴⁹⁹ The African Commission has consistently recognized that sexual violence, including rape, constitutes a grave violation of fundamental rights, including the right to dignity, personal security, and bodily integrity. In *EIPR & Interights v Egypt*,⁵⁰⁰ the Commission observed that sexual violence was an act of GBV and were often used to silence women and deter them from participating in protests. Consequently, it found that several rights of the African Charter were violated.

Gang Rape

202. Gang rape is the non-consensual sexual penetration of a person by multiple perpetrators. This act constitutes violation of inherent dignity, and integrity and security of a person under the African Charter.⁵⁰¹ All forms of exploitation, which includes, freedom from sexual violence and degradation are prohibited. The ongoing conflict continues to be a dictate against 'unwanted or forced sex' and therefore a violation of Article 4(2)(a) of the Maputo Protocol.⁵⁰²

203. In *Egyptian Initiative for Personal Rights (EIPR) & Interights v Egypt*,⁵⁰³ the Commission ruled that rape committed by state agents during protests amounted to sexual violence, specifically targeting women, because of their gender violating multiple rights and a dereliction of duty on the part of the state. The FFM has documented multiple acts that constitute a violation of these provisions.⁵⁰⁴

Sexual Slavery

204. Sexual slavery refers to the conditions of enslavement and sexual abuse that leaves particularly women and girls, vulnerable to repeated sexual exploitation.⁵⁰⁵ The FFM has documented incidents of sexual violence that violates Article 5 of the African Charter, and Articles 3 and 4 of the Maputo Protocol. Article 3 guarantees the right

⁴⁹⁹ See Article 11(3), Maputo Protocol.

⁵⁰⁰ [Communication 323/2006(2011)]. The Commission referenced Arts 1,2,3,5, &18(3) of the African Charter in its decision, see Heyns and Killander, 273-274, paras 152, 166 & 275.

⁵⁰¹ ACHPR/Res.492(LXIX)2021' Resolution on Violence against Women in armed conflicts in Africa, paras 2,3.

⁵⁰² Also see Arts 2,3,8 and 11 of Maputo Protocol.

⁵⁰³ Communication 323/2006(2011), Heyns & Killander, 273, para 142 and 152.

⁵⁰⁴ See paras 72-75 of factual findings.

⁵⁰⁵ See ACHPR/Res.283(LV)2014 'Resolution on the Situation of Women and Children in Armed Conflict, para 7. Also see Wendy Chapkis 2016 Sexual Slavery in The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies available at https://www.researchgate.net/publication/316227991_Sexual_Slavery.

to dignity and protection from exploitation, whilst Article 4 imposes an obligation that the right to life, integrity and security be protected and prohibits all forms of violence against women.⁵⁰⁶ In *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v Sudan*,⁵⁰⁷ the African Commission held that ‘widespread sexual violence in Darfur violated articles 4 and 5 of the Charter’.⁵⁰⁸ In particular, that the acts amounted to grave breaches of physical and psychological integrity.⁵⁰⁹ The State is obligated to investigate these crimes, hold perpetrators accountable, and provide survivors with effective remedies, including access to medical, psychological, and legal support.⁵¹⁰ Survivors of sexual violence must be treated with dignity, and their access to justice must be facilitated without discrimination.⁵¹¹

Violations of Liberty and Security of Person (Arbitrary arrests, unlawful detention and enforced disappearances)

205. Liberty is the individual’s fundamental freedom to choose and live without undue interference. Consequently, people have a right to life, liberty and security of the persons. This typically, includes the freedom from arbitrary detention and the right to be treated with respect and fairness. Security of the person emphasises the protection of individuals from violence and abuse, often intertwined with the right to life and prohibition from torture.⁵¹² The FFM’s documented incidents of arbitrary arrest and detention, will demonstrate that these fundamental guarantees were systematically ignored, resulting in numerous cases of arbitrary detention.

Rights to liberty and security of the Person, the prohibition of Arbitrary Arrest and Detention

206. Arbitrary detention is often employed in times of conflict and political unrest and often linked to arbitrary arrest. It lacks a form of legal justification such as a warrant or court supervision and can involve incommunicado detention, mistreatment or denial of rights. The applicable provisions under the African Charter are Article 6 (protects the rights to liberty and security of the person and prohibits arbitrary arrest and unlawful detention), Article 5 (prohibits inhuman or degrading treatment which may result from arbitrary detention conditions) and Article 7 (guarantees the right to be heard and access to legal remedies).⁵¹³

⁵⁰⁶ See provisions of the Maputo Protocol,

⁵⁰⁷ Communications 279/03-296/05, paras 145,151.

⁵⁰⁸ See ACHPR Res 492 above, para 6.

⁵⁰⁹ Ibid.

⁵¹⁰ See ACHPR/Res 111(XXXXII)07. ‘Resolution on the Rights to a Remedy and Reparations for Women and Girls of Sexual Violence, adopted at its 42nd Ordinary session, held in Congo Brazzaville, 28 November 2007, paras 1-2.

⁵¹¹ CRSV UN SG Report 2023, at paras 12,13,17, 64-65, available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/05/SG-2023-annual-reportsmallFINAL.pdf>

⁵¹² See available at <https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/> 18/6/25.

⁵¹³ ACHPR/Res. 4(XI) 92, adopted at 11th Ordinary session 9 March 1992; Resolution on the Right to Recourse and Fair Trial, paras 2-3.

207. In *Media Rights Agenda and Others v Nigeria* (2000),⁵¹⁴ the Commission found that the detention of journalist without charges or legal representation violated Articles 6 and 7 of the African Charter. In *Huri-Laws v Nigeria* (2000),⁵¹⁵ the repeated arrests and detentions of human rights activists without proper legal protocols were deemed arbitrary and a violation of due process rights.⁵¹⁶
208. These rights may be limited, which must also be justifiable, given the requirements under the general limitation clause in Article 27(2) of the African Charter. Many of the incidents documented by the FFM, were in wanton disregard of the 'Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, 2003'.⁵¹⁷
209. In the absence of a defined criminal charge that would enable a trial to determine the guilt or innocence of the accused, the continued detention of an individual then constitutes an unlawful detention,⁵¹⁸ and related fair trial rights such as presumption of innocence and the right against self-incrimination, as was the case with many of the incidents FFM documented.

Violations of Fundamental Freedoms (Expression, access to information, incitement of hatred, religion, association and assembly).

210. Fundamental freedoms are anchoring rights, in any democratic society and entail minimum guarantees. These rights are also cross cutting and are often used as tools for securing other rights, i.e. ESCR and are good for overall promotion and protection of human and people's rights.⁵¹⁹ Typically, states are restrained from interference, and Article 9 of the African Charter guarantees the right to expression, access and receipt of information. These rights, can be limited, but only under justifiable conditions consistent with principles of proportionality and other standards of international law, it must not cause a 'wholesale violation of human rights', if allowed it will make the right ineffective.⁵²⁰

⁵¹⁴ Communication 224/1998, (2000) AHRLR 200 (ACHPR 1998), in Heyns and Killander, 322, paras 83,87-88.

⁵¹⁵ Huri-Laws/Nigeria 225/98 available at <https://achpr.au.int/index.php/en/decisions-communications/huri-laws-nigeria-22598> accessed 12/6/25.

⁵¹⁶ See ACHPR 'Principles and Guidelines on the Rights to a Fair Trial and Legal Assistance in Africa, 2003, para 1 and C.

⁵¹⁷ The principles of a public hearing, independent tribunal, and a right to effective remedy, were visibly absent, in this instance. See full set of principles and guidelines. Also see rule 100 of IHL, for fair trial guarantees, available at <https://ilh-databases.icrc.org/en/customary-ihl/v1/rule100> accessed 17/6/25.

⁵¹⁸ See Diakonia IHL Centre 'Detention and Right to a Fair Trial in Armed Conflict: Interplay between IHL and IHRL' available at [...].

⁵¹⁹ ACHPR: Declaration of Principles of Freedom of Expression and Access to Information in Africa', adopted at 65th Ordinary session held from 21 October to 10 November 2019, para 8.

⁵²⁰ aboveAbove R Murray, 320.

211. The right to freedom of expression is protected under Article 9 of the African Charter, which guarantees the right of every individual to receive information and express their opinions freely.⁵²¹ In its jurisprudence, including the case of *Media Rights Agenda and Others v. Nigeria*,⁵²² the African Commission has affirmed that actions such as censorship, harassment of journalists, and suppression of differing opinions constitute violations of this fundamental right.⁵²³
212. Despite these guarantees, FFM documented multiple incidents where freedom of expression was suppressed in Sudan during the conflict. Journalists were harassed, media outlets were censored, and individuals were threatened or detained for expressing dissenting opinions.⁵²⁴ In none of these cases were the restrictions based on legitimate and demonstrable grounds. The suppression of freedom of expression occurred without adherence to the legal principles of necessity and proportionality, in violation of national, regional, and international law.

Violations of Freedom of Movement (Restrictions on displacement, returns, access to humanitarian aid)

213. Freedom of movement is protected under Article 12 of the African Charter. Article 12(1), first, recognises the right of ‘every individual, the right of freedom of movement and residence, this right includes IDPs. Second, this right encompasses the prerogative to move around freely without arbitrary confinement and the State does not have a right to interfere with this right. The use of checkpoints and sieges and access blockages goes against the spirit and intent of this provision.⁵²⁵
214. Freedom of movement is the rule, not the exception, in situations of armed conflict, the right of freedom of movement must not be restricted unless for “the safety of civilians or for military necessity such as clearing a combat zone or preventing the use of human shield.”⁵²⁶ The FFM recorded instances, that do not qualify under the requirements set out for this restriction and is therefore a violation of the right and an abdication of state responsibility.⁵²⁷ The FFM documented the following actions, that constitute a violation of Article 12 of the African Charter, namely, (a) strategic restrictions on movement, as a tool of territorial control, (b) the creation of barriers to safe return for displaced populations, and (c) the deliberate deprivation and obstruction of humanitarian aid access:-

⁵²¹ Ibid.

⁵²² Heyns and Killander, 319-320;(2000) AHRLR 200(ACHPR 1998), at paras 65-67.

⁵²³ Heyns & Killander, 316.

⁵²⁴ See paras 92-109 of factual findings above.

⁵²⁵ R Murry, , 327 ‘at fn 80, referencing, Communication 279/03-276/05 *Sudan Human Rights Organisation & COHRE v Sudan*, 27 May 2009, para 189 and that’ the freedom of movement, inclusive of ‘choice of residence’ together found, a right to protection from displacement’. Also see Art 4(4)(b) of Kampala Convention.

⁵²⁶ Ibid. Protocol II, Art 17.

⁵²⁷ See ACHPR General Comment No. 5 ‘On the Right to Freedom of Movement and Residence, Art 12(1).

Strategic restrictions on movement, as a tool of territorial control

215. The incidents documented through the FFM, do not fall within the permissible limitations envisaged under the African Charter. These incidents appear to be discretionary restrictions, that do not serve a legitimate aim, as envisaged under Article 12 of the African Charter. Instead, the State, as a primary duty bearer of obligations, subjected the victims to ‘double displacement’.⁵²⁸ The primary duty to ensure that IDPs, when they find themselves in that situation, are protected and assisted lies with States.⁵²⁹

The creation of barriers to safe return for displaced populations,

216. Consistent with their right of freedom to choose their residence, provided for under Article 12(1)⁵³⁰, IDPs, should enjoy this right without unreasonable restrictions and interference. Any action or law, if restrictive must be clear, whether it is (a) legitimate in a free and democratic society,⁵³¹ (b) what the legitimate aim is it seeks to achieve⁵³² and (c) the absence of less intrusive means.⁵³³ Any restrictions must be consistent with the spirit of both the Kampala Convention, and associated IHL standards. Once the reasons, for the displacement cease to exist the ‘displaced person has a right to voluntarily return in safety to their homes’.⁵³⁴

The deliberate deprivation and obstruction of humanitarian aid access

217. As a matter of cause, the existence of a conflict does not mean ‘civilians must be compelled to leave their own territory, for reasons connected to the conflict’.⁵³⁵ But when they do, and become internally displaced, the State has obligations, relating to protection and assistance, which means the duty to ‘provide protection and humanitarian assistance’ without discrimination.’⁵³⁶

⁵²⁸ See ‘Making the Kampala Convention work for IDPs: Guide for civil society on supporting the ratification and implementation of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, para 1.1, 6.

⁵²⁹ Arts 3 & 7 Kampala Convention. Also see ACHPR. Res 582(LXXVIII) 2024-Resolution on the need to take measures to reduce forced internal displacement in Africa, para 1(a) and (b).

⁵³⁰ Ibid. Also see (n.429) above para 20-21.

⁵³¹ , (n. 499) above, at para 15’ is a society where equality, human dignity, non-discriminations and freedom of expression prevail’

⁵³² Are those aims, consistent with Art 12(2), limitations that are with ‘due regard to the rights of others, collective security, morality and common interest.’ See (n.430) above: R Murray on Art 27(2),581-583 where she states that this provision is an essential balancing instrument and must be used cautiously to prevent eroding the rights provided by the Charter.

⁵³³ Ibid. Also see *Prince v South Africa* (2004) AHRLR 105 (ACHPR 2004) in Heyns and Killander, 326 para 43.

⁵³⁴ Ibid.

⁵³⁵ (n.456) above.

⁵³⁶ Art 5 of the Kampala Convention.

218. The incidents documented are a clear violation, of both the African human rights system, consisting of the African Charter and the Kampala Convention, and other human rights and humanitarian law norms and standards.⁵³⁷

Violations of Economic, Social and Cultural Rights (Rights to education, health, work, food, water, property and livelihoods)

219. Human rights are not only inalienable, interdependent and universal⁵³⁸ but they are undeniably, indivisible.⁵³⁹ The protection of human rights in conflict situations is even more, acute, thus placing an additional burden of vigilance on states to ensure, the rights set out in international human rights instruments, and for purposes of this report, the African Charter, the Maputo Protocol and other African human rights instruments are protected.⁵⁴⁰

220. The FFM documented incidents, show, although not primarily identified and widely reported on, the, violations of ESCR remain, of great concern and is evidenced in the following manner:

Destruction of civilian infrastructure, including a deliberate denial of socio- economic rights in conflict

221. The incidents recorded constitute a violation of several ESCR rights under the African Charter provisions, namely Articles 14(right to property);⁵⁴¹ 15(right to work), 16(right to enjoy the best attainable state of physical and mental health);⁵⁴² 17(right to education, cultural life, morals and traditional values); 18(family, and gender equality); 21(natural resources) and 22(right to economic, social and cultural development).⁵⁴³ Consistent with state obligations, more generally to respect, protect and fulfil, and specifically under Article 1, to take legislative and other measures to ensure the protection of human rights, even in times of conflict, the ongoing

⁵³⁷ General Comment no. 5, sets out five core elements, including some general limitations, which also does not affect the right to free movement, “unless for the safety of the civilians or for military necessity, such as clearing combat zone or preventing the use of human shield’.

⁵³⁸ The universal nature of human right remains contested, because of national, regional, historical and cultural peculiarities.

⁵³⁹ ACHPR/Res.73(LXXXVI)04 ‘Resolution on Economic, Social and Cultural Rights in Africa, adopted at 36th Ordinary session held from 23 November – 7 December 2004, at Dakar, Senegal, para 2. Also see para 4 of Preamble of ‘Declaration of the Pretoria Seminar on ESCR in Africa, ESCR Seminar, Pretoria, SA 13-17 September 2004. ‘Noting that despite the consensus of the indivisibility of human rights, ESCR remain marginalised in their implementation’.

Further see para I (4) of the Vienna Declaration and Programme of Action.

⁵⁴⁰ Ibid, para 8 ‘Deeply disturbed by the ongoing and longstanding conflicts in the region of Africa, which impede the realization of ESCR’.

⁵⁴¹ Ibid, ‘includes protection from arbitrary deprivation of property’, peaceful enjoyment of property’.

⁵⁴² Ibid. Availability of accessible and affordable health facilities, access to basic shelter, housing, and sanitation and adequate supply of safe and portable water’.

⁵⁴³ See ACHPR/Res. 73(XXXVI)/04 ‘Resolution on Economic, Social and Cultural Rights in Africa, adopted on 7 December 2004, in Dakar, Senegal, 36th Ordinary Session, held from 23 November to 7 December 2004, paras 1,4,5.

violations, in respect of ESCR, makes these rights rather illusory.⁵⁴⁴ Non-discrimination and equality before the law or opportunity, anchors ESCR, although FFM finding recorded in this report, show a pattern of violation of these fundamental principles of human rights protection, further exacerbating the vulnerability of ESC rights.

222. The recorded examples of destruction of homes, businesses and essential infrastructure, could in some instances, violate rights to life, dignity, association, security and equality before the law. But insidiously, it also violates the right to shelter, employment, possible mental and physical health and even education. Elsewhere in this report, FFM recorded, the bombardment of schools and hospitals, directly impacting these ESC rights.⁵⁴⁵
223. In *Centre on Housing Rights and Evictions (COHRE) v Sudan*, the Commission found that the destruction of villages, the widespread looting of possessions, and the forced displacement of communities that occurred during the conflict constituted serious violations of Article 14.⁵⁴⁶ It explicitly linked these acts to violations of other fundamental human rights, including the right to human dignity, the right to life, and the right to development, highlighting the interconnectedness of these rights and the far-reaching impact of such actions on individuals and communities. In the COHRE decision, the court found that these rights encompass both positive duties (ensuring access i.e. to essential services and goods) and negative obligation(non-interference).⁵⁴⁷
224. In particular, the Commission, reaffirmed that socio-economic deprivations can constitute violations of the right to life itself when they are predictable and preventable.⁵⁴⁸ In addition to physically limiting access to essential services, the destruction of critical infrastructure, especially as is evidenced in the documented incidents, also undermines the conditions required for human survival and dignity. In parallel, the deliberate obstruction of humanitarian aid, whether through blockades, denial of access or manipulation of relief, or demanding sex in return for aid, has been found to be violations of African Charter rights to life, dignity and health.⁵⁴⁹
225. General Comment No 4, on the right to redress reinforces the obligation of states to provide effective remedies and reparations for victims of violations related to

⁵⁴⁴ See *Media Rights and Another* above, para 70.

⁵⁴⁵ See paras 37 and 120 of factual findings.

⁵⁴⁶ See [(2009) AHRLR 153 (ACHPR 2009)] in Heyns and Killander, 347/8, para 205.

⁵⁴⁷ See *Social and Economic Rights Action Centre (SERAC) and Another v Nigeria* [(2001) AHRLR 60(ACHPR2001)] in Heyns and Killander, 336,341 para 45-48.

⁵⁴⁸ General Comment 3 on the Right to Life.

⁵⁴⁹ *COHRE v Sudan*, Commission held denial of humanitarian access to war affected populations (such as Sudan) exacerbated health crises and famine (as is happening in Sudan, as we write this report), amounting to inhuman and degrading treatment. Also see Arts 13, 14, 15, 16, & 18 of the Maputo Protocol.

torture, cruel, inhuman, or degrading treatment or punishment, the spirit of which can be imputed to, instances where socio-economic rights are denied because of conflict related policies.⁵⁵⁰

Violations against Children (Recruitment and use of child soldiers, exploitation, including sexual exploitation)

226. The African Charter on the Rights and Welfare of the Child (ACRWC) defines a child as any human being below 18 years old.⁵⁵¹ The considerations of legal qualifications is done, with reference to the obligations set out in Article 1. It is trite, whether in war or in peace time, the protection of the rights and welfare of the child, are anchored around principles, of 'the best interest of the child;' (Article 4), 'non-discrimination' (Article 3), 'right to participation' (Article 7) and 'the right to life, survival and development' (Article 5).⁵⁵² States have an overarching obligation to first, recognise the rights as set out in ACRWC and second take measures to enhance and protect them.⁵⁵³ The FFM has documented incidents that violate several protected rights under the ACRWC:-

Conscription to engage in active combat

227. Article 22(2) of the ACRWC explicitly prohibits the recruitment and use of children in armed conflict. The FFM documented incidents where children were coerced, manipulated, or forcibly recruited into armed groups by the RSF, engaging in activities directly related to combat. These incidents demonstrate a clear pattern of violations involving the recruitment and use of child soldiers, which contravene national, regional, and international legal standards.⁵⁵⁴ The use of children in armed conflict exposes them to severe physical and psychological harm and deprives them of their fundamental rights. These incidents also violate several other rights of the child, such as health, education, exposes them to torture, sexual abuse, violence and related exploitation.⁵⁵⁵

228. The documented use of child soldiers in Sudan represents a serious violation of these legal frameworks, reflecting a pattern of coercion and abuse that deprives

⁵⁵⁰ ACHPR/Res.578 (LXXVII) 2023, Resolution on the human rights situation and humanitarian crisis caused by the ongoing conflict in the Republic of The Sudan. Also see United Nations, Report of the Special Rapporteur on the right to food, A/75/219(2020), also see United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Access and the Protection of Civilians in Armed Conflict, 2021.

⁵⁵¹ See Article 2.

⁵⁵² See 'Guiding Principles in para 1.5, in Guidelines on Ending Violence Against Children, available at <https://www.acerwc.africa/sites/...> accessed 21/6/25.

⁵⁵³ See Article 1. Also see General Comment No.5: On State Party Obligations under the African Charter on the Rights and Welfare of the of the Child (Article 1) and Systems Strengthening for the Child Protection, 2018.

⁵⁵⁴ See General Comment on Article 22 of the ACRWC: Children in Situations of Conflict, September 2020.

⁵⁵⁵ Ibid.

children of their rights, endangers their lives, and causes lasting psychological trauma.⁵⁵⁶

Killings targeted at children

229. The unlawful killing of children, especially in conflict or communal violence, constitutes a fundamental breach of the right to life under the African human rights system.⁵⁵⁷ Article 5 guarantees the right to life, survival and development under the ACRWC and under the African Charter, the right to life is inviolable.⁵⁵⁸ The Commission found that the killings targeting specific communities, including children violated the right to life.⁵⁵⁹ It is considered the state's failure to prevent or respond, to incidences that violates the right of children. In *Amnesty International v Sudan*, the Commission held, that systematic killings of members of specific members of specific ethnic groups, including children (*emphasis added*) constituted violations of Articles 4 and 5 of the African Charter.⁵⁶⁰

*Sexual violence against children.*⁵⁶¹

230. Sexual violence against girls is among the gravest violations of their rights and is explicitly prohibited under the ACRWC and the Maputo Protocol. It undermines their physical integrity, dignity and development.⁵⁶²

231. The ACRWC under article 27 requires states to protect children from sexual abuse and exploitation. In terms of article 4 of the Maputo Protocol girls and women are protected from all forms of violence, whereas under article 11, dealing with women and girls in armed conflict, states are under the obligation to protect and to take measures to prevent these violations.⁵⁶³ The ACERWC in their Concluding decision on Cameroon (2018), emphasised that the state must protect girls from sexual violence and ensure prosecution of perpetrators.⁵⁶⁴ In General Comment No 7 on article 27 that deals with sexual exploitation of children, the ACERWC, identified conflict as a risk multiplier, where there is a likelihood that child exploitation and abuse (CSEA) is greatly increased by armed conflicts.⁵⁶⁵

⁵⁵⁶ See *pararelevant paras* on factual findings above.

⁵⁵⁷ ACERWC: Africa's Agenda for Children 2040, November 2016, at 41 Aspiration 7:(Every child if protected against violence, exploitation, neglect and abuse) and at 4546Aspiration 9: (Every child is free from the impact of armed conflict and other disasters or emergency situations).

⁵⁵⁸ See Art 4.

⁵⁵⁹ See (n.443) above.

⁵⁶⁰ See Communication 48/90 para 50.

⁵⁶¹ ACHPR Report on Human Rights in conflict situation, para. 43.

⁵⁶² See Art 5 & 27 of ACRWC.

⁵⁶³ See (n.458), above.

⁵⁶⁴ See Communication No.006/Com/002/2015: Decision 001/2018(Cameroon Rape Case) paras 41-77. Also see Communication No.1/2005-15-19 April 2013 re Uganda

⁵⁶⁵ See para 13 of the General Comment No. 7.

232. Other important aspects the committee pointed out relate to the dual obligation of prevent and respond that is imposed on states. In respect of prevention, even in times of war, states must take pro-active measures to safeguard children before abuse takes place. This includes passing legislation, educating the military and aid workers and guarding areas such as check points or camps.⁵⁶⁶

Violations against children's well-being

233. The ACRWC was made for children's welfare, failing to safeguard a child's health, development and well-being, violates the core protective purpose of the ACRWC. The African Committee of Experts has stressed that states must adopt measures to always ensure the best interest of the child in all actions. The wide -ranging rights of non-discrimination (article 3), best interest of the child (article 4), right to health and health services (article 14) and protection against harmful social and cultural practices (article 21) are the body of rights to protect their welfare. In *Association Pour Le Progres et la Defense Des Droit Des Femmes Maliennes*(APDF) and *The Institute for Human Rights and Development (IHRDA) v Mali*,⁵⁶⁷ the Court found that early forced marriage, which affects girls' education and health, violates their welfare and development rights under the ACRWC.

Violations of people's right of the African Charter

234. The African Charter's equality clause (Article 2) obliges states to address both direct and structural discrimination. In conflict settings, ethnic or racial targeting, whether through violence or exclusion can amount to a violation even without the violation of another right.⁵⁶⁸ The discrimination envisaged under this provision includes any action or policy that results in unequal treatment based on the prohibited grounds such as race, ethnicity, gender, or religion. It may be direct, or systemic and can occur through both state action and inaction. The African Commission has affirmed that Article 2 applies to all rights in the Charter and requires states to address structural exclusion and ensure substantive equality.⁵⁶⁹

235. During times of conflict, racial and ethnic discrimination frequently worsens, resulting in targeted violence, forced relocation, service exclusion or structural marginalisation. In addition, for being discriminatory such actions have the potential to become atrocity crimes. Several intersectional provisions of the African Charter are applicable, notably, Article 2, which prohibits discrimination based on race, ethnicity

⁵⁶⁶ Ibid, para 32 of General Comment No 7.

⁵⁶⁷ African Court Application No.046/2016, para VII, available at <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5/215/dbc/5f5215dbcd90b917144785.pdf> accessed 20/6/25

⁵⁶⁸ Communication 294/04. Also see Murray' Article 2 as a Stand- Alone Right?' 48.

⁵⁶⁹ See para 134 of factual findings above.

or other status, whereas protection of dignity and prohibition of inhuman treatment are provided for under Article 5.

236. The ethnic or racial based violence documented as part of this investigation constitute discrimination and hence a violation of individual rights. The FFM findings show that, the nature of the violence is targeted against a ethnic or racial group. Consequently, the collective rights of peoples provided for under Articles 21-24 of the African Charter become applicable. The most relevant of the people's rights in the current conflict include the right of all peoples to equality under Article 19 of the African Charter, the right of all peoples to existence under Article 20, the right to peace and security, under Article 23, the right to development under Article 22 and the right to safe environment under Article 24.
237. Notably, Article 19 stipulates that 'all peoples shall be equal they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another'. The African Commission established in its jurisprudence that the infliction of violence against individuals on account of their ethnic identity is a violation of Article 2 of the African Charter on the right to non-discrimination. In the Communication against *Rwanda* the Commission held, '[T]he denial of numerous rights to individuals on account of their [...] membership of a particular ethnic group clearly violates Article 2'. In the various instances in which the conflict parties in Sudan inflicted various types of violations against civilians on account of their group is not only a violation of Article 2 of the African Charter but also a violation of the peoples right to equality under Article 19 of the African Charter.
238. Article 20 accords a prime place of significance to the right to existence. This is so because this provision starts with 'all peoples shall have the right to existence'. This provision applies in instances of the violation of the right to life on account of the ethnic or racial identity of the victim. For example, some members of the Massalit communities in places such as El Geneina were subjected to indiscriminate massacres on account of their identity. The FFM established elsewhere in the report that these acts of violence are contrary to the right to life under Article 4 of the African Charter. But the violation of the rights of individuals to life was not perpetrated on account of their individual condition but because of their ethnic or racial membership. It was observed in relation to the case against *Rwanda*⁵⁷⁰ on the massacre of the Tutsi, that 'it is clear from this case that various massive violations were perpetrated against the victims not as individuals but because of their ethnic membership' and such violations constitute a clear violation of the right to existence under Article 20.⁵⁷¹In

⁵⁷⁰ Organisation Mondiale Contre La Torture and Association Internationale des Juristes Democrates, *Commission Internationale des Juristes (CIJ)* and *Union Interafricaine des Droits de l'Homme v Rwanda*, 10th Annual Activity Report of ACHPR (1996-7).

⁵⁷¹ Solomon Dersso (2012), The African human rights system and the issue of minorities, *African Journal of International and Comparative Law* (20)(1).

the same vein, the ethnic based attacks including, the massacre of members of the Massalit constitute a violation of the right to existence under Article 20 of the African Charter.

239. Given the targeted nature of these actions, particularly in a conflict situation, the applicability of Article 19, which addresses equality of all people and protection of dominance, is because of how certain groups of non- Arab origin have disproportionately suffered violence in its various forms, during the current conflict. The intent with which these violations have been undertaken by particularly RSF and the wanton disregard for their human rights borders on a clear violation of Article 17(2) and 22 of the African Charter, which deals with protection of cultural identity and the right to economic and social development.
240. The African Commission concluded in *Centre for Minority Rights Development (Kenya) & Minority Rights Group International (on behalf of Endorois) v Kenya* (2009),⁵⁷² that the Endorois community's rights to culture, development, property, religion and natural resources were violated when they were forcibly removed from their ancestral land, without prior notice or payment. This is like what was happening with the Zalingei groups, when the RSF took over their territories. The Commission found, that 'exclusion based on ethnicity can violate the African Charter, even when there is no physical violence involved.'⁵⁷³
241. Article 22 establishes 'the right of all peoples to their economic, social, and cultural development' guaranteed under Article 22 of the African Charter'. The various violations of civil and political rights, socio-economic rights, and collective rights as well the destruction of infrastructure critical to development and the diversion of resources necessary to meet the development needs of the Sudanese for financing the war taken together constitute manifestations of violation of the right to development under Article 22 of the African Charter.
242. As documented in the testimonies received by the FFM, the failure of the parties to observe the principles of distinction and proportionality, the indiscriminate attacks against civilians additionally, constitute violation of the right to peace and security of the people of Sudan, provided for under Article 23 of the African Charter. Additionally, the failure of the parties to cooperate with various efforts at bringing peaceful resolution of the conflict and their disregard of the commitments they made under the Jeddah Declaration, their complete disregard of the appeal by Sudanese civilians, by the AU, IGAD, UN and other members of the international community to agree to peace talks and cease all hostilities without conditions all are

⁵⁷² Communication 276/2003, [2009] ACHPR 102, 25 November 2009.

⁵⁷³ See (fn 354) above and para 147 of factual findings.

manifestations of violations of the right to peace and security of the peoples of the Sudan.

243. Article 24 of the African Charter guarantees the right to satisfactory environment. The nature of the conduct of the war as described in this report carries negative consequences that go beyond the physical well-being, individual freedoms and liberties and the peace and security of the people of Sudan. Among others, it also carries severe negative consequences to the environment. According to one recent report the adverse environmental impacts of the war include increased deforestation, pollution from damaged industrial and energy infrastructure and the deterioration of the health and sanitation systems.⁵⁷⁴ It is therefore the view of the FFM that the creation of these conditions as a result of the conduct of the warring parties constitutes a breach of Article 24 of the African Charter.

Targeting of Vulnerable Groups (Specific risks faced by IDPs, refugees, women, children, minorities, older persons and persons with disabilities)

244. The African Human Rights system has several provisions across, multiple instruments, to extend special measures of protection, for vulnerable groups. There is recognition, that they are typically, at higher risk, during conflict, and may have limited access, because of inherent limitations they may face.⁵⁷⁵ Consequently, states have an obligation, to protect, refrain and prevent and must in appropriate circumstances take measures to prohibit exploitation and degradation of women, regardless of the population they belong to.⁵⁷⁶ For instance, IDPs have special protection under Article 7 from Kampala Convention, for protection and assistance in situations of conflict.⁵⁷⁷
245. Similarly, the OAU Refugee Convention,⁵⁷⁸ the Kampala Convention,⁵⁷⁹ the African Children's Charter,⁵⁸⁰ the African Disability Convention, Older Persons Protocol,⁵⁸¹ have provisions for special protections,⁵⁸² and enhanced obligations, such as for IDPs, where states have an obligation, first, to refrain from displacing persons,⁵⁸³ but in the event that such displacement happens, then the state must 'safeguard their shelters.'⁵⁸⁴ FFM finds that these vulnerabilities are a violation of

⁵⁷⁴ Available at <https://ceobs.org/the-environmental-costs-of-the-war-in-sudan/>

⁵⁷⁵ See Kigali Declaration para 19 in Heyns and Killander, 171.

⁵⁷⁶ See Art 3 of the Maputo Protocol. Also see para 68 of the Human Rights in Conflict, Africa Report.

⁵⁷⁷ See Kampala Convention.

⁵⁷⁸ Preamble para 1&2, Arts I, (1&2), II, IV, VI, VIII.

⁵⁷⁹ See Art 7(5).

⁵⁸⁰ Has protections for handicapped children (Art 13), refugee children (Art 23), children of imprisoned mothers (Art 30).

⁵⁸¹ Not yet in force but has protections for conflict and disaster situations under Art 14.

⁵⁸² See protections under the Maputo Protocol: Special Protection of Elderly Women (Art 22), Special Protection of Women with Disabilities (Art 23), and Special Protection of Women in Distress (Art 24).

⁵⁸³ See Arts 1(d) (Arbitrary displacement); Art 3(1)(c-d) (General Obligations, to extend humane treatment, non-discrimination, equality), Art 4(1).

⁵⁸⁴ (n. 467) above.

several African Charter, other African human rights and international human rights instruments and that the state has not acted consistent with its obligations thereunder. The FFM recognises that transitional justice (TJ) in post conflict societies is not easy, but any action taken must not be incompatible with the rights protected under the African Charter, and other human rights and humanitarian law norms.

Right of Access to Justice and Redress

246. The FFM has recorded massive human rights violations of the African Charter and other human rights instruments and serious violations of IHL in the Sudan, and it requires accountability. The African Commission has a clear mandate to support and enhance the TJ processes in Africa.⁵⁸⁵ The link between accountability, the rule of law and the prevention of human rights abuses in the future are important elements for transitional justice in post conflict societies. The role of the Commission will be ineffective and the normative language of the African Charter, hollow, if there is no provision for justice.⁵⁸⁶ Justice, in this instance connotes, the recognition that a violation of a protected right has taken place, and that there is need for redress, through reparations for the victim.⁵⁸⁷ For instance, the Commission in *Jawara v Gambia* found that the absence of effective legal remedies and a lack of independence within the judicial system constituted a violation of fair trial guarantees in the African Charter.⁵⁸⁸

247. Article 7 of the African Charter establishes the right to a fair trial for all individuals, ensuring due process and legal safeguards. Complementing this, Article 26 places a responsibility on states to guarantee the independence of their judiciary and to actively create conditions that allow justice to be effectively administered. The African Commission has consistently stressed that a lack of accountability for human rights abuses, often referred to as impunity,⁵⁸⁹ creates an environment where such violations are more likely to occur again. This principle was clearly illustrated in the case of the *Zimbabwe Human Rights NGO Forum v Zimbabwe*, where the Commission found that the Zimbabwean government's failure to adequately investigate and prosecute human rights violations that followed a period of political unrests constituted a breach of Articles 5, 7, 26 and importantly, the state duty set out under

⁵⁸⁵ See ACHPR: /Res.235(LIII)2013 'Resolution on Transitional Justice in Africa, paras 3 and 4.

⁵⁸⁶ See Communication 279/03-296/05-Sudan Human Rights Organisation & COHRE v Sudan, AHRLR 153(ACHPR 2009), para 229.

⁵⁸⁷ See Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, issued at International Meeting on [...] held in Nairobi from 19-21 March 2007.

⁵⁸⁸ See above, Heyns and Killander, 299,(2000) AHRLR 107(ACHPR 2000), para 74. Also See ACHPR 'Principles and Guidelines on the Rights to a Fair Trial and Legal Assistance in Africa, 2003.

⁵⁸⁹ Resolution on Ending Impunity in Africa and on the Domestication and Implementation of the Rome Statute on the ICC (2005), in para 1 'urges member states [...] to ensure that the perpetrators of crimes under IHRL and IHL should not benefit from impunity'.

Article 1 of the African Charter.⁵⁹⁰ Without an independent judiciary and effective remedies, the promise of a fair trial remains unfulfilled.⁵⁹¹

248. The FFM has documented numerous cases where victims of human rights violations, including torture, arbitrary detention, and destruction of property, were unable to access justice. Judicial institutions were either inaccessible, lacked independence, or failed to take effective measures to investigate and prosecute perpetrators. This failure has fostered a climate of impunity, where violations are committed without fear of accountability. The absence of effective legal remedies has deprived victims of their right to justice, further compounding their suffering.⁵⁹²

249. Consistent with provisions in the African Charter, and its mandate to promote and protect human and people's rights and to ensure, that where rights are violated, victims are compensated and their dignity is restored. In this regard, the African Commission has taken several important steps⁵⁹³ towards clarifying rights and expressed concern about the ongoing culture of impunity and the existing normative text focused on the 'promotion of peace, security and the stability of the continent, and ensure respect for sanctity of human life and rejection of impunity'.⁵⁹⁴

250. Reparations and compensation for victims of violations and holding perpetrators accountable for their actions, is an important part of meeting the threshold of these values.⁵⁹⁵ Whilst specifically addressing violations in respect of torture, in its General Comment No 4,⁵⁹⁶ the Commission, more generally provided clarifications on the place of the victim in the redress process, the prompt and full and effective access to redress and protections against reprisals.⁵⁹⁷ These are the key norms that ensure the value proposition for transitional justice in post conflict situations.

⁵⁹⁰ AHRLR 128(ACHPR 2009), 351,353, para 144..

⁵⁹¹ See ACHPR 'Principles and Guidelines on the Rights to a Fair Trial and Legal Assistance in Africa, 2003.

⁵⁹² States have an obligation to provide victims with adequate reparation that is effective, prompt and proportional to the gravity of the violation and resulting harm' see Access to Justice for Victims of Systemic Crimes in Africa: Challenges and Opportunities, Kololi, The Gambia: 13-14 April 2012, Summary of Proceedings available at <https://redress.org/storage/2017/12/Access-to-Justice-for-victims-of-systemic-crimes-in-africa.pdf> accessed 14/6/25.

⁵⁹³ See Part III: Responding to the Needs of Victims in the Robben Island Guidelines. Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, ACHPR, meeting at 32nd ordinary session, Banjul, the Gambia, 17-23 October 2002. 'The obligation upon the State to offer reparation to victims exists irrespective of whether a successful criminal prosecution can or has been brought'

⁵⁹⁴ ACHPR/Res.344(LVIII)2016, Resolution on the fight against impunity in Africa, para iii-iv, also see Articles 3(f) and 4(o) of the Constitutive Act.

⁵⁹⁵ See AU Transitional Justice Policy: African Shared Values of peace and security, justice and non-impunity [...]. Also see indicative element on Reparations at paras 64-66.

⁵⁹⁶ General Comment on ACHPR: The right to redress for victims' paras iii-v.

⁵⁹⁷ Also see para 1 on 'Obligations to respect, ensure respect for and implement [...] in UN General Assembly Resolution 60/147- the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

CONCLUSION

251. The conflict between the warring parties in the Sudan is continuing unabated. The FFM has recorded incidents of massive violations of human and people's rights protected under the African Charter and other human rights instruments. The conduct of the SAF and the RSF and their respective allied militias are not in compliance with the norms provided for under IHL, this is evident from the unrelenting direct attacks on civilians, and civilian objects such as hospitals, schools and IDP camps, without the required distinction or proportionality and in flagrant disregard of the relevant norms and standards.
252. Incidents recorded of arbitrary arrests, unlawful detentions, torture, cruel, inhuman and degrading treatment, restrictions on humanitarian access, looting, robberies, extrajudicial killings, strangulations, rampant and indiscriminate incidents of sexual violence, the recruitment as soldiers, killing and rape of children, including gang rapes, forced marriages and prostitution, are serious human rights violations, and require urgent redress and accountability.
253. The FFM findings, show a pattern, of flagrant disregard for life and a systemic culture of discrimination based on race and ethnicity. A pattern, that violates the fundamental spirit of the OAU Charter, the Constitutive Act and the African Charter, that value, the independent existence of a peoples, and the aspiration of peace and security on the continent.
254. The findings of the FFM were anchored and based primarily on the rights protected under the African Charter and its attendant human rights instruments, including rights and norms violated, as envisaged under the norms of IHL and IHRL referenced within the spirit of Article 60 and 61 of the African Charter.
255. It is undeniable that the people of Sudan have carried the burden of this conflict. The continuation of this conflict will therefore exacerbate suffering and prolong the violation of human and peoples' rights. The various efforts for peace, now more than ever, need to be reignited to ensure, lasting solutions for peace and the commencement of a process of transitional justice, to hold perpetrators accountable and victims, be provided with much needed reparations and the creation of an environment for healing. The recommendations set out below are geared towards that process, the most immediate being the cessation of hostilities, provisions of humanitarian aid, and the start of rebuilding a post conflict society.

RECOMMENDATIONS

256. The FFM warns that the situation faced by the civilian population in the Sudan remain grievous, making it one of the worst humanitarian disasters in Africa. The FFM thus deems it necessary to have urgent interventions put in place by key regional and international institutions to stem further prevent loss of life and to stabilise the situation in the country. The FFM therefore proposes the following immediate, midterm and long-term key recommendations to facilitate the protection of civilians, ensure accountability for human rights violations and the achievement of sustainable peace in the Sudan.

Immediate Recommendations

I. Protection of Civilians

1. That parties to the conflict commit to an immediate ceasefire to necessitate cessation of hostilities and urgently halt the ongoing fighting including the siege laid on El Fasher.
2. That parties to the conflict immediately instruct all their fighting forces and affiliates to desist from and totally end attacks against civilians including the use of sexual violence against women and girls, torture and arbitrary deprivation of liberty.
3. That the parties to the conflict ensure that Sudanese affected by the war are allowed to freely move to, especially in areas where there is less threat of violence from the fighting and they can access support both within the Sudan and across its international borders.
4. That the parties to the conflict fully bear their obligations under international human rights and international humanitarian (IHL) laws particularly by respecting and ensuring observance of all IHL rules including those of distinction, necessity, proportionality and precaution.
5. That the parties to the conflict recommit to observe the obligations made by the signing of the Jeddah Declaration of Commitment to Protect the Civilians of Sudan.
6. That the AU deploys an AU peacekeeping mission to Sudan consistent with article 4(h) of the Constitutive Act and in alignment with UN Security Council Resolution 2719 to assist in the process of stabilising the situation in Sudan and offer necessary protection to civilians including, the establishment of safe and demilitarized humanitarian corridors, coordinated with neutral humanitarian actors, to allow: -
 - a. The voluntary and protected evacuation of civilians, including injured persons, women, children, the elderly, and persons with disabilities.
 - b. The unimpeded delivery of humanitarian aid, such as food, medicine, water, and fuel, to besieged and hard-to-reach communities as well as persons in the IDP camps.

- c. The guaranteed safety and protection of humanitarian workers, including emergency responders in the Sudan, ensuring they are not targeted, obstructed, or harassed.
 - d. The establishment, protection and support of humanitarian aid convoys led by neutral organizations and protected by regional and international presence, to access areas under siege, particularly parts of Darfur, Khartoum and South Kordofan where civilians are trapped without access to food or medicine.
 - e. The installation of equipped medical units in IDP camps to respond to medical needs of civilians including sexual and reproductive health care.
7. That internet access is restored to facilitate flow of information and documentation of violations.
 8. That all interventions towards peace in the Sudan take into consideration the UNSCs on Women, Peace and Security particularly UNSC 1325.

II. Warring Parties (Sudanese Armed Forces and Rapid Support Forces)

1. An immediate ceasefire and a commitment to allow the movement of humanitarian aid to areas facing catastrophic humanitarian conditions.
2. An immediate commitment to engage in an inclusive mediation process led by the AU and IGAD and in line with provisions of UNSC1325.
3. Full cooperation with regional and international human rights mechanisms including the African Commission on Human and Peoples' Rights, the African Commission and UN special rapporteurs and UN- Mandated mechanisms monitoring the status of human rights and humanitarian conditions in the Sudan.
4. Work towards the immediate commitment to remove obstacles preventing the delivery of humanitarian aid blockade and suspend the arbitrary closure or harassment of CSOs providing emergency assistance.
5. Guarantee the security of medical facilities including those providing for sexual and reproductive health care to respond to the medical needs of civilians at IDP camps and areas facing human rights and humanitarian catastrophe.
6. The restoration of internet access to facilitate flow of information in and out of Sudan.
7. An immediate commitment to work together with religious and community leaders to promote social healing, inter communal integration and intercommunal solidarity preventing an ethically charged narrative.

III. The Government of The Sudan.

1. Guarantee unhindered humanitarian access through issuance of an executive order mandating safe and unrestricted access for humanitarian actors, including the ICRC, UN agencies, and civil society.
2. Demilitarize civilian areas and critical infrastructure by ordering the withdrawal of armed actors from hospitals, schools, markets, and places of worship, and prohibit the use of such spaces for military purposes.
3. Strengthen civilian protection mechanisms through rebuilding of local civilian protection structures, including community policing units and local peace committees, with participation of women and youth.
4. Fully Cooperate with AU, ACHPR, UN and Regional Mechanisms and grant authorisation for an onsite FFM visit.

IV. Civil Society Organizations (CSOs)

1. Continue to identify, document and monitor violations that are committed in the Sudan to facilitate an accountability process.
2. Provide information to investigative bodies and file complaints with judicial and quasi-judicial human rights institutions to facilitate accountability and provide redress to victims and survivors.
3. In coordination with humanitarian agencies, provide legal, psycho-social and humanitarian assistance to victims of violations.
4. Collaborate with CSOs supporting refugees in other countries to develop strategies for facilitating their resettlement and integration as part of national restoration efforts.

V. African Union (AU) and Intergovernmental Authority on Development (IGAD)

1. Issue a high-level joint alert to the international community that Sudan is at risk of becoming a “forgotten catastrophe,” urging urgent diplomatic, humanitarian, and financial engagement.
2. Deploy an AU peacekeeping mission to Sudan consistent with article 4(h) of the Constitutive Act and in alignment with UN Security Council Resolution 2719 to assist in the process of stabilizing the situation in Sudan and offer necessary protection to civilians including the establishment of safe and demilitarized humanitarian corridors.

3. Adopt a resolution to the effect that the AU mission should have a gender component in line with the PSC resolution adopted on 8 March 2009, to protect women and girls in areas of conflict.
4. Call upon all AU Member States to contribute to a continentally coordinated humanitarian convoy, particularly to locations where famine and siege conditions endanger over 1 million people.
5. Convene an AU-IGAD Emergency Summit on Sudan, inviting Sudanese CSOs and regional human rights defenders with the sole agenda of discussing the protection for civilians and accountability for violations committed.
6. Establish an independent human rights monitoring and reporting mechanism to document and report on violations and requirements for civilian protection, both as a measure of deterrence and for establishing accountability when the conflict comes to an end.
7. Collaborate with the UN to monitor the effective enforcement of the arms embargo in the Sudan.

VI. International Community, Including UN and Member States

1. Ensure independent and coordinated humanitarian assistance is scaled up immediately, with safety of aid workers and emergency responders in the Sudan guaranteed by all parties.
2. Demand that both the SAF and the RSF adhere to the commitments of the Jeddah Declaration of Commitment to Protect the Civilians of the Sudan.
3. Increase funding opportunities and support for HRDS, Civil Society organisations, NGOs and journalists operating in Sudan.
4. Urge all UN member states to observe the sanctions regime imposed by the AU and UNSC including assets freeze and travel bans against commanders, leaders and tribal militia involved in committing atrocities.

Medium-Term Recommendations

I. Protection of Civilians

1. Development of national community-based protection frameworks, enabling local leaders—particularly women and youth—to act as protection focal points and first responders in cases where violations have been committed.
2. Establishment of pathways for resettlement of all civilians in IDP camps and repatriation of all refugees who wish to return home.
3. Adoption of a survivor-centred National Framework on the Protection of Civilians, developed with the support of civil society, focusing on displaced persons, women, and children.

II. Warring Parties (Sudanese Armed Forces and Rapid Support Forces)

1. Both the SAF and the RSF should allow and facilitate the resettlement of displaced civilians and repatriation of refugees who wish to return home.
2. Both the SAF and the RSF should support the establishment of an African-led accountability mechanism with the mandate to prosecute grave violations of human rights and IHL committed in the Sudan, ensuring complementarity with the International Criminal Justice processes.
3. Both the SAF and the RSF should support the establishment of a sequenced transitional justice process supported by the AU and IGAD in conformity with the AU Transitional Justice Policy to address the root causes of conflict in Sudan.

III. The Government of Sudan

1. Commit to regular reporting, implementation of ACHPR recommendations, and full access to international observers and human rights monitors.
2. Convene an inclusive national dialogue, facilitated by the AU and IGAD, involving armed groups, civil society, women, youth, traditional leaders, and diaspora.
3. Initiate inclusive security sector reform process that will ensure an inclusive, ethically balanced professional security apparatus where security personnel are vetted and those implicated in human rights violations are suspended.
4. Initiate processes to prevent and combat hate speech and incitement through:-
 - a. The adoption and enforcement of a national code of conduct on hate speech.
 - b. Passage of an emergency legislation to criminalize hate speech, ethnic incitement and use of state media for dissemination of propaganda
 - c. Monitoring and regulation of media platforms
 - d. Establishment of a multi-stakeholder media observatory, inclusive of media regulators, civil society, and digital platforms, to monitor and address online hate speech.
5. Implement a gender responsive emergency response plan to establish safe spaces, mobile clinics and trauma counselling services for survivors of sexual and gender-based violence especially those in IDP/Refugee camps.

6. Adopt and enforce child protection frameworks and criminalise use of child soldiers.
7. Accelerate the ratification and domestication of the Maputo Protocol, the of African Charter on the Rights and Welfare of the Child, the Kampala Convention and other regional human rights legal frameworks.
8. As a matter of urgency, develop and implement a National Action Plan for the Prevention and Response to Ethnic Discrimination, Violence and Attempts at Ethnic Cleansing, grounded in international human rights and humanitarian law. This plan should include: -
 - a. The adoption of legislation criminalizing ethnic incitement, discrimination and violence in line with regional and international standards;
 - b. The establishment of an independent and impartial commission of inquiry-with regional or international participation to investigate all allegations of ethnically motivated attacks and forced displacement;
 - c. Immediate measures to ensure the protection of affected populations, facilitating the safe, voluntary and dignified return or resettlement of displaced communities; and
 - d. Structural reforms to guarantee the meaningful participation and representation of all ethnic groups in governance, peace processes and transitional justice mechanisms.

IV. African Union (AU) and Intergovernmental Authority on Development (IGAD)

1. Establish a joint AU-IGAD Technical Committee on Human Rights in Sudan, to provide advisory support on protection and accountability for human rights for national actors.
2. Facilitate structured regional dialogue and interventions for civilian protection involving local leaders, displaced populations and civil society organisations in the Sudan and refugee-hosting countries.
3. Spearhead and coordinate dialogue with all parties to the conflict, with the aim of catalysing a mediation process geared towards ending the conflict representative of all interest groups including women, youth, civil society representatives and marginalised groups.
4. Ensure that any dialogue with the aim of catalysing a mediation process takes into consideration the provisions of UNSC 1325 on involvement and participation of women.

5. Collaborate with the UN to monitor the effective enforcement of the arms embargo in the Sudan.
6. Impose sanctions, including asset freezes and travel bans against commanders, leaders and tribal militia involved in committing violations and urge all AU member states to observe the sanctions regime.
7. Establish a basket fund to facilitate resettlement of IDPs and repatriation of refugees.
8. Collaborate and work closely with neighbouring countries to provide coordinated support for asylum seekers.

V. International Community, Including UN and Member States

1. Support a basket fund to facilitate resettlement of IDPs and repatriation of refugees.
2. Support neighbouring countries to enhance their asylum systems, providing legal protection, access to services, and non-refoulement guarantees to Sudanese refugees.
3. Collaborate with the AU in addressing the situation in Sudan

Long-Term Recommendations

I. Protection of Civilians

1. Creation of an inclusive, survivor-centred reparations fund for victims of serious human rights violations, administered in cooperation with victims' associations and trusted civil society actors.
2. Development of a long-term national strategy for the prevention of atrocities, with early warning indicators and a dedicated civilian oversight mechanism.

II. The Government of Sudan.

1. Cooperate with the AU and IGAD to establish a an African-led accountability mechanism with the mandate to prosecute grave violations committed in the Sudan, ensuring complementarity with the International Criminal Justice system.
2. Cooperate with the AU and IGAD to establish a sequenced transitional justice process in conformity with the AU Transitional Justice Policy to address the root causes of conflict in the Sudan.
3. Publicly commit to non-interference in judicial processes and grant access to investigative bodies to visit relevant sites and victims.

4. Ratify and Implement International Human Rights Instruments such as the Convention Against Enforced Disappearances, and Rome Statute of the ICC, and domesticate their provisions.
5. Establish a National Reparations Fund, supervised by an independent commission, to provide reparations to victims of sexual violence, torture, ethnic targeting, and unlawful killings
6. Strengthen the National Human Rights Institution (NHRI) and reconstitute the Sudanese Human Rights Commission to be fully compliant with the Paris Principles, including guaranteed independence and adequate funding.
7. Restore constitutional rule and civilian oversight including a commitment to a time-bound civilian-led transitional roadmap, developed through participatory national consultations and in compliance with the 2019 Constitutional Document.
8. Audit and regulate resource exploitation zones through conducting a national resource governance audit, and enforcement of moratoriums on new foreign concessions in conflict-affected areas until peace is restored.
9. Create a public online registry of contracts, royalties and stakeholders involved in natural resource deals, especially in gold and oil sectors.
10. Introduce legal frameworks to monitor and regulate foreign political and military involvement, including private military contractors.

III. African Union (AU) and Intergovernmental Authority on Development (IGAD)

11. Integrate Sudan into the AU Early Warning and Conflict Prevention System (CEWS) with real-time monitoring of human rights risks and direct linkage to AU Peace and Security Council deliberations.
12. Spearhead the establishment of an African-led accountability mechanism with the mandate to prosecute grave violations committed in the Sudan, ensuring complementarity with the International Criminal Justice process.
13. Spearhead the establishment of a sequenced transitional justice process in conformity with the AU Transitional Justice Policy to address the root causes of conflict in the Sudan.

IV. International Community, Including UN and Member States

1. Support the establishment of an African-led accountability mechanism with the mandate to prosecute grave violations committed in the Sudan, ensuring complementarity with the International Criminal Justice process.

2. Support the establishment of an AU/IGAD led sequenced transitional justice process in conformity with the AU Transitional Justice Policy to address the root causes of conflict in Sudan.
3. Contribute to a multi-donor fund for survivor reparations and institutional reform, with Sudanese-led governance once a responsible civilian led transitional government is established.